

Meeting of Scottish Independent Living Coalition to discuss the 2016 Convention on the Rights of People with Disabilities Inquiry



Report for the Scottish Human Rights Commission



About Scottish Independent Living Coalition (SILC)



SILC members are Disabled People's Organisations or **DPOs** for short.

They believe in the **social model of disability** - that people are not disabled by their health condition - they are disabled by the physical and social barriers in everyday life like:

- buildings that are not accessible
- people assuming a disabled person cannot do something



SILC believes in having equal rights:

- to independent living
- to be able to take part and be involved in our communities



SILC meets with the people and organisations that make decisions and shares disabled people's **lived experience** and ways to solve problems with them.

Lived experience means what people know based on the things they have experienced.





SILC is **co-convened** by Inclusion Scotland and its Chair, Dr Jim Elder-Woodward OBE.

Co-convened means that 2 people or organisations call people together for meetings of a committee.

Background



The **United Nations** Convention on the Rights of People with Disabilities (**CRPD** for short) is an international **human rights** agreement that protects the rights and dignity of people with disabilities.



The **United Nations** (or **UN** for short) is an organisation that works with countries to keep peace and security across the world.

Human rights are freedoms protected in law that make sure we are treated fairly and with dignity.



The United Nations has a group of people that check what work countries are doing on the CRPD and if it is working well.

This group is called The CRPD Committee.

The CRPD Committee 2023 review of the UK has been delayed.

An **inquiry** is a type of review into what went well and what could have been done better.



The 2016 **Inquiry** was an investigation by the UN CRPD Committee into the impact of **austerity measures** on disabled people in the UK.



Austerity measures were Government policies that meant less money was spent on public services that we all use like hospitals, councils, and social services.

The Inquiry found that not enough care was given to disabled people's rights.

The Scottish Human Rights Commission asked for information for an update report, following the UN Committee's report in 2016.



The organisations that gave information are:

- Glasgow Disability Alliance
- Lothian Centre for Inclusive Living
- Glasgow Centre for Inclusive Living
- People First (Scotland)
- Inclusion Scotland

Recommendations – what we think should happen

Protecting disabled people’s human rights in Scotland



Disabled people’s rights have been affected by:

- austerity
- a pandemic which affected disabled people more than other groups
- the high cost of everyday things like food, clothes and heating



A **commitment** is when you agree to do something.

The Scottish Government must protect and make sure that disabled people get their human rights.



The Scottish Government has said that it is trying to make sure this happens.

But many disabled people still don't have their human rights.



SILC wants the Committee to ask the Scottish Government to bring the CRPD into Scots law.

Recommendation A



A cumulative impact assessment:

- checks how policies will affect people
- checks how all the policies together affect different groups of people

Have a cumulative impact assessment on policies since 2010 on the rights to:

- independent living
- be included in the community
- work
- **social protection** - policies and work that protects people who are poor, at risk of harm, or who cannot look after themselves



SILC does not know if the Scottish Government checks the cumulative impact of different policies on disabled people.

SILC believe that the Scottish Government, NHS and local councils do not know enough about disability.

What SILC would like the Committee to recommend



That the Scottish Government should:

- recognise the difficulties that disabled people have had for many years
- work to make sure the recommendations of the 2016 CRPD happen
- find the best way to measure cumulative impact
- make guidance for government policy staff about:
 - disability issues
 - cumulative impact measures
 - action setting – what work will be done



Recommendation B



Make sure that **welfare reform** does not affect the human rights of persons with disabilities.

Welfare reform are the changes made to the benefits system.

SILC response



We believe there is too much focus on specific issues without thinking about:

- how they link with other things
- how this affects the barriers disabled people face

Welfare reform and disability benefits



SILC is pleased that the Scottish Government and Social Security Scotland are committed to human rights and fairness, dignity and respect in the social security system.

We are worried that this does not always happen.



Disabled people and DPOs are worried that the **mobility part** of the Adult Disability Payment does not protect disabled people's human rights.

The **mobility part** is about activities like whether you can walk, if you can make plans to get somewhere and if you can follow directions to get there.



SILC is pleased there will be a review of the Adult Disability Payment after Summer 2023.

