

**Scottish Government Disability
Equality Scheme 2008-11**

Annual Report 2010



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SCOTTISH GOVERNMENT

**Scottish Government Disability
Equality Scheme 2008-11**

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Scottish Government Disability Equality Scheme 2008-11: Annual Report 2010

MINISTERIAL FOREWORD

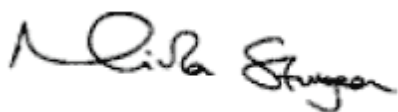
I am delighted to introduce the Scottish Government's Disability Annual Report 2010.

The Disability Equality Duty has now been in place for four years. It provides a framework for promoting equality, addressing disability discrimination and tackling the barriers and prejudice that disabled people experience. This report demonstrates the progress we are making in our journey towards full disability equality.

2010 has been a significant year for disability equality. In April 2010 the UK Government passed the Equality Act 2010 which brings together, in one place, the various pieces of equality legislation including the Disability Discrimination Act. From next year there will be a new Equality Duty in force and this will replace the disability equality duty. Scottish Ministers are currently drafting regulations for the new specific duties which will apply to public authorities in Scotland.

We have also been working across Government to implement the United Nations Convention on the Rights of Persons with Disabilities. The UNCRPD is the first human rights treaty of the millennium and sets out obligations on states to promote, protect and ensure the rights of disabled people. The Scottish Government welcomes the Convention and in recognition of its significance, we have chosen to report on our progress towards disability equality in this report, under the different human rights articles set out in the Convention.

We have greatly valued being able to work with disabled people and disability organisations during the course of the year. We know that there remains much to do to ensure that disabled people in Scotland can enjoy the same opportunities as non-disabled people, but I hope this comprehensive report shows that progress is being made. We remain committed to tackling the barriers to disability equality and to ensuring that disabled people can be included in daily and public life in Scotland as equal citizens.



Nicola Sturgeon, MSP
Deputy First Minister and Cabinet Secretary for Health and Wellbeing

CHAPTER 1 INTRODUCTION TO DISABILITY EQUALITY SCHEME ANNUAL REPORT 2010

Background

Disabled people make up 20% of the population in Scotland, so they are a big part of the communities that we serve. They are valued members of families, communities and workplaces and make a positive contribution to the diversity of cultural and community life in Scotland and to the economic and social wellbeing of Scotland.

While disabled people form an important part of our communities, Scotland recognises that there are a number of challenges they face in enjoying their rights on an equal basis with others. The Scottish Government acknowledges the accumulation of long term discrimination and inequality and the scale of the challenges to ensure our policies are not just aspirational but also deliver positive change. We recognise the gaps in statistical information to help us monitor progress and focus our activity where it is most needed.

The Scottish Government is committed to equality and tackling the barriers which restrict individuals and communities from reaching their potential. Disabled people face particular barriers, prejudice and discrimination which must be tackled and this report outlines what the Scottish Government is doing to address these issues and to improve the life chances for disabled people.

Public Sector Equality Duties

There are three Public Sector Equality Duties for race, disability and gender. They place duties on public authorities to eliminate unlawful discrimination and harassment and promote equality of opportunity. These positive duties aim to ensure that public policies, practices and services take into account the different needs of ethnic minority communities, disabled people and women and men in their development and delivery and make real improvements to peoples' lives.

Equality Act

The UK Government's Equality Act 2010 replaces the three existing public sector equality duties with a single Equality Duty. This new duty covers race, disability, gender, age, religion and belief, sexual orientation, gender reassignment and pregnancy and maternity. Like the three existing duties, the new single Equality Duty is in two parts; a general duty, which is set out in the Act, and specific duties which can be placed on certain public authorities to ensure the better performance of the general duty. The Scottish Ministers' have consulted on the specific duties which will be placed on public authorities, and plan to lay regulations early in 2011.

Disability Equality Duty

The Duty to promote equality of opportunity for disabled people was introduced under the Disability Discrimination Act 2005 (DDA) and requires all public bodies to have 'due regard' to:

1. The need to promote equality of opportunity between disabled people and other people.
2. The need to eliminate discrimination that is unlawful under the DDA.
3. The need to eliminate disability related harassment.
4. The need to promote positive attitudes towards disabled people.
5. The need to encourage participation by disabled people in public life.
6. The need to take steps to meet disabled peoples' needs, even if this requires more favourable treatment.

In addition, Scottish Ministers placed specific duties on listed public authorities through the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005, and 2007. These specific duties require listed bodies, including the Scottish Government, to publish a Disability Equality Scheme and to report annually.

Under the existing disability equality duty, Scottish Ministers also have a duty to publish reports on the progress being made by public authorities on disability equality and set out proposals for co-ordination of action by public authorities to progress towards disability equality. Scottish Ministers published their response to this duty on 28 November 2008. These reports can be viewed online on the Scottish Government's website. Activity is underway to make progress on these priority areas.

Further information and advice about the disability equality duty, including the statutory code of practice, is available from the Equality and Human Rights Commission, the enforcement body for the public sector equality duties.

Scottish Government Disability Equality Scheme

The Scottish Government's Disability Equality Scheme for 2008-11 was published on 24 May 2008. Further details about our approach to disability equality and the development of our Disability Equality Scheme are set out in the first three chapters of the scheme, which is available on the [Scottish Government's website](#).

As part of our disability equality duties, we are required to publish an annual report setting out the progress we have made towards disability equality, and to report on the outcome of information gathering. This document is the Scottish Government's 2010 annual report.

Structure of the annual report

This report provides a detailed description of Government activity to make progress on disability equality. It contains five chapters which are:

Chapter 1 (this chapter) provides the introduction to the report, and to the disability equality duty.

Chapter 2 sets out the Scottish context for work to promote disability equality. It describes our general approach.

Chapter 3 provides an update of key corporate activity to improve our approach to mainstreaming disability equality, including Equality Impact Assessment, and equality considerations as part of budget decisions.

Chapter 4 describes in further detail how we are making progress in gathering information and using data.

Chapter 5 provides a detailed description of Scottish Government work to promote disability equality, within the framework of the UN Convention on the Rights of Persons with Disabilities.

Appendix 1 provides background information on the UN Convention on the Rights of Persons with Disabilities, including reporting, monitoring and parallel reporting.

Appendix 2 reports on Scottish Government's progress as an employer.

Appendix 3 reports on progress in gathering information and using data.

Coverage of the Scottish Government's Disability Equality Scheme and Annual Report

The Disability Equality Scheme covers all Scottish Government Directorates and Agencies. Agencies are established by Ministers as part of the Scottish Government's portfolio to carry out a discrete area of work.

Current Scottish Government Agencies are:

Accountant in Bankruptcy
Disclosure Scotland
Historic Scotland
HM Inspectorate of Education
National Archives of Scotland
Registers of Scotland
Scottish Court Service
the Scottish Housing Regulator
Scottish Prison Service
Scottish Public Pension Agency
Social Work Inspection Agency
Student Awards Agency for Scotland
Transport Scotland

The National Archives of Scotland and the Registers of Scotland are Scottish Government Agencies which also have the duty placed on them directly and must produce their own scheme. The Scottish Prison Service and Scottish Courts Service are Scottish Government Agencies that have chosen to publish their own associate schemes rather than be included within the Government's document. The Crown Office and Procurator Fiscal Service will produce its own annual report.

Non-Ministerial Directorates and Agencies are not headed by a Minister and answer directly to legislature. These are not covered by the Scottish Government's disability equality scheme.

General Register Office for Scotland
Office for the Scottish Charity Regulator (OSCR)

CHAPTER 2 SETTING THE CONTEXT FOR OUR WORK ON DISABILITY EQUALITY

The Scottish Government Purpose

The Scottish Government's Purpose is to create a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. A challenging set of high level Purpose targets, that include specific benchmarks, will track progress in boosting Scotland's economic performance, unlocking Scotland's full potential and create benefits for all our people.

