

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)

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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

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

The RCPE has restricted our comments in this response to outcome 2 on healthcare provision.

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	
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. SportsScotland investments	
16. One Scotland awareness raising campaign	

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?

The RCPE has restricted our comments in this response to outcome 2 on healthcare provision.

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	
24. Disability Inclusion Promotional Campaign	
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	
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.	
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.	
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?

The Royal College of Physicians of Edinburgh (RCPE) generally supports the draft strategy objectives 2016 – 2020 and notes that they are only a first step.

The draft Scottish Government strategy is based on a social model of disability; while the UNCRPD builds on and uses the World Health Organisation's biopsychosocial International Classification of Functioning (ICF) model. The RCPE hopes that this present draft delivery plan is only the first step in fully implementing the UNCRPD and in particular the adoption of the biopsychosocial modelⁱ as a basis for implementation in line with UN and WHO guidance^{ii iii}.

ICF is the WHO framework for measuring health and disability at both individual and population levels and was officially endorsed by all 191 WHO Member States in the Fifty-fourth World Health Assembly on 22 May 2001 (resolution WHA 54.21) as the international standard to describe and measure health and disability^{iv}.

There is a clear progression, over the last forty years, to the UNCRPD starting from the medical and social models of disability, to the ICIDH (WHO 1980), the Standard Rules (UN 1993), to ICF (2001) to UNCRPD (UN 2006). The ICF 'has been accepted as one of the United Nations social classifications ... and ... provides an appropriate instrument for the implementation of stated international human rights mandates as well as national legislation' (WHO 2001:5-6).

The discussion over social, medical and biopsychosocial models is well summarised in the WHO/World Bank, *World Report on Disability* :

'The medical model and the social model are often presented as dichotomous, but disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience problems arising from their health condition. A balanced approach is needed, giving appropriate weight to the different aspects of disability. The ICF... understands functioning and disability as a dynamic interaction between health conditions and contextual factors, both personal and environmental. Promoted as a "bio-psycho-social model", it represents a workable compromise between medical and social models.'^v

On page 13 of the Scottish Government draft delivery plan, it states ... "*Unlike the medical model, where an individual is disabled by their impairment, the social model views disability as the relationship between the individual and society*": this could be taken by many to mean that the 'medical world' presently takes a regressive view of disability. In reality, the ICF is a medical model in use in the UK which takes a much more dynamic approach than is implied in this statement and the RCPE would welcome clarification on this issue.

In Outcome 2, specific note is made in sections 17 and 25 to data collection, monitoring and reporting. These tie in with Articles 31, 32 and 33 of the UNCRPD which deal with Statistics and Data Collection, International Cooperation and National Implementation and Monitoring. The UN, WHO and internationally accepted medium for this type of data collection and sharing is the ICF^{vi}. The RCPE would suggest that if the data is to be collected using the ICF, that the strategy should be based on the same model.

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 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	
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	
40. Supported Employment Model	
41. Supported Businesses	
42. Establishment of a Fair Work Convention	
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.	
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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?

The RCPE has restricted our comments in this response to outcome 2 on healthcare provision.

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	
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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?

The RCPE has restricted our comments in this response to outcome 2 on healthcare provision.

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

The RCPE has restricted our comments in this response to outcome 2 on healthcare provision.

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?

The RCPE has no specific comments on this section

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

The RCPE has no additional comments

ⁱ Page 9, WHO: *Towards a Common Language for Functioning, Disability and Health ICF*
<http://www.who.int/classifications/icf/training/icfbeginnersguide.pdf>

ⁱⁱ Section E, UN Convention on the Rights of Persons with Disabilities, Preamble
<http://www.un.org/disabilities/default.asp?id=260>

ⁱⁱⁱ Page 11, UN: Best practices for including persons with disabilities in all aspects of development efforts
http://www.un.org/disabilities/documents/best_practices_publication_2011.pdf

^{iv} http://www.who.int/classifications/icf/icf_more/en/

^v Page 4, WHO and World Bank *World Report on Disability* (2011)
http://www.who.int/disabilities/world_report/2011/report.pdf

^{vi} Activities of the United Nations statistics division on disability
<http://www.un.org/esa/socdev/enable/rights/adhocunbrief1.htm>