What SILC would like the Committee to recommend



- that the Scottish Government continues its promise to protect people's human rights in the social security system by making decision-making better
- make sure disabled people are involved in the review of Adult Disability Payment

Recommendation C



Make sure any laws or policies protect the rights of disabled people

SILC response:

Social care support - services that support people with daily living so they can be as independent as possible



Getting social care support has been made harder because of:

- budget cuts
- the Scottish Government's commitment to stop social care charges has not happened
- hiring and keeping staff has become more difficult



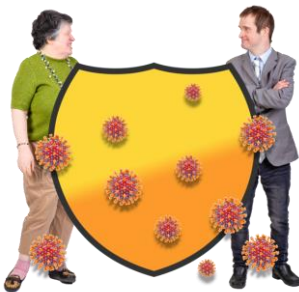


- care charges are going up and many disabled people cannot afford them
- some people have not got all of their social care support back after it was cut during the pandemic



SILC thinks that more needs to be done with the Scottish National Care Service.

Covid-19



Some disabled people and their carers are still shielding, without testing or support in their own communities.

There has been a lot of confusion about vaccinations and treatments.



Disabled people were not asked about the change in the rules to say that face masks do not have to be worn in places like hospitals and doctor's surgeries in Scotland.

Moving people with a learning disability out of institutions like care homes or long-stay hospitals



Many people with a learning disability still do not have choice and control over where they live and who they live with.

The Scottish Government's commitment to have less people living in hospitals will not happen by March 2024.

Cost of living crisis



Higher costs for using medical equipment and assistive technology means some disabled people must make difficult choices about using it.

Disabled people sometimes have no choice and have to go into hospital or residential care.

Social security



Benefits including Adult Disability Payment are not enough.

Some disabled people have to choose between using equipment they need, heating their home, or eating properly.

Work



The **disability employment gap** is the gap between:

- the number of disabled people who have a job
- and the number of people who are not disabled who have a job

The **disability employment gap** in Scotland is still high.



In 2022 82 per cent of non-disabled people had a job compared to 50 per cent of disabled people.

People with a learning disability, autism and mental health conditions are even less likely to be in work.



The Scottish Government want to halve the disability employment gap by 2038.

SILC thinks this is not enough.

SILC would like to see:



- public services do more to follow the **Public Sector Equality Duty**

This means that they must think about how they can make sure their work supports equality - for example, in their services, through their jobs, and through the money they spend.



- it is easier to get Access to Work – support for employers to make **reasonable adjustments**

Reasonable adjustments are changes employers must make to give a person who is disabled the same chance as anyone else to get and do a job.



- Fair Start Scotland - a service that helps get people into work - should work well for disabled people, particularly people with learning disabilities



- SILC would like to see No One Left Behind (Scotland's employability plan) funding used for new accessible support to help people get into work

What SILC would like the Committee to recommend

That the Scottish Government:



- accept there is a crisis in social care
- stops charging for care
- progress the National Care Service Bill without delay, putting disabled people at the centre of discussions
- accept that some disabled people are still at high risk of Covid-19 and put protections in place
- set and deliver clear targets for moving people out of hospitals and institutions into independent living





- make sure the use of funds for housing people in the community is honest and open
- work with DPOs to make a plan about how to reduce **poverty** for disabled people

Poverty means not having enough money to buy basic things like food or housing.

Recommendation D



Make sure that when the government is deciding how to spend money it thinks about disabled people, and makes sure they have money to cover the extra costs of living with a disability

SILC response

DPO funding and the Independent Living Fund



SILC believes that DPOs do not get enough money to cover extra costs for disabled members.

Some funding programmes have rules that stop DPOs from applying.



SILC is disappointed that no progress has been made on re-opening the Independent Living Fund.

What SILC would like the Committee to recommend



That the Scottish Government:

- give DPOs money to provide training on **disability competence** across Scottish Government and other areas like local councils, funders, and Citizens Advice Scotland



Disability competence means understanding the social model of disability and how to support disabled people to participate.

- involve DPOs in the funding that will replace the Equality and Human Rights Fund
- make sure there is a DPO in every local council area
- re-open the Independent Living Fund Scotland to new applicants



Recommendation E



Make sure there is accessible information including legal procedures about:

- **social security**
- **independent living**
- **work support**

SILC response



SILC feels that when progress is made with government departments or civil servants this can be lost when staff members move on.

Many welfare advice services are not accessible and many disabled people cannot get money support.

What SILC would like the Committee to recommend



That the Scottish Government:

- have an accessible communications department that gives guidance and support to all departments
- have a trial project to see what money support is available and accessible to disabled people



Bring together organisations that can help with this.



- advice and support services, funded by central or local government must:
 - be accessible to disabled people
 - know about disability issues and protect disabled people's rights

Recommendation F



Make sure that disabled people have access to justice.

Access to justice means being treated fairly by the law, and having access to police, courts and organisations that give legal advice and support.