Those Purpose targets that support Scotland's obligations and commitment to disability equality and disabled people's human rights include:

- Participation: Scotland recognises that the ability of individuals to participate in the labour market is a crucial element and is influenced by health and social factors as well as skills levels. Increasing the number of disabled people in employment adds to the productive capacity of the economy and makes better use of our human capital potential. It also improves the standard of living of those moving into employment and supports a more equitable distribution of the benefits of growth.
- Population Growth: This overall target is supported by a focus on increasing healthy life expectancy in Scotland, which is influenced by a combination of factors, including the relative levels of economic prosperity and opportunity, quality of life and the quality of public services supporting children and families and health. Learning, skills and well-being are critical factors in the promotion of equal opportunities for disabled people. Addressing these issues helps to create the conditions for talented people to live, work and remain in Scotland.
- Solidarity and Cohesion: Scotland recognises that the benefits of economic growth should be enjoyed across the whole of Scotland. The healthy development of our society depends on reducing inequalities and sharing the future benefits of growth among all people and communities. This has particular relevance for the promotion of equality and human rights for disabled people. The Government can influence cohesion in Scotland through actions such as:
 - removing barriers that stand in the way of disabled people participating in learning and skills development;
 - supporting local employability partnerships, as part of Community Planning Partnerships, to help more disabled people into work through delivery of effective services that meet their needs; and
 - investment in accessible infrastructure and transport connections to maximise employment opportunities.

We want Scotland to be an inclusive place where all of its people are treated fairly and have the opportunity to fulfil their potential in all aspects of their lives. The aim of the Scottish Government is to deliver lasting change so that disabled people living

and working in Scotland can be an integral part of Scotland's future development as a country of equality of opportunity and to provide a high quality of life for all of its citizens.

General approach to disability equality and human rights

The Scottish Government adopts a social model approach to disability equality, identifying the failure of our society to accommodate disabled people as the barrier to their inclusion in society, rather than any person's individual impairment. Therefore, our approach to disability equality is a mainstreaming approach, working across the whole of the government to drive change for disabled people, challenging the discrimination and reducing the barriers which disabled people face.

In 2008, the Scottish Government announced independent living as an overarching commitment and high level policy framework for disability equality, giving coherence and guidance to national and local government activities across mainstream policy. This resulted in specific funding to establish the Independent Living in Scotland (ILiS) project, run by disabled people and managed by a steering group made up of disabled people and their organisations. This gives disabled people a powerful voice in shaping government policy and public service delivery. The project is hosted by the Equality and Human Rights Commission (Scotland).

The founding principles of independent living are about disabled people having the same **freedom, choice, dignity and control** as other citizens.

Our approach embraces human rights and principles of citizenship; advocates for the personalisation of services; and promotes tackling barriers that prevent access to all aspects of daily and public life in Scotland. The right to independent living is enshrined in Article 19 of the UN Convention on the Rights of Persons with Disabilities, but also cuts across a number of other Articles where rights to, for example, education, employment opportunities, mobility and health, all contribute to a person's dignity, freedom, choice and control in relation to their day-to-day lives.

A key outcome of this approach is increased participation and inclusion of disabled people in all aspects of daily and public life. This contributes to the Government's economic strategy of creating a more successful country and flourishing economy, with opportunities for all.

Relationship with partners

The Concordat between the Scottish Government and Local Government establishes a relationship between the two partners based on mutual respect and partnership, where Scottish Government sets the direction of policy and the overarching outcomes, and stands back from micro-managing service delivery. It enables local authorities and their partners to meet the varying needs and local circumstances in Scotland through local Community Planning Partnerships.

Local authorities and the other public authorities in the Community Planning Partnerships are subject to the public sector equality duties under existing UK

equality legislation to take action to eradicate discrimination and to pro-actively promote equality of opportunity. The Scottish Government set out in regulations a list of specific duties to set a framework for the better delivery of the general duty, and it is under the specific duties that local authorities and others are required to publish a Disability Equality Scheme demonstrating how they intend to fulfil their disability equality duty, and that a public authority should involve disabled people in the development of their Scheme.

The Scottish Government and its partners have an agreed set of National Outcomes and a National Performance Framework. It has provided an opportunity for the first time to channel activity across the public sector towards a shared vision and common purpose and in the delivery of shared outcomes. The Framework is designed to focus on improving the lives of all the people of Scotland, including disabled people.

Equality is an integral part of the framework and particular focus is given to it through the specific outcome '*to have tackled the significant inequalities in Scottish society.*' We also recognise that promoting disability equality will help contribute to all of our 15 national outcomes. Scotland's local authorities and the wider public sector are key partners in realising these national outcomes and are taking forward action to promote and advance equality and challenge discrimination and prejudice.

Disabled people as partners in shaping government policy

The Scottish Government takes seriously its responsibilities to promote and champion equality of opportunity for disabled people across all areas of life and has mechanisms in place to help achieve this.

We recognise the importance of involving equality groups and within that, disabled people, in the development of policy across government, aiming to make mainstream services accessible and inclusive, removing the barriers that have led to segregation and isolation. This helps us to ensure that we understand how our policies and services impact on disabled people, and take appropriate steps to build disability equality into our policies and functions.

Disabled people tell us that co-production is one of the best ways of championing the development and implementation of policy initiatives and services that meet their needs and support their rightful participation in society. Co-production is where disabled people are fully involved in policy and service planning and development.

The Cross-Government Core Reference Group on Independent Living provides an example of working on the basis of co-production, where disabled people are partners with Scottish Government, COSLA and NHS Health Scotland, working together to combine complementary skills, information and expertise, to achieve shared aims.

Working with disabled people on a model of co-production engages disabled people as equal citizens, and recognises the value of the perspective and contribution disabled people can make from their lived experience. It means recognising that

disabled people have experience, skills and resources that are essential to achieving positive outcomes.

Disabled People's Organisations (DPO) play a significant part in developing our approach to disability equality and the participation of disabled people in policy development. DPOs are those run by a management or executive committee on which either all or the majority of the voting membership is disabled people. Other third sector organisations and service providers who aspire to the same principles and outcomes of independent living but are not necessarily controlled by disabled people are also important allies in our work.

The Scottish Government provided a package of funding over the period 2008-11 to help to build the capacity of disabled people to engage with Government and other public bodies (further detail is provided in Chapter 3). This funding supports a comprehensive framework through which disabled people can engage with government officials and contribute to the development of policy:

- The Independent Living in Scotland Project is run by disabled people and managed by a steering group made up of disabled people and their organisations, to give disabled people a voice in shaping government policy and public service delivery. The project was launched in March 2009 and is hosted by the Equality and Human Rights Commission (Scotland). The project is supported by disabled people's organisations across a wide range of impairments: physical, sensory, mental health conditions and learning disabilities.
- The Policy and Engagement Officers' Network brings together a number of disabled people's organisations and key service providers. Further information about the activity of this group during 2010 is provided in Chapter 3.
- The British Sign Language and Linguistic Access Working Group established a partnership of major deaf organisations and language centres in Scotland, including Edinburgh University; Forum of Providers of Social Work Services in Scotland; Heriot-Watt University; Hearing Concern/LINK Centre for Deafened People; Royal National Institute for Deaf People; Scottish Association of Sign Language Interpreters; Scottish Course for Training Teachers of Lipreading; British Deaf Association (Scotland); National Deaf Children's Society; Deafblind Scotland; and Scottish Council on Deafness.

A number of these organisations are working together and with the Scottish Government to develop more effective and practical mechanisms and capacity for the involvement of disabled people across the work of the government. They are working to increase the diversity within their own groups and across their projects to help ensure that a broad range of experience and perspectives are represented. This includes other factors which impact on an individual's experience of disability according to other equality factors as well as location, income, and other personal and social circumstances.

At a local level, the Scottish Government recognises community planning as a process which helps public authorities work together with their communities to plan

and deliver better services which make a real difference to people's lives. All local authorities have a duty to initiate, facilitate and maintain community planning, including consulting and co-operating with communities. The Scottish Government also places an emphasis on community consultation in the health sector and has a robust process in place for the NHS to involve patients and the public in proposed service changes.

Accountability

It is vital to translate the policy intentions into a reality for disabled people in Scotland's communities so that we make a difference that is felt by disabled people in their communities and in their day-to-day lives. Disabled people in Scotland still have difficult stories to tell about barriers to equality and the fundamental principles of independent living. Unfortunately, we still hear individual circumstances where choice, control, dignity and freedom are limited and where more work is needed.

Scotland's approach focuses on outcomes as set out in our National Outcomes, Local Authority Community Planning Partnership Single Outcome Agreements, and the National Performance Framework. We recognise the importance of monitoring these outcomes: for example, to know what progress has been made in disabled people's access to housing, health services, employment, leisure, etc. and whether this progress affords more choice and control for individual disabled people to allow them to govern their own lives.

Some of the policy and legislative projects outlined in this report are relatively recent and progress is known to be limited. We expect the development of outcomes to support independent living will help focus this more clearly.

CHAPTER 3 PROGRESS ON MAINSTREAMING DISABILITY EQUALITY

This chapter gives an overview of some of the systems that we have in place to help us to deliver equality of opportunity for disabled people. It covers equality impact assessment and further detail on our work on consultation and involving disabled people. Significantly, this year it also includes information on work underway around equality and the budget and considers the particular impacts of the recession on disabled people in Scotland.

