

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)

Down's Syndrome Scotland

Title Mr Ms Mrs Miss Dr X

(Please tick as appropriate)

Surname

Le Noan

Forename

Rachel

2. Postal Address

158-160 Balgreen Road

Edinburgh

Postcode EH11 3AU

Phone 01313137452

Email Rachel@dsscotland.org.uk

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

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 X

Q2: Please comment here on your response above, or if you have any other comments on the outcomes

Overall Down's Syndrome Scotland is of the view that the four outcomes presented here **cover most of the key areas** the Scottish Government and its partners should focus on.

However we strongly believe that 'equal and inclusive access to support for speech, language and communication needs' should be addressed as another key area throughout the delivery plan. Indeed achieving the four outcomes above will only be possible if disabled children, young people and adults are able to communicate and exchange with others, whether within their families, at school, at work or in their local community. If disabled people are able to share their views, discuss their concerns or simply chat to their friends, their rights will be enhanced and their quality of life will improve. Communication skills represent a crucial tool for everyone, including people with Down's syndrome (Ds), but nowadays access to support for speech, language and communication remains a significant challenge for many children and adults with Ds. There should therefore be a specific outcome focusing on the importance of communication skills and the need for disabled people to be given opportunities and

necessary resources to acquire relevant skills **all through life**. This outcome should also emphasise the duty of society as a whole to listen to disabled people and engage with them.

The plan does not ignore communication as it is identified in section 3 as one of the 'cross-cutting' themes. However the focus of that section (3.2) is clearly on making sure that information is available in accessible formats. So far the plan does not therefore address the fact that in order to access that information and discuss its content disabled people need to possess the required communication skills. In terms of communication, the current plan appears to only focus on one side of the communication process. Consequently Down's Syndrome Scotland is of the view that more attention should be given by the Scottish Government to that specific issue throughout the plan so that services are able to meet the UNCRPD requirements in the near future.

Finally, on another note, it is not clear why 'including support for disabled children' is specifically mentioned in relation to outcome 2 and none of the others. In our view each of the other outcomes also works towards improving the lives of disabled children and consequently 'including support for disabled children' should be added to each of them. Alternatively one could remove the reference to disabled children in outcome 2 and stress from the outset that the plan and all its outcomes will apply to disabled children and adults.

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 don't 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 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	
2. Design for Ageing	
3. Raising awareness of accessible design	
4. Homes which are more accessible	
5. Accessible housing	<p>We believe that further commitments should be added under 'Housing & Independent Living'.</p> <p>Firstly it would be helpful to review the support offered by local authorities to families who look after someone with Ds in their own home. At present the support, or rather lack of thereof, some of our members receive is shocking and action must be taken to ensure that families who want and need to adapt their homes to continue to look after a loved one are able to do so.</p> <p>Secondly we believe that a review into care homes should also be undertaken under 'accessible housing'. Currently not only are there not enough places in care homes for people with Down's syndrome and dementia, but often care homes are also not adapted to cater for the specific needs of people with learning disabilities. Examples of good practice exist and more should be done to develop such models and thus improve the end-of-life care of many disabled people.</p> <p>Finally relevant points are also raised in <i>Is Britain Fairer? The State of Equality and Human Rights 2015</i> which notes that 'people with</p>

	learning disabilities and/or autism had been, and continued to be, placed in inappropriate settings for too long and a long distance from family and home owing to a lack of good quality alternatives in the local community (p.61- see also p.51).
6. A new help guide aimed at boosting accessible design	
7. A new help guide to assist tourism businesses	
8. A new help guide setting out key accessibility hints and tips	
9. Access statement online tool builder	
10. Widening access and increasing opportunities for disabled people to engage in culture, heritage and the arts	
11. Recording and reporting of workforce diversity information	
12. Improving access to the historic environment and collections relating to the historic environment	
13. Disability Inclusion in Sport	
14. Action plan to promote disabled people's participation in sport and physical activity	
15. Sportscotland investments	
16. One Scotland awareness raising campaign	It would be helpful if respondents to this consultation could be contacted in due course to comment on this campaign and its content prior to launch.

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?

Further to our answer to Q2, it would be helpful to add 'including disabled children and young people' in the key objectives for Outcome 1 if this is to be kept in the description of Outcome 2.

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 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	
18. Advocacy	
19. The New framework for Hearing the Citizen Voice	
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	
21. Allied Health Professionals and Independent Living – delivery plan	
22. NHS - 2 year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	
23. NHS Scotland Learning Disability Employment Programme	As with the One Scotland awareness raising campaign, it would be welcome if respondents to this consultation with specific interest in learning disabilities could be kept up-to-date and consulted on the developments regarding this programme.
24. Disability Inclusion Promotional Campaign	Idem – see comment on commitment 23.
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	
27. Fund for projects to support disabled	

children and their families	
28. Information Hub	We believe that some attention should be given as to whether such hub could actually gather information about the four outcomes and not only rights and wellbeing needs. Families supported by Down's Syndrome Scotland would certainly welcome a single point of information. We have already raised this point in our submission to the employability support consultation thus arguing that 'it would be helpful to have a single website/hub which would gather information on all supported employment programmes available nationally and locally across the country. This would allow professionals as well as families to easily access any information they may need on employment and to support young adults successfully.'
29. Transitions Test of Change Project	
30. Child Internet Safety stakeholder group	
31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.	This is a sensitive issue for disabled people and their families as well as for the organisations supporting them. We therefore hope that the Scottish Government will ensure that all relevant parties are being informed and consulted on the review in due course.
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.	Idem – see comments for commitment 31.
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	
34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter	

Administration	
35. Enhanced learning and development framework for foster carers	

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?