SILC response:

Criminal justice - the police and courts



SILC is worried there is not enough support for disabled people in the criminal justice system.

Sometimes people have to go to court using the internet or a phone and this can be difficult for some disabled people to use.



Disabled people and DPOs have not been asked how to make this better.

People with learning disabilities



There is very little support for people with learning disabilities in the criminal justice system.

Many people with learning disabilities cannot get support by local councils because the rules for who can get support are getting stricter.



People First (Scotland) has made a Letter of Rights in Easy Read but it is not clear if it is always given to people in the criminal justice system

SILC is worried that people with learning disabilities are more likely to be kept in prison for longer or have more restrictions.

Civil law – covering private matters between individuals



Disabled people are more likely to say they have experienced a civil law problem like:

- not being given the right support
- or not being given a job because you are disabled



There are still things that make getting advice difficult like:

- finding information
- inaccessible information and buildings
- not being listened to
- high costs and not being able to get legal aid

What SILC would like the Committee to recommend



That the Scottish Government:

- change the law so that Deaf BSL users can serve on juries
- work with criminal justice partners to make sure the Easy Read Letter of Rights is always given to people

Recommendation G



Work with disabled people and their organisations, listen to what they think and consider their views

SILC response:



This must be done in a meaningful way and be open, honest and accountable.

Disabled people get asked for their views on issues but feel that it rarely leads to any real change.

Learning Disability, Autism and Neurodiversity Bill



SILC thinks the consultation process for the learning disability bill is not accessible for people with a learning disability.

Members of People First (Scotland) have not been able to be on the lived experience panel.



SILC think that learning disability, autism and neurodiversity should not be in the same Bill.

These are different types of disability that need different approaches and funding.

What SILC would like the Committee to recommend

That the Scottish Government:



- makes guidance which sets out how to include and involve people and ask what they think about things
- is clear about when consultation responses are from individual people and when they are from groups

Recommendation H



Do work to stop negative attitudes and discrimination against disabled people in public and the media

Negative attitudes and discrimination mean people are treated unfairly.

SILC response:



The number of hate incidents went up a lot in the pandemic.

There are not enough facts, figures and information on disability hate crime.

SILC is worried that attitudes to disabled people have got a lot worse.

What SILC would like the Committee to recommend



That the Scottish Government:

- check and try to change public attitudes to **protected characteristic** groups

You can find out more about **protected characteristics** in [this Easy Read document](#).



- work to challenge negative attitudes and discrimination
- raise awareness of, and encourage respect for human rights amongst the general public through public education campaigns
- work with disabled people to make school lessons to teach children and young people about the impact of discrimination and **stereotypes** – set ideas about groups of people that are not true

Recommendation I



Make sure that laws, policies and programmes pay special attention to disabled people who are living on a low income or who are in poverty, which means they are more excluded.

For example, people with learning disabilities and people with mental health issues.

SILC response



SILC is worried that organisations do not know enough about **intersecting inequalities**.

This means when people are treated unfairly because they are disabled and something else.

For example, they are a disabled women or they are a disabled gay person.

There are not enough facts, figures and information about this.

What SILC would like the Committee to recommend



That the Scottish Government:

- collect and publish **intersectional** data including disability

Intersectionality means looking at how policies and laws affect people and their different identities.



- change the rules so Equality Impact Assessments include the impact of policies and services on people with more than one protected characteristic

Recommendation J



Set up a way that checks the impact of policies and programmes about access by disabled people to:

- **employment**
- **independent living**
- **an adequate standard of living and social protection**

SILC response:



We need:

- to know who are the people in the Scottish Government responsible for making disability equality happen
- better **governance** for disability equality in Scotland - the rules about how organisations work

What SILC would like the Committee to recommend



That the Scottish Government:

- makes sure the Disability Equality Strategy sets out what will make it a success

Checks it in an open and honest way every 3 months to see if it is working well



- checks the impact of policies and programmes and if they protect disabled people's human rights
- gets information and checks progress on recommendations made by Scottish Government groups and action plans



- make sure its **mainstreaming** strategy:
 - has money to do its work



- makes sure there are people with equality and human rights expertise in each area

- is checked to see:
 - if work is making a difference
 - if it can be made better



Mainstreaming is making sure that equality and human rights are thought about at every stage when making decisions.

Recommendation K



Share the Committee's findings and recommendations with as many people and organisations as possible, and give information about what will happen next

SILC response



SILC does not know if the Scottish Government has done work on this.

What SILC would like the Committee to recommend



That the Scottish Government:

- takes action on the Inquiry findings and recommendations
- work with DPOs to meet the recommendations made by SILC