The Scottish Government is committed to mainstreaming equality across all of its policies and practices. The Government's commitment to mainstreaming includes developing equality data. This is explored in detail in Chapter 4.

Equality Impact Assessment Toolkit

Equality Impact Assessment

In order to help develop policies that are fair and meet the needs of the diversity of Scotland's people, we are required to carry out equality impact assessments. Broadly speaking, an equality impact assessment involves considering who a policy is for and assessing the positive and negative effects it may have on different people.

The Scottish Government Equality Impact Assessment Tool is designed to help identify who may be impacted by a policy, and what equality issues will need to be considered in developing and reviewing policy. We expect this process to help shape our policies to deliver the best results for the people of Scotland – promoting positive effects and, where possible, preventing negative effects. Many public authorities have developed their own equality impact assessment mechanisms.

Scotland also recognises the importance of considering the implications of equality in the development of Scottish Government legislation. Scottish Parliament procedures require Scottish Government bills to be accompanied by a policy memorandum which must include an assessment of any effects of the bill on equal opportunities.

The Scottish Government published its first Disability Equality Scheme in 2006. This was revised in 2008 and can be viewed alongside the annual progress report on the website: www.scotland.gov.uk.

In 2010, the Scottish Government published an Equality Statement alongside the draft Budget. This outlined the action that the Scottish Government is taking to ensure that the public money we spend contributes effectively to progressing equality in Scotland. The statement can be accessed on the [Scottish Government's website](#).

Equality Statement on the Budget

In November 2010, the Scottish Government published an equality statement alongside the budget. This outlines the action that the Scottish Government is taking to ensure that the public money we spend contributes effectively to progressing equality in Scotland. It also recognises that disabled people may be disproportionately affected by cuts in public spending as a consequence of the recession. The statement explains how our draft budget for 2011/12 aligns with our equality objectives and contributes to further progress on equality in future. The statement can be accessed on the [Scottish Government's website](#).

The equality chapter in the budget statement recognises that there are a large number of disabled people in Scotland, and in certain circumstances, they and their families are at increased risk of disadvantage and poverty. Around one third of households in Scotland contain someone with a long term illness, disability or both, and working age families who have a disabled adult family member are twice as likely to be in poverty as families without disabled members ²⁹.

It confirms that many disabled people face barriers to employment and independence. These are often the result of negative assumptions about what disabled people can and cannot do. Disabled people have much lower employment rates (47 per cent) than those without a disability (74 per cent), and have much higher economic inactivity rates. Most of the 1.2 million adults in Scotland with work-limiting conditions and/or disabilities are not in work or looking for work ³⁰. Disabled people on average earn less, ³¹ have lower levels of qualifications and are likely to be in lower paid jobs, but the situation varies for different types of disability. Recent research suggests that the position may be much worse for women than for men ³².

The equality statement on the budget confirms that the recession has not affected the incomes of disabled people unable to work disproportionately, but it is likely to have reduced the chances of employment for those seeking work as the labour market becomes even more competitive. While several disability benefits have been protected in the UK Government's Comprehensive Spending Review and Welfare Reform announcements (e.g. an exemption from the household benefits cap), the move from Employment Support Allowance to Job Seekers Allowance or the Work Related Activity Group will have an impact for people with certain disabilities, such as the 46 per cent of Incapacity Benefit claimants with mental health conditions ³³.

The Scottish Government's draft budget for 2011/12 sustains the efforts to tackle the barriers disabled people face to leading independent lives, whether in employment or not, while continuing to improve the life chances of young people with a disability and reduce household costs for their families. It includes the following provisions:

- National Concessionary Travel Scheme for Disabled People protected;
- Maintaining level of funding for the Mobility and Access Committee for Scotland;
- Commitment on Free Personal Care;
- Legislation on Self-directed Support and a related national strategy;
- Development of an Autism Strategy;

- Continuation of Sensory Impairment Strategy;
- Continued support from local employability partnerships;
- Continuation and development of 'Same as You';
- Energy Assistance Programme to continue to provide assistance for households with disabled children and adults;
- Investment in Scotland's Schools for the Future - improving access for children with additional support needs; and
- Continued work with Visit Scotland to promote accessible tourism.

The budget supports disabled people and their families in a range of ways that recognises the risk of low-income and poverty associated with disability, but also seeks to develop potential, overcome barriers and improve quality of life.

The equality statement on the budget confirms the Scottish Government's commitment that disabled people in Scotland should have equality of opportunity at home and work, in education and in the social and civic life of the community. However, it recognises that policies supporting this agenda are carried across all portfolios and the current funding pressure may have an impact on the pace at which this vision is realised. Pressure on the Affordable Housing Investment Programme could result in fewer adaptations which would prevent disabled people from living independently in their own homes.

However, our continued investment in a range of frontline services will impact positively on disabled people. Recognising that many older people are also disabled, the commitment to continue Free Personal Care supports the ILiS agenda. The continued commitment to the *National Concessionary Travel Scheme for Disabled People* demonstrates our understanding of the value of mobility and travel to independent living. Continued investment in the special schools project will directly benefit children with additional support needs, whilst new or refurbished schools will provide better access and support for those with additional support needs.

In light of the impact of the current funding pressures on equality groups, including disabled people, we have decided to maintain the Equality and Social Inclusion Budget at £27.5 million. This will enable us to continue to focus on disability equality issues and to help advance independent living for disabled people.

We recognise that many of the services on which disabled people depend are provided at local level. The measures in this Budget to protect front line services will be helpful. However, the decisions that are taken about provision at a local level are matters for the local authority and other public sector bodies. We expect that these would be considered as part of the equality impact process.

Impact of recession on disabled people

Research was conducted to understand whether the recession is having a differential impact upon individuals and groups with 'protected characteristics' covered by equalities legislation. The *Coping with Change and Uncertainty: Scotland's Equalities Groups and the Recession* report presents the findings from the research: data about the impact of the recession on equalities groups in Scotland gathered from the Labour Force Survey, the Family Resources Survey and the Scottish Household Survey and the resources people employ to cope with the impact. The research also explores disabled people's views and experiences of the recession through interviews with 13 disabled people. Given the relatively small scale of the interviews, it was not intended to provide a definitive account of the experiences of disabled people in Scotland - who are, of course, an extremely diverse group. Rather, the aim was to begin to map the kinds of issues and experiences disabled people are concerned about in relation to the recession in order to inform the thinking of policy makers over the coming months and years.

Although based on a small number of interviews, this research nonetheless highlights a wide range of areas where disabled people either feel they have already been affected by the economic downturn, or have serious concerns about the future. A number of the issues raised are not unique to disabled people - more competition for fewer jobs, possible redundancies, and uncertainty about the impact of changing public sector budgets on employment, benefits and services, are all issues that are likely to be worrying many other people in Scotland. Moreover, disabled people are not a homogenous group. Their experience of the recession is affected by a range of factors - including their work status, income, level of use of different kinds of services, and the nature of their impairment.

However, while it is important to keep these issues in mind, it was also clear that participants felt the impact of the recession on disabled people was exacerbated by the barriers they already faced. Furthermore, in some areas the recession has the potential to increase these barriers, and thus put disabled people at an even greater disadvantage relative to the rest of the population. There was also a strong view that, although it was possible to identify some ways in which the recession was already impacting on disabled people, the impacts would be even greater in the future. This highlights the importance of monitoring the experiences of disabled people as the impact of changes to public sector budgets becomes clearer.

The interviews also highlighted the particular importance of services in terms of both supporting disabled people to live independently and enabling them to participate fully in society. Home care and targeted employment support services clearly play a key role here, but so too do transport, advice and information (including alternative formats), and educational, sport or leisure activities. As such, it becomes even more relevant and important for public sector bodies to take disabled people's experiences and needs into account when assessing the possible impact of any changes or cuts to services. <http://www.scotland.gov.uk/Publications/2010/11/15095850/0>

Consultation and Involvement

Background

The Scottish Government has long recognised the value of involving disabled people in our work. This helps us to ensure that we understand how our policies and services impact on disabled people, and take appropriate steps to build disability equality into our policies and functions.

We continue to work to improve our mechanisms of better engaging with disabled people and to build on established relationships with disabled people and their organisations.

We involved disabled people in the development of our disability equality scheme through a series of meetings around the country. The views and priorities expressed by disabled people through these meetings are clearly reflected in our original scheme and in the revised scheme. However, we recognised that this would be an ongoing process and we made a commitment in the revised scheme, published in May 2008, to develop our work on involvement across a range of policy areas.

