

**Sight Scotland and Sight Scotland Veterans**

Call for views: Consultation on The Disability Commissioner (Scotland) Bill.

May 2024

**About Sight Scotland and Sight Scotland Veterans**

At Sight Scotland we’re tackling vision loss together. Our mission is to reach everyone in Scotland with sight loss – where and when they need us.

We are here for everyone affected by vision loss in Scotland. We offer support and advice, campaign for equal rights and fund medical research. We provide learning, care, accessible formats and support blind and partially sighted people in their communities.

Our sister charity Sight Scotland Veterans supports veterans with vision loss, assisting them and their families to adapt to the impact of visual impairment. We enable veterans to regain confidence, restore independence and make new connections.

We provide services that offer support to connect with information, services, and local support, guidance on how to be as independent and safe as possible at home and in the local community, advice on living well, understanding more about sight loss and how to deal with the emotional and practical difficulties which might be faced.

Together, our charities are determined that no one should face sight loss alone.

To get free support you can call Sight Scotland on 0800 024 8973, for Sight Scotland Veterans call 0800 035 6409. You can also get in touch by emailing us at hello@sightscotland.org.uk, or by visiting our website Sightscotland.org.uk.

**Sight Scotland and Sight Scotland Veterans response to consultation on The Disability Commissioner (Scotland) Bill.**

**Question 8**

**What are your views on the main proposal of the Bill, to establish a Disability Commissioner for Scotland?**

We support the main proposal of the bill to establish an independent commissioner to promote and safeguard the rights of disabled people. We believe the creation of this role will provide a specific and targeted focus on upholding the rights of disabled people at a national level. Actions must be undertaken at a local level too.

The COVID-19 pandemic has not only disproportionately impacted disabled people and brought additional challenges to those with sight loss but has also provided us with an opportunity to do things differently - including assessing how best Scotland can champion the rights of disabled people. As noted in the policy memorandum, disabled people are disproportionately affected by barriers they face in their day-to-day lives and the cost of living crisis has made these barriers even more significant.

A dedicated Commissioner for those with disabilities would have a significant part to play in this and could be effective in raising awareness of the issues impacting disabled people, how existing legislation such as the Equality Act can be better upheld and highlighting existing good practice. This must be coupled with practical support in Local Authority areas and we’d like to see the creation of local Commissioners that could feed into the wider work of the Commissioner's office.

A dedicated Commissioner for Disabled People ensures a focused approach. This must be inclusive of all disabilities and ensure that no one is left behind or excluded. It is vital that the role of the Commissioner doesn’t add a further layer of bureaucracy to realising disabled people’s rights, and that the role of the Commissioner is structured in a way that improves support and advocacy for people with a disability.

**Question 9**

**What is your awareness of other commissions or bodies that exist to promote and protect your rights?**

There are a number of commissions and bodies that promote human rights including the Scottish Human Rights Commission and the Equality and Human Rights Commission at UK wide level. We note their remit is in relation to human rights more broadly, not specifically the rights of disabled people.

We further note other proposed legislation which suggests the creation of Commissioners. For example the consultation on the Learning Disabilities, Autism and Neurodivergence (LDAN) Bill seeks views on the developing a commission(er) with responsibility for data collation with regards to people who have learning disabilities, autism and/or are neurodivergent. Consideration must be made to how a Disability Commissioner for Scotland would collaborate with any other new potential Commissioners to ensure responsibilities are clearly defined and not duplicated.

**Question 10**

**What are your views on the proposal to use the definition of disability set out in the Equality Act 2010 – a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities.**

We believe the definition of ‘disability’ as set out in the Equality Act is the appropriate starting point of discussions as to the remit of the Disability Commissioner. We’re supportive of the inclusion of sensory impairments in this definition and believe an intersectional approach should be taken.

The social model of disability, as highlighted in the policy memorandum, is important. This model highlights that people are disabled by barriers in society, not by their impairment or difference. As visual impairment charities, this is something we seek to champion in all our work.

The paper notes that the Commissioner’s remit will cover all disabilities, and notes that this will include “‘non-visible’ disabilities”, among learning, physical and fluctuating disabilities. This is important to us, as visual impairment is often a disability that can be invisible, and which is more likely to be experienced with coinciding disabilities – many of which can also be invisible.