Further to our answer to Q2, once again it is not obvious why 'including disabled children and young people' is referred to in the key objectives for Outcome 2 and not for the rest of the outcomes. A reference to disabled children is highly relevant but we are of the view that this should be consistent throughout the whole delivery plan. Alternatively it could be made clear from the beginning that all commitments in the plan refer to both children and adults and consequently it would not have to be mentioned again throughout the document.

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 will help the Scottish Government make progress towards outcome 3?

Agree but more commitments need to be added to this section. 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	Whilst this is welcomed, the actual practice in local authorities needs to be monitored as with tight budgets and cuts to resources this appears a target area in some areas for cuts.
37. Anti-Bullying –respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland's Children and Young’	
38. Overarching commitment from Fair Work Directorate	
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	Serious consideration should be given to the Modern Apprenticeship scheme. One of the barriers faced by many adults with Ds is the lack of flexibility of employment schemes like MAs; at present this scheme excludes a significant amount of people due to eligibility/assessment criteria which do not reflect the variety of skills of all young adults in Scotland. Many people with Ds would make great modern apprentices if given a chance.

	Schemes like MAs need to be reviewed in order to actually represent the population they are supposed to support. MAs offer great opportunities to a lot of young people to access work and the Scottish Government needs to ensure that young people with learning disabilities are not being left out.
40. Supported Employment Model	
41. Supported Businesses	
42. Establishment of a Fair Work Convention	The draft delivery plan does not explicitly mention the role/interest of Third Sector organisations in relation to a Fair Work Convention. We would assume that some charities may be interested in this plan and it would be helpful to clearly mention the Third Sector as a partner in here too.
43. Disability Employment Services in Scotland	
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal	
46. Disability Benefits Advocacy Support	
47. Future reform of local taxation will take into account the particular needs expressed by disabled people	
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.	

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?

See answer to Q5 regarding references to disabled children.

A commitment should be added on the need to review and improve career services, and the training of career advisers, in order to better promote the value of schemes like Modern Apprenticeships to people with learning disabilities. There seems to be little support offered to pupils with Ds leaving mainstream school or college to find employment opportunities. As one of our members explains, at present 'all that is relayed to the young person [by employment advisors] is the lack of real opportunities, the difficulties that they will face, a generalised note on the file to say that they brought the young person in and conducted an interview with no real follow up between appointments and no active pursuing or avenues to follow up being presented to the young person. Limited information is given about additional support which may be available'. For disabled people to have the same opportunities as non-disabled people, these issues need to urgently be tackled so that services across Scotland actively support disabled people and fulfil their commitments under the UNCRPD.

None of the commitments above appears to address the issue of the pay gap between disabled and non-disabled people. In its recent report *Is Britain Fairer? The State of Equality and Human Rights 2015*, the Equality and Human Rights Commission points out that 'in 2013 disabled people in England were paid 90 pence per hour less, and in Scotland up to £1.20 per hour less, than non-disabled people' (p.41). Down's Syndrome Scotland therefore believes that the delivery plan must include a commitment to address the pay gap issue and ensure that disabled people are not being discriminated against.

We are also of the view that one of the commitments under this outcome should deal with the importance of communication skills for children and young people with learning disabilities. As an example, commitment 36 explains that children will be able to directly influence the additional support that is provided to them. But that will only be the case if those children can communicate and share their views on the support they receive and if they are actually being listened to.

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 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	
50. Encourage reporting of hate crimes against disabled people	
51. Accessible information	
52. Accessibility of sites and services	
53. Develop and deliver a 'pilot' improvement project focusing on preventing and removing disability hate crime from society	
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe	

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?

See answer to Q5 regarding references to disabled children.

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

With regard to the first theme 'Participation', we believe that 'and are being listened to' should be added to the theme's description. There is indeed little benefit for disabled people to be able to participate in discussions if their views are in the end not being taken into account.

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?

We hope that the delivery plan will involve a wide range of Disabled People's Organisations. These should include smaller charities which may have a lower political profile but whose knowledge and experience will help deliver the plan. In that regard it would be helpful to know which organisations are being consulted by the Scottish Government and on which policy areas.

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

With regard to Outcome 3 and access to education, we would highly recommend the recent report on 'Organisation of Provision to Support Inclusive Education' published by the European Agency for Special Needs and Inclusive Education. The report can be found here: <https://www.european-agency.org/sites/default/files/Organisation%20of%20Provision%20Summary%20Re>

[port.pdf](#)

For example some recommendations include:

Policy-makers should:

- Clarify the concept of inclusion across and between levels of the system as an agenda that increases quality and equity for all learners, addressing underachievement by all vulnerable groups including children with disabilities. All education policy-makers need to take responsibility for **all** learners.
- Consider the links between system levels (i.e. between national/local policymakers, local education/school leaders, teachers, other professionals and learners and their families) and enhance them through collaboration and coherent partnerships between ministries and local services. Such action should broaden perspectives, increase mutual understanding and build the inclusive capability of the education system as a whole.
- Provide incentives for schools to take all learners from the local community and ensure that methods of assessment, inspections and other accountability measures support inclusive practice and inform further improvement of provision for all learners.
- Develop a continuum of support for teachers, support staff and, in particular, for school leaders through the use of research, networking and links to universities and initial teacher education institutions in order to provide development opportunities for all groups as lifelong learners.