Progress

To help us develop longer term mechanisms to involve disabled people across the work of the Scottish Government, we provided a package of funding to five disability-led projects over the period 2008-11, and the main focus of their work has been to help to build the capacity of disabled people and to improve their engagement with the Scottish Government and other public bodies. The organisations who have received funding for involvement work are:

Inclusion Scotland

Scottish Disability Equality Forum

Scottish Council on Deafness

Communication Forum Scotland

In addition to the above, we have provided funding to develop a new disability-led project whose focus will be supporting the involvement of disabled people in our approach to independent living. This project, Independent Living in Scotland (ILiS), is run by a steering group made up entirely of disabled people and their organisations, and is hosted by the Equality and Human Rights Commission (Scotland).

As a condition of funding, all of these projects were required to demonstrate how they would actively seek to increase the diversity of their own group in the way that they work, and they will be monitored on this. This will help ensure that a broad range of impairment groups are represented, as well as other factors which impact

on an individual's experience of disability according to other equality groups as well as factors such as location, income and other circumstances.

All of the projects we are funding to help improve the involvement of disabled people in policy making have agreed to work together with the Scottish Government and each other to develop more effective and practical mechanisms to facilitate this. We do this through our Policy and Engagement Officers Network. The network provides an opportunity to:

- share innovation and best practice;
- work towards developing groupings of disabled people with an interest in particular areas of policy;
- explore practical ways for local and national public bodies to engage with disabled people.

The Policy and Engagement Officers Network met twice during 2010. The membership has been expanded to include policy officers from other organisations representing disabled people with mental health issues, learning disability and HIV, and also other organisations working with disabled people who have an interest in the issues being discussed, such as Capability Scotland and Sense Scotland. Donaldson's College's project for Deaf school-leavers is also represented.

We asked the policy officers who attend the Network to put forward areas of priority that disabled people want to get involved in, and then invited relevant policy officials to meet the group. During 2010, officials were invited to attend the Policy and Engagement Officer's Network to discuss the following issues:

- the Scottish Government draft report on the United Nations Convention on the Rights of Persons with Disabilities;
- Independent Living;
- the capacity for involvement and participation of disabled people in existing networks;
- improving access for disabled people.

In all cases, initial meetings have led to further steps to improve the involvement of disabled people in these specific policy areas.

As previously stated, the Scottish Government regularly engages with disabled people and works with this community to obtain a disability equality perspective in its work, including, for example, the UNCRPD event organised in January 2010 to raise awareness amongst disabled people of the UN Convention on the Rights of Persons with Disabilities.

CHAPTER 4 PROGRESS GATHERING INFORMATION AND USING DATA

Introduction

The Scottish Government is committed to evidence-based policy making. Ensuring that we develop a good evidence base is key to creating public policies which understand and respond to the needs of disabled people in Scotland.

As we set out in our scheme (2008-2011), equality impact assessment (EQIA) is a key mechanism for mainstreaming equalities and ensuring public policies consider and respond to people's different needs. Information and data about disability is vital to support officials to undertake the EQIA process and identify where they may need to adjust individual policies and strategies in order to address disadvantage and achieve greater equality of opportunity between disabled people and other people.

In recognition of this, the Scottish Government made data gathering a key strand of our work and one of its disability equality scheme priorities.

This chapter shows the progress we have made on gathering information and making use of information as we set out in our scheme. We report on what we have done to progress gathering and using data at both corporate level and for each Analytical Services Division (ASD) across Government.

CENTRAL SUPPORT FOR MAINSTREAMING AND BUILDING CAPACITY

Equality and Poverty Analysis Team (*formerly the Social Inclusion and Equalities Analysis Team*) based in Communities Analytical Services Division (CASD)

The Team continues to provide analytical support to the Scottish Government Equality Unit and supports mainstreaming of equalities across the three analytical groups - statisticians, social researchers and economists. The Team has worked alongside the Equality and Human Rights Commission (EHRC) to develop an Equalities Measurement Framework¹, as recommended by the 2007 UK Equalities Review², and progressed other recommendations made as part of the Office for National Statistics (ONS) led Equalities Data Review. The Team has supported the EHRC with quality assurance of the first Triennial Review, and is also involved in a joint programme of work with the EHRC and Improvement Service into developing better outcome measurements at local level.

The Team is responsible for co-ordinating work to develop and promote the consistent use of official disability classifications across the 2011 Scottish Census, all Scottish Government statistical surveys and administrative data collections. This programme of work is being taken forward in conjunction with the Office for Disability Issues (ODI). It is hoped that a finalised question and guidance will be issued during 2011.

¹ <http://www.equalityhumanrights.com/fairer-britain/equality-measurement-framework/>

² www.statistics.gov.uk/about/data/...equality/.../DataAuditfinal.pdf

The Team also continues to have an integral role helping analysts to build the capacity of their ASDs to provide sound equalities evidence and analysis which will inform and support policy.

Indicators and Outcomes

The Scottish Government's National Performance Framework was published on 14 November 2007 following the Scottish Government Spending Review. The National Performance Framework (NPF) sets out a series of high level indicators, outcomes and related targets against which the current Administration will monitor its performance.

The Equality and Poverty Analysis Team continues to work with ASDs to ensure that the equality dimensions of these indicators, outcomes and targets are developed, monitored and delivered in an evidence based way. The Team also continues to work with other strategic partners outwith the Scottish Government, especially the Equality and Human Rights Commission (EHRC), and to ensure the necessary linkage between the equality dimensions of the NPF, the new Equality Measurement Framework and other social policy frameworks used by these bodies.

Scottish Government has developed and made accessible an indicator on employment rates for disabled people that can be used by Community Planning Partnerships in their Single Outcome Agreements to measure progress toward improving equality in the workplace at a local level.

Equality Analysts Network

This group (*formerly the Equality Analysts Working Group*) was first established in 2006 to address specific issues around equality definitions, data collection and use of evidence/data.

The Equality and Poverty Analysis Team re-launched the Network in 2009 and the group will have met 3 times over the course of 2010. Members have been drawn from across the Scottish Government's Analytical Services Divisions and are balanced in terms of the three professional analyst groups – social researchers, statisticians and economists.

The aim of the Equality Analysts Network is to ensure that Scottish Government analysts provide effective support for the development of equalities sensitive policy, and meet the increasing demands arising from statutory duties and other reporting requirements. The remit of the group sets out that the members will:-

- Proactively support the development and delivery of policies responsive to equalities matters and to meet Scotland's legislative requirements;
- Promote the creation and use of equalities data both within and outwith the Scottish Government;
- Support the strategic development and use of standardised equalities questions across the Scottish Government, identifying and addressing gaps in the evidence base;
- Share methodological expertise and good practice held in Analytical Services;

- Share information on work programmes and current projects aimed at improving equality information across Scottish Government.

DEVELOPMENT OF A MEDIUM TO LONG-TERM STRATEGY FOR IMPROVING EQUALITIES DATA AND EVIDENCE

Over the coming year the Equality and Poverty Analysis Team will be carrying out a project to develop a medium to long-term strategy for equalities data and evidence. This work will focus on identifying the key gaps in equalities evidence and prioritising work to start filling these gaps. As part of this work, we will consider what information we currently collect, how that can be improved or used better, and consider whether this information meets the needs of data users. We will be explicitly examining the kinds of information collected on the needs, views and experiences of disabled people.

Disability Definitions

Work is continuing to develop a better and more consistent approach to collecting data on disabled people. We have continued discussions with Scottish Government analysts and analysts across other Government Departments about the categories we use to collect data on disability and are working to improve the data we collect. In addition, we have worked with the General Registrars Office for Scotland to promote the use of the Disability Discrimination Act definition in Scottish Census disability categories for the 2011 Scottish Census.

A suite of questions is being developed with the Office for Disability Issues and the Office for National Statistics and these are currently being tested alongside existing Scottish questions to ensure consistency. Once agreed, analysts and policymakers will benefit from consistent disability definitions being used in surveys and administrative data collection, thus ensuring that all data are comparable when used in policy impact assessment and evaluation.

The Harmonisation Work Programme

The major cross-sectional Scottish surveys all published their most recent results in Autumn 2010, and the Office of the Chief Statistician (OCS) and the Equality and Poverty Analysis Team are working together to analyse the equalities variables contained within them. This work will consider the variability of equalities estimates within and between the surveys in order to assess the harmonisation process to date and some experimental analysis will be done on combining survey samples. This will not address disability statistics directly as there is currently no agreed harmonised question for disability, but the methodological developments made will be useable with the disability data once available. Work on the Long Term Survey Strategy to harmonise methods and sampling and combine survey samples to produce better quality and lower geographical level data regarding disability is progressing well and it is anticipated that co-ordinated surveys will be in the field from January 2012, leading to the first pooled datasets in 2013.