**Question 11**

**What are your views on the proposal for the Commissioner to have regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and to encourage and observe equal opportunities requirements.**

We support the proposal in the Bill that, in exercising any functions under the Bill, the Commissioner must have regard to, and encourage others to have regard to the UNCRPD. The principles that are highlighted in the policy memorandum describing respect for dignity, individual autonomy, independence and full and effective participation and inclusion in society are all values that we champion in our work as a visual impairment charity and that we would like to see centred in the work of a Disability Commissioner.

**Question 12**

**What do you think about the Commissioner's powers as set out in the Bill?**

The Commissioner will have the power to:

* review law, policy and practice relating to the rights of disabled people
* promote best practice among service providers
* commission, undertake and publish research on matters relating to the rights of disabled people.

We agree with the proposed powers of the Commissioner as set out in the bill. There is currently a wide range of legislation that aims to uphold the rights and ensure support is available for disabled people, however these are not always upheld. More work must be done to raise awareness of current obligations, identifying gaps and needs not being met, as well as highlighting good practice and positive examples. We are also supportive of the function to undertake and publish research on matters relating to the rights of disabled people. The role of the Commissioner is suited to these functions and would help to achieve the aims of the Bill effectively.

In addition, the role of the third sector in service provision is often undervalued; having a Commissioner would allow direct dialogue and improved collaboration and coordination with providers and promote best practice. We support the proposal for the Disability Commissioner to have the power to review laws and policies that might impact disabled people. This is in line with functions of other Commissioners in Scotland, such as the Scottish Children and Young People’s Commissioner. Without such a power, the Commissioner would not be able to meet the aims as set out in the Bill.

**Question 13**

**What do you think of the proposed power to undertake investigations of service providers to ask how they have given effect to the rights, views and interests of disabled people in general or an individual disabled person. This power to investigate will be limited to devolved matters.**

If the Commissioner has a role in reviewing laws and policies that impact disabled people then they should be able to carry out investigations into whether, by what means and to what extent, a service provider has regard to the rights, interests and views of disabled people in making decisions or taking actions that affect those persons.

**Question 14**

**What do you think of the proposals to:**

* **encourage the involvement of disabled people in the Commissioner’s work**
* **use inclusive communication to enable the fullest involvement.**

The proposals to involve disabled people in the Disability Commissioner’s work are essential and we believe will lead to the Disability Commissioner having as much impact as possible. We support the note in the proposal that disabled people are best placed to describe what matters affect them and what changes to policy and legislation they need. At Sight Scotland and Sight Scotland Veterans, we are passionate about championing lived experience and do this with Sight Scotland’s policy group and roaming policy group. Our policy groups are made up of people with lived experience of visual impairment and inform our campaigns and policy work. The value that lived experience brings to our work is critical and we believe would add the same level of value to the Commissioner’s work.

Secondly, the proposal to use inclusive communication to enable the fullest involvement is also key for us. As visual impairment charities, inclusive communications are at the heart of our work. We strongly advocate for a statutory obligation to provide for an Accessible Information Standard to be enforceable in Scotland. Accessible communications is vital to ensure people with visual impairment can access information - especially issues pertaining to their personal circumstances and health - in a way they can understand and comprehend.

This is reinforced by Article 9 of the Convention on the Rights of Persons with Disabilities (CRPD) on the right to accessibility of the physical environment, transportation, information and communication, and services open to the public. More proactive approaches should be taken to provide information in alternative formats as standard practice without a person having to request this. We would also like to note that Easy Read alone does not equate to inclusive information. It is simply one format of inclusive information.

We therefore support the Commissioner in ensuring communication is in an as inclusive as possible manner and note that choice in communications is essential. As noted in the proposal, offering communications in braille, audio, large print, BSL and easy-read formats, and providing multiple ways for individuals to get in touch will ensure communications are inclusive. A culture where inclusive communication and accessible information are considered the norm is something the Commissioner should advocate for so that we move towards a process where asking about someone's communication preference is automatic from the outset.

**Question 15**

**Do you think there might be any unintended consequences as a result of the Bill’s proposals?**

A Disability Commissioner for Scotland would make a huge difference in upholding and championing the rights of disabled people. However, we would want to ensure that the role is not a tokenistic one and instead will, in practice, make a significant difference in the lives of disabled people in Scotland. We welcome the proposals to involve as many disabled people as possible in the Commissioner’s work, and believe learning from and involving lived experience will ensure the Commissioner’s role can be as effective as possible.

**Question 16**

**Do you have any other comments you have on the Bill.**

N/A