OTHER WORK TO IMPROVE EQUALITIES EVIDENCE/DATA

Building Equalities into our Research and Recruitment Processes

The Scottish Government continues to work to ensure that all the equality duties, including disability equality, are firmly embedded within social research practice to ensure that Scottish Government social research provides an evidence base of the highest quality, inclusive of all groups in our society.

The Scottish Government database of social science research projects continues to collect information on whether equalities issues have been considered in the procurement of social research that supports and informs policy development to ensure that the needs of disabled people, and other equality groups, are fully taken into account.

Undertaking such reviews of our guidance to improve the way we work will help us to improve and increase the availability, accessibility, and quality of equality research and data. In the context of the disability duty, this will assist us to ensure that our policies properly reflect the needs, experiences and views of disabled people.

In relation to recruitment, the 2008 and 2009 Social Research Recruitment campaigns were run in line with the Employment Services 'Positive about Disability' scheme. Under the terms of the scheme, we interviewed disabled applicants who satisfied the basic criteria for appointment.

During 2010, Office of the chief Researcher (OCR) carried out interviews with 15 disabled members of staff to understand why Employee Survey findings continued to show that disabled staff were less engaged. The report from this exercise made a number of recommendations for improvement and has also been shared with the UK-wide Civil Service Disability Task Group.

Attitudinal Data

It will also be important to continue to collect data which will inform the promotion of more positive attitudes towards disability. The Scottish Government commissioned a module in the 2002 and 2006 Scottish Social Attitudes Surveys to explore attitudes to discrimination in Scotland, the results of which were published in 2003³ and 2007⁴ respectively. In 2006, this survey explored attitudes towards people with learning disabilities and towards positive action for disabled people applying for jobs. This survey module provided us with important information on people's perceptions of disability and the extent to which respondents knew disabled people.

The Scottish Government commissioned a further module in the 2010 Scottish Social Attitudes Survey to explore attitudes to discrimination in collaboration with the Equality and Human Rights Commission (EHRC). The latest module explores attitudes towards disabled people by asking questions about attitudes to people with

³ <http://www.scotland.gov.uk/Publications/2003/09/18318/27570>

⁴ <http://www.scotland.gov.uk/Publications/2007/12/04093619/0>

depression. The results from this survey will give us a significant amount of trend data, and the Equality and Poverty Analysis Team will continue to work with the EHRC to consider the implications of the findings.

Scottish Household Survey (SHS)

We reported previously that a review of the SHS question about experiences of discrimination was undertaken throughout 2008. There are now two questions included in the SHS as follows:

- In the last 3 years, have you experienced any kind of verbal or physical harassment, bullying or violence in Scotland?
- If “Yes” (on the most recent occasion), why do you think that happened?

Results for 2009⁵ are now available at a national level. In addition, a set of questions are asked about perceptions and experiences of anti-social behaviour in a person’s neighbourhood and analysed by disability. Results for 2009 showed that whether a person has some form of long-standing limiting illness, health problem or disability appears to have an association with feeling of safety.

In addition, the Scottish House Condition social survey component collects data on the fulfilled and unfulfilled physical dwelling characteristic needs of disabled householders and the physical part of the survey includes observations on whether the home is barrier free. The physical survey was rearranged in 2009 to bring together the access and barrier-free elements of the survey. The surveyors were trained on the importance of these elements and how to measure them in March 2010.

SPECIFIC ACTION BY ANALYTICAL SERVICES DIVISIONS (ASDs) ACROSS THE GOVERNMENT

Our scheme highlighted that actions to develop the evidence base would be needed across individual ASDs and that this would be supported by a dedicated equalities research team within Communities Analytical Services. This next section provides a report on progress of ASD actions as set out in the 2008-2011 scheme.

Education Analytical Services (EAS) - Children, Young people and Social care (CYPSC), Learning, and Lifelong Learning Analytical Services Units

Data Collections

In the scheme, EAS highlighted that they continue to undertake the collection of high quality data to support education and children’s services in order to provide robust data that is fit for the purpose of analytical products across their Division and forms part of the evidence base policy requires.

⁵ <http://www.scotland.gov.uk/Topics/Statistics/16002/PublicationAnnual>

Pupils who have a Disability

The Scottish Government has been working with Education Authorities (EAs) and the Equality and Human Rights Commission to reach agreement on the collection of more detailed and robust information centrally on pupils with disabilities. The aim is for a consistent set of categories to be developed that will help EAs meet their requirements under the Disability Equality Duty where they are under a duty to report on the opportunities and achievements of disabled pupils. Currently, there are Y/N tick boxes for the following:

- Pupil is declared and/or assessed disabled.
- Does pupil have access to: physical adaptation/curriculum adaptation/communication adaptation?

It is also possible for a return of 'not disclosed/declared' to be returned.

New categories were added to the September 2010 pupil census to collect information on the 'Reasons for support' for pupils with disabilities. The same categories are already used in the pupil census for pupils with Additional Support Needs (Coordinated Support Plan⁶ or Individualised Education Programme⁷). They focus on why the pupils are getting support. This will provide much more detail than currently held. The Y/N tick boxes above have also been maintained.

This new data was captured in the September 2010 school pupil census and will be published in December 2010⁸. The improved outcomes expected are:

- Some local authorities already have sophisticated databases and the above actions will ensure more consistent and robust data on pupils with Additional Support Needs and disabilities at a central level whilst still allowing local developments to meet local needs; and
- Stronger, firmer data will help authorities and schools plan more strategically to meet pupils' needs with dyslexia in training and provision.

⁶ A **Co-ordinated Support Plan** is an educational plan which is prepared for certain children and young people with additional support needs by their local authority. It outlines:

- their additional support needs
- educational objectives that have been set for them to achieve
- the support they need to help them fulfil these objectives.

The CSP is a legal document which means that the local authority must make sure that the child or young person receives any support outlined in the plan.

⁷ **An Individualised Education Programme** is an education plan, or programme, which is prepared for certain children and young people with additional support needs by their school. IEPs are used as a planning, teaching and reviewing tool. They contain details of targets and actions for individual children and young people that are different from, or additional to, those in place for the rest of their class or group. **IEPs are not legal documents.**

⁸ The '**Categories of reason for support currently used in schools for pupils with additional support needs**' are:

- Learning disability; dyslexia; other specific learning difficulty (e.g. numeric); other moderate learning difficulty
- Visual impairment; hearing impairment; deafblind; physical or motor impairment; language or speech disorder; autistic spectrum disorder; social, emotional and behavioural difficulty
- Physical health problem; mental health problem
- other

Representatives from EAS are involved in work by NHS Health Scotland and a wide range of stakeholders to develop a suite of indicators of mental health/wellbeing of children and young people in Scotland. The project aims to produce robust national indicators (by summer 2011) that can be used to measure prevalence and trends across a range of mental health conditions/disabilities and also mental wellbeing. The project is intended to inform policy and practice in health, social work and education.

In the scheme, EAS also reported that they collect disability (self-assessed) information regarding attendance at Higher Education (HE) and Further Education, and entitlement to students allowance at HE. Here, EAS report that information on disability is used by the Scottish Funding Council (SFC) in relation to the allocation of disabled students' allowance.

Scotland's representative on the Governing Board of the Organisation for Economic Cooperation and Development's (OECD) Programme for International Student Assessment (PISA) has successfully pushed for a more inclusive approach to pupil participation in the survey.

Working with Policy Colleagues

Lifelong Learning report that Skills Development Scotland, the agency responsible for the delivery of our National Training Programmes, collects and analyses information on those participating in its programmes and using its careers service, including their disability status.

In addition, the Scottish Employability Forum, a national group of stakeholders, is working on enhancing data collection and utilisation to ensure that we consider the immediate and longer term impact of the recession on particularly vulnerable groups, such as disabled people.

The Employability Team, working with local employability groups, has facilitated the use of Management Information Systems in many areas which, among other things, allows analysis of how local services are being targeted towards the most disadvantaged. They will continue to encourage the use of Management Information Systems across all areas in Scotland.

Local Government and Public Service Reform (LGPSR)

Surveys

LGPSR report on using Scottish Household Survey (SHS) data on local services, internet use and volunteering. The SHS Annual Report for 2009⁹ provides analysis on 'use of the internet' by disability - 57% of disabled people did not use the internet compared with 29% of people with no disability. This is a decrease in the number of disabled adults not using the internet, from 62% in 2007/2008.

The analysis of the data is also carried out by age group. This shows that the number of internet users decreases across the age groups (which is consistent with the trend for all adults). Findings show the greatest difference in internet usage for the 25-34 age group - 36% of disabled adults do not use the internet at all compared to 10% of all adults in this age group. This is followed by the 35-44 age group - 37% of disabled adults do not use the internet compared to 13% of all adults in this age group.

Further analysis by disability will soon be published in web tables. Web tables are published online and provide the supporting analysis for the annual report. The 2009, web tables will contain further information on internet usage, including locations used to access the internet; households with home internet access; households with broadband internet access; uses of the local councils website and uses of government website by disability. In addition, data will be available on levels of satisfaction with local services, and analysis will also be provided on whether respondents provided unpaid help to organisations or individuals in the last 12 months by disability and economic situation.

Culture, External Affairs and Tourism (CEAT)

Scottish Household Survey (SHS) Culture and Sport Module

This Module provides new and unprecedented data on levels and extent of participation in culture and allows the Scottish Government to gain an insight into the barriers to participation. Data is disaggregated to disability data, and informs on the level of participation of disabled people and barriers to participation. The main SHS report establishes the participation and attendance rate of people who suffer from a longstanding health condition or disability, and results are now available on this level of participation at local authority area¹⁰. This is welcomed by all local authorities in Scotland, and is the first such information available to them on this particular issue.

Findings from the SHS Culture Module report (2009)¹¹ indicate that people with a longstanding illness or disability were less likely than others to participate in cultural activities (72% and 80% respectively), and, with a few exceptions, the findings were similar for cultural attendance (57% compared with 81%). One of the main reasons provided by respondents for NOT participating in or attending cultural events was that their health was not good enough (13% and 18% respectively).

The main SHS report (2010)¹² found that the cultural participation rate for those with a disability was 63%, for those with a longstanding illness/health problem was 69%, and for those with *both* 61%, compared to 76% participation rate for those who had no disability or health problem. There was an even starker difference for cultural attendance rates – those with a disability had a 55% attendance rate, those with a health problem 58%, and those with *both* 49%, compared to an 80% cultural attendance rate for those who had no disability or health problem.

¹⁰<http://www.scotland.gov.uk/Topics/Statistics/Browse/Tourism-Culture-Sports/LAParticipation>

¹¹<http://www.scotland.gov.uk/Topics/Statistics/16002/PublicationCulture>

¹²<http://www.scotland.gov.uk/Publications/2010/08/25092046/14>

Transport Analytical Services

Survey Harmonisation

Consistent with work on the harmonisation of core socio economic questions in Scottish Government surveys, household and public user transport surveys commissioned and/or managed by Transport Analytical Services now include questions on disability. This means that the experiences of disabled people can thus be explored through these surveys. Recent transport surveys include those on attitudes and behaviours in relation to active and sustainable travel (as part of the monitoring and evaluation of the Smarter Choices, Smarter Places initiative¹³) and on the experience of ferry services (as part of the monitoring and evaluation of the pilot Road Equivalent Tariff scheme¹⁴ and the Scottish Government Ferries Review¹⁵).

Bus Perceptions Research

In 2009, Transport Analytical Services commissioned qualitative research on perceptions of buses amongst those who do not use them often or at all. The research involved people with disabilities as a specific group of interest, as it was recognised they face particular disadvantage in terms of bus travel. In-depth interviews with 12 people, who had mobility issues or learning disabilities, were undertaken as part of the research.

There was considerable overlap in the barriers raised by people with and without disabilities. Particular issues that caused greater problems for disabled people included drivers not waiting long enough for boarding and alighting, physical access to buses, and difficulties reading timetables. The research report 'Understanding why some people do not use buses' was published on the Scottish Government website in April 2010¹⁶.

Blue Badge Consultation Analysis

Transport Analytical Services are conducting an in house analysis of the written consultation on reform of the Blue Badge Scheme¹⁷. The Blue Badge Scheme provides a national arrangement of parking concessions for on-street parking for people with a range of disabilities. The report will be published by the end of 2010.

Equality Impact Assessments (EQIAs)

Transport Analytical Services are currently assisting with the completion of a number of transport equality impact assessments, including in relation to active and sustainable travel, ferries policy and the reform of the Blue Badge Scheme.

¹³ <http://www.scotland.gov.uk/Topics/Transport/sustainable-transport/home-zones>

¹⁴ <http://www.scotland.gov.uk/Topics/Transport/ferries-ports-canals/14342/TARIFF>

¹⁵ <http://www.scotland.gov.uk/Topics/Transport/ferries-ports-canals/14342/Review>

¹⁶ <http://www.scotland.gov.uk/Publications/2010/04/23115458/0>

¹⁷The consultation document can be found on the Scottish Government website at: <http://www.scotland.gov.uk/Publications/2010/07/12102032/0>

Communities Analytical Services Division (CASD)

Discrimination Module

This area of work is currently being taken forward as set out on page 20 “Attitudinal Data”.

Disability Mapping

Research to map the disability sector in Scotland was commissioned in March 2008 and three reports from this study were published in December 2009. To increase understanding of the capacity of disabled organisations to engage with public authorities, this study explored how best to ensure that disabled people and disability organisations are involved in Scottish Government and wider public sector policy processes and assessed the extent of representation available to disabled people.

Evaluation of Local Housing Strategies Co-Production Pilots with Disabled People

An 'Evaluation of the Local Housing Strategies Co-Production Pilots with Disabled People' was commissioned by the Scottish Government in 2010. The research, which is ongoing, will evaluate two pilot projects where local authorities (North Ayrshire and Argyll and Bute) are co-producing their Local Housing Strategy with local Disabled People. Previous research had highlighted that Disabled People's housing had not received sufficient consideration in the production of Local Housing Strategies. The research will assess the extent to which co-production has occurred and its costs, benefits and effectiveness.

The Impact of Population Ageing on Housing in Scotland

Research was carried out by Communities Analytical Services on the impacts of population ageing on housing in Scotland. The research highlighted the challenges posed for housing in three areas: housing support; housing stock; and supply and adaptations for age-related disability. A key finding was the likely rapid rise in need for housing adaptations as a result of people ageing longer in their own homes. The research projected future needs as a result of the demographic shifts in the population, and also sought to take a wider view of the housing impact of the population ageing on those who are not in the older age groups.

Supporting People

An evaluation into the Supporting People (Housing Support) Outcomes Framework was piloted across seven local authorities in 2007. The aim of the Framework was to assess what concrete outcomes and improvements are achieved for disabled people and other client groups, including entry to employment and moving into permanent accommodation. Most local authorities reported that the data from the Framework added value as there was evidence collected in the Framework which was not available elsewhere. One of the main benefits was the picture it provided of the 'distance travelled' for individual clients. The Framework has been further developed by the Housing Support Enabling Unit in 2009/10 taking account of the

recommendations and has been extended to consider 'meaningful activity' which goes beyond employment and training to consider volunteering and learning activity. A version of the Framework is being created for people with learning disabilities and an IT tool is being developed to support the recording of individual's support needs and use of support. A web based tool which will be able to collate information about outcomes and produce reports for commissioners of services and for service providers is also currently being developed.

Independent Living

The Government and public sector bodies are working together to identify ways to break down the barriers which stop disabled people fulfilling their full potential in areas such as housing, transport, employment and education. An expert group, the Core Reference Group, which includes disabled people, is shaping the way forward through their development of the Independent Living Programme.

Communities Analytical Services will be commissioning a project to develop a way of measuring progress with this work. The project will be informed by a co-production model of decision making in that disabled people will be involved in the various stages of decision making throughout this project.

Equalities Budgeting

In preparation for publication of the Scottish Government budget in November 2010, the Equality and Poverty Analysis Team conducted and coordinated an analysis of the equality impact of financial proposals across Government, including the impact on disabled people.

Poverty and Equality

Communities ASD also provides support to the Tackling Poverty and Employability team. The income and poverty statistics team publish annual figures on poverty levels for disabled people. During 2010, the team have contributed to a report which examined the impact of the recession on people from different equalities groups and the financial resources they had available to cope with difficulties. The report "Coping with change and uncertainty – Scotland's equalities groups and the recession" was published in November 2010.

Rural and Environment Analytical Services (REAS)

Consultation and Engagement Work

REAS analysts routinely advise and manage research contracts relating to consultation and engagement work across the portfolio, and explore options for engaging 'harder to reach' equalities groups within each policy area.

REAS undertake scoping of Rural, Environment and Greener evidence requirements for equalities, including disabilities in each business planning year. This allows

REAS to map the key policy areas, issues and questions that require evidence and data.

Equality Impact Assessments (EQIAs)

REAS assists policy colleagues in completing EQIAs for key policy and legislative developments, for example, the Scottish Climate Change Bill. We are aware that the evidence base from which policy colleagues complete EQIAs requires further development, and we are seeking to assess priorities across the portfolio for new evidence needs.

Surveys

The Scottish Household Survey contains data which is key to portfolio interests and REAS is able to draw equalities/disabilities data from this, as required.

Commitment to Improving the Evidence-Base

REAS is leading on a programme of work on climate-related behaviour change. As part of this, we will be collecting equalities-relevant data from a range of sources. This includes the Climate Challenge Fund, a major programme of local community-led carbon reduction initiatives. We intend to collect data from a range of projects and will pull out equalities/disability issues where feasible.

REAS ensured that a range of search terms relating to equalities groups was included in a literature review we conducted in 2010 on factors influencing rural migration decisions at key life stages¹⁸. Although highlighting issues around accessibility of services, the report recommended that more research was needed about the motivations and issues influencing the rural migration decisions of specific groups, including people with disabilities.

Justice Analytical Services (JAS)

We continue to work on an ongoing basis to improve the evidence base for justice in relation to disability. This includes recent work with Fire Brigades and Police forces. We are also working to ensure that this evidence informs the policy cycle through highlighting the importance of Equality Impact Assessments and supporting policy colleagues to undertake these.

Justice ASD participates in a cross analytical working group for mainstreaming equalities, working to increase awareness of equalities duties and improve support for policy colleagues to meet these duties.

Scottish Crime and Justice Survey (SCJS)

The Scottish Crime and Justice Survey collects data on the gender, ethnicity, age, religion and sexual orientation of respondents and whether they have a disability.

¹⁸ <http://www.scotland.gov.uk/Publications/2010/09/10103019/14>

The survey has run continuously from April 2008 with an annual sample of 16,000 interviews and analysis is undertaken with regard to these groups wherever possible. Survey data has been published annually from 2009. The SCJS questions on disability are now harmonised with the other major cross-sectional Scottish surveys (see page 19 on the harmonisation work programme).

The survey provides policy makers with information on disabled people's experiences and perceptions of crime and the criminal justice system over time in Scotland. The SCJS collects data on the nature of the impairment and it is anticipated that over time, further analysis could be carried out to by impairment.

Influence Stakeholders

Justice ASD has undertaken work to influence stakeholders (e.g. police forces and the Scottish Prison Service) to record data on disabled people.

Equality Impact Assessments (EQIAs)

Justice ASD has also supported policy colleagues in a number of Equality Impact Assessments, ensuring that available equalities data is used to consider the impact of policy initiatives and strategies on disabled people. We will continue to encourage colleagues to undertake assessments and provide analytic support for these as part of our analytical planning and programme development process.

Health Analytical Services (Health ASD)

Scottish Health Survey

The disability questions were revised from 2008 onwards to better reflect the definition of disability in the DDA. The 2008 report, which was published in September 2009¹⁹, contains tables on the prevalence of long-term conditions, the number of long-term conditions, and a breakdown of the different types of long-term conditions reported by respondents. The 2009 report, published in September 2010²⁰, updates the tables on prevalence and number of long-term conditions. The reports provide an age-sex breakdown for each of these, but with the data available, it is possible to cross tabulate disability against other health behaviours and socio-economic characteristics.

NHS Resource Allocation Formula

The revised resource allocation formula proposed by the NHSScotland Resource Allocation Committee (NRAC) has been used to inform NHS Board allocations since 2009/10. It includes the costs of providing health services to disabled people and specifically recognises the effects of disability on the health needs of the population. It uses the Limiting Long-Term Illness (LLTI) rate to help establish the additional health needs for acute services, care of elderly and GP prescribing. The index for

¹⁹ <http://www.scotland.gov.uk/Publications/2009/09/28102003/0>

²⁰ <http://www.scotland.gov.uk/Publications/2010/09/23154223/0>

the Mental Health and Learning Difficulties care programme is adjusted to reflect the percentage of people claiming severe disability allowance.

NRAC also recommended that issues of equality and diversity are considered in any future review of the Formula, ascertaining whether robust evidence is available and consulting on proposed recommendations with equality groups. A new group the Technical Advisory Group on Resource Allocation (TAGRA) has taken on the task of maintaining and developing the formula, including ensuring that NRAC's recommendations are taken forward. As part of this ongoing work, a Health Inequality Impact Assessment has been undertaken which has a range of equality actions which will be considered by TAGRA.

Statistics Review

Equally Well, the report of the Ministerial Task Force on Health Inequalities, was published in June 2008 and laid out a number of recommendations for change in policy, practice and delivery. The Review of Equality Data Needs is in response to the recommendation that the Government should commission a review of health data needs which covers gender, ethnicity, age, disability, religion and belief, sexual orientation and transgender. The review should be published and include a plan of action with milestones to fill information gaps identified.

The engagement and data audit work for the review was undertaken in 2009/2010. The project was delayed due to illness but has now resumed. The project steering group has considered the findings of the review and identified a number of recommendations for national priorities. The review has considered what disability information is required both to ensure that patients receive appropriate support during interactions with the health service (e.g. appropriate communication and physical access assistance), and to provide data that facilitates audit of NHS Scotland's progress towards non-discrimination and equality in health outcomes. The final recommendations will be presented to Scottish Government in January 2011.

Community Care Data Collection

Health ASD has moved the home care statistics data collection in 2010 from an aggregate return to an individual return. Local authorities can now return multiple client group categories for each person receiving a service, for example, learning disabilities, physical disabilities, etc. In future, Health ASD will be looking to carry out longitudinal analysis and to link this data to other data sources, such as emergency admissions to hospital. Evidence will be used to monitor community care policies such as 'Shifting the balance of care' and 'Reshaping care', and an anonymised version of the home care data is being developed and will be placed in the UK data archive.

The Self-Directed Support data has also been collected in the same format as home care this year. Data relating to the 2009-10 financial year and multiple client group categories has been returned. Analysis of this data has resulted in the 2010 Statistics Release showing separate figures for people with "both a physical disability

and a learning disability". Previously, these people would only have been recorded as having a learning disability.

PEDA and Health Inequality Impact Assessment

The equalities impact assessment is now flagged up in the Pre-Expenditure Delivery Assessment (PEDA) template and will therefore be registered for completion for all such assessments. In addition, the equalities impact assessment has been flagged in the proposed new Health Inequality Impact Assessment which has been piloted on a range of health and community care policies. This ensures that the consideration of equality for disabled people is presented as an integral part of the development of the evidence base for policy formulation.

CHAPTER 5 PROGRESS TOWARDS DISABILITY EQUALITY ACROSS SCOTTISH GOVERNMENT POLICY AREAS

(Each area of work is presented under the relevant articles for the United Nations Convention on Rights of Persons with Disabilities.)

Articles 6 – 30

Article 6 – Disabled Women

Article 7 – Disabled Children

Article 8 – Awareness-raising

Article 9 – Accessibility

Article 10 – Right to life

Article 11 – Situations of Risk and Humanitarian Emergencies

Article 12 – Equal recognition before the law

Article 13 – Access to justice

Article 14 – Liberty and Security of Person

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

Article 16 – Freedom from exploitation, violence and abuse

Article 17 – Protecting the integrity of the person

Article 18 – Liberty of movement and nationality

Article 19 – Living independently and being included in the community

Article 20 – Personal mobility

Article 21 – Freedom of expression and opinion, and access to information

Article 22 – Respect for privacy

Article 23 – Respect for home and the family

Article 24 – Education

Article 25 – Health

Article 26 – Habilitation and rehabilitation

Article 27 – Work and employment

Article 28 – Adequate standard of living and social protection

Article 29 – Participation in political and public life

Article 30 – Participation in cultural life, recreation, leisure and sport

Article 6 – Disabled Women

All disabled women living in Scotland are entitled to enjoy their rights on an equal basis with disabled men and with non-disabled women and men. However, the Scottish Government recognises that disabled women often face double discrimination and that particular action is needed to address this.

In particular we recognise that there are specific issues for disabled women experiencing violence, including access to services. We recognise that some forms of violence are particularly prevalent, eg sexual abuse of women with learning disabilities and that, for women whose abuser is also their carer, difficulties in seeking help are very significant.

To help address these issues, Scotland takes account of the additional barriers and potential disadvantage faced by disabled women by, for example:

- ensuring new build refuges for women and children experiencing domestic abuse which are accessible, and through the use of accessible by text phones for the Scottish Domestic Abuse and Rape Crisis helplines;
- ensuring that guidance and training for professionals working with victims of violence and sexual crimes addresses specific issues for women with learning disabilities or mental health conditions;
- and other protection and support measures for adults who are at risk or vulnerable, noted under Articles 13 and 16 of this report.

Article 7 – Disabled Children

Scotland is committed to supporting and promoting all children's rights as a key activity to improving outcomes for the future of all of Scotland's people. All disabled children in Scotland are entitled to enjoy their rights and an equal basis with non-disabled children. However we recognise that disabled children and young people face considerable additional barriers and that much more work is needed to address these.

The Scottish Government is, at the time of writing, leading a national review of disabled children's services, due to report on progress at the end of 2010. This review expects to take on board the views of disabled children and young people and to make recommendations for further action.

The disabled children's remit has been incorporated into the Getting it Right for Every Child Strategy, which is implementing Scottish Government's approach to work with all children and young people, and which puts the wellbeing and needs of children at the centre of flexible, timely and appropriate services which also take account of children and young people's views.

[Community Care and Health \(Scotland\) Act 2002](#) - Puts a duty on local authorities, when assessing the needs of a disabled child, to take account of the views of the child, child's parent, guardian or carer.

Scottish Government funding to a wide range of organisations providing direct support to families with disabled children amounts to approximately £3.3m in financial year 2010-2011.

Valuing Young People is a policy statement supported by the Scottish Government and a range of partners who contribute to young people's achievement under National Outcome 4 – *our young people are successful learners, confident individuals, effective contributors and responsible citizens*. It recognises that some young people will need more support to achieve their potential. This principle applies to young disabled people who may need more support from partners to access a full range of opportunities.

Scottish Government is leading the development (jointly with Scotland's Commissioner for Children and Young People) of new national guidance on moving and handling, to be completed at the end of 2010. This guidance is rooted in the

recommendations of the SCCYP report 'Handle with Care', which grew out of extensive consultation with children, young people and families on issues of manual handling, and will address issues of accessibility and appropriate design in buildings; enhance the dignity and respect of children and young people as users of manual handling services; and stress appropriate, widespread communication (in accessible form) of key moving and handling principles, as well as the underpinning legislative framework.

In May 2010 the Looked After Children Strategic Implementation Group (LACSIG) was formed by the Scottish Government to lead and drive forward an implementation programme to improve the outcomes for looked after children and young people in Scotland, including those who are disabled. Five Activity Hubs were established to lead work in priority areas agreed with COSLA at the launch of the National Residential Child Care Initiative reports and Scottish Government response. The priorities are:

- Culture change;
- Workforce;
- Commissioning;
- Improving learning outcomes; and
- Improving health outcomes

In partnership with the *For Scotland's Disabled Children Coalition* (FSDC), the Scottish Government has created a new Liaison Project designed to better connect the Scottish Government with key stakeholders across the disabled children's sector and to facilitate greater contact and intelligence from the front line back into central government. The Liaison Project has set ambitious goals over a three year period in four key areas which are transitions, accessible childcare, education issues and respite/short breaks and ultimately aims to help deliver flexible support for all families with disabled children and young people

The Liaison Project has to date delivered two out of three planned national influencing events bringing together parents, policymakers and practitioners; made significant progress towards supporting parents and families to explore and record their experiences of service change as it happens on the ground, through the evolving Diary Project; and commissioned a baseline survey of disabled children's services across Scotland, which will report in late 2010 and provide a valuable picture of service delivery across Scotland.

Scottish Government published an action plan – *Do the Right Thing* - on 1 September 2009. This responded to recommendations from the UN Committee, Children's Commissioners and from domestic NGOs. One of the 21 priority areas for action is disabled children. This covers a number of specific actions. However, there are other areas that have potential overlap i.e. advocacy services for children and young people, play and participation of children and young people in schools.

Article 8 – Awareness-raising

Article 8 says:

Governments should take immediate, effective and appropriate steps to:

- raise awareness throughout society, including at family level, and to encourage respect towards disabled people
- eliminate prejudice and abuse against disabled people
- raise awareness of the value of the contribution disabled people make to society.

Scotland recognises the rights of disabled people on equal terms with non-disabled people. We acknowledge the importance of raising awareness amongst disabled people, their families, policy makers and service providers and the wider public of this Convention. We are committed to combating stereotypes and prejudice and have a number of initiatives to foster respect for the rights of disabled people and promote awareness and respect for the capabilities and contributions disabled people make to our society, as equal and active citizens.

There have also been a number of initiatives in Scotland, aimed at combating stereotypes and prejudice. These particularly seek to foster respect for the rights of disabled people and promote awareness and respect for the capabilities and contributions disabled people make to our society, as equal and active citizens. For example, since 2002, the Scottish Government has funded 'See Me', Scotland's national campaign to end the stigma and discrimination of mental ill-health and change public attitudes and behaviour.

One of the significant ways in which Scotland has sought to promote positive attitudes is by promoting the visibility of disabled people as partners in the work of Government at national and local level. Our work on independent living aims to increase the participation and inclusion of disabled people in all aspects of daily and public life, tackling negative stereotypes and attitudes by recognising the value of the perspective and contribution disabled people can make to our society.

The Scottish Government also has a specific policy of seeking to use positive images of people in public advertising / marketing campaigns and when commissioning work. We advise that 1 in 5 images of people should where appropriate feature or depict disabled people wherever possible seeking to challenge negative or passive stereotypes. We also seek to ensure that campaign insight gathering and evaluation groups are representative of the Scottish population.

In Scotland, an effective partnership of Scottish Government, disabled people's organisations and EHRC and SHRC, has worked to increase awareness in communities regarding the UN Convention. At the time of writing, there have been two main events in 2010, one hosted by the SHRC in January and attended by over 70 disabled people; and a second hosted by the Scottish Government in May, attended by more than 30 officials of cross-government policy interests, to discuss the obligations and opportunities set out in the Convention, raising awareness across government. A report of the January event has been published by the Scottish Human Rights Commission.

Disabled people's engagement with the Scottish Government, through existing frameworks and funded networks, such as our Policy and Engagement Officers' Network and the Independent Living in Scotland Project, will continue to develop this awareness across communities and has helped to inform this report. Scotland is also represented on the UK Disabled People's Working Group on the Convention.

The Convention text is available in Plain English and Easyread and can be accessed through the SHRC and Scottish Government websites

Article 9 – Accessibility

Article 9 says:

To enable disabled people to live independently and take part in all areas of life government should take action to ensure accessibility, equal to that of non-disabled people. This includes taking action in relation to the built environment, transport, public services or facilities, housing, as well as information and communication services, and emergency services.

Governments should take steps to:

- develop and monitor minimum access standards and guidelines for public services and facilities
- ensure that the private sector makes services to members of the public accessible
- provide accessibility training
- ensure signs in public buildings are in easy read and Braille
- ensure more assistance and sign language interpreters are available to support access to public buildings and facilities
- promote accessible information and access to Information and Communication Technology (for example computers and the internet) for disabled people
- promote inclusive design for new information and communication technologies so that, from the start, these are designed to be accessible to, and easy to use for, disabled people.

Scotland recognises the fundamental importance of enhancing accessibility for disabled people to enable them to participate fully in all aspects of life. We have a legal duty, under UK equality legislation, to take account of disabled people's needs and to make 'reasonable adjustments' to ensure disabled people have equal opportunities to access information and services as non-disabled people and access and contribute to government consultations .

Built Environment

Scottish building regulations set mandatory standards that require all new building work to be designed and constructed to be accessible to as wide a range of people as possible, including disabled people.

The Scottish building standards system also includes a pre-emptive requirement for building work proposals to be independently verified for compliance prior to the work commencing. Ensuring compliance with building standards is the duty of building

owners, however, enforcement action may be taken by local authorities where buildings are constructed that do not meet the required standards.

The mandatory standards for accessible buildings in Scotland were subject to a major review in 2007 and are considered to be among the best in Europe.

The process of developing and introducing new standards includes a robust consultation process and effective engagement with our stake holders which includes disabled people and their organisations. These stakeholders will also assist with our proposed research on the effectiveness of the 2007 standards that we are to carry out.

A key consideration stated in the Scottish Government design policy *Designing Streets* (2010), is that street design should be inclusive, providing for all people regardless of age or ability. The policy document prioritises pedestrian movement above other forms of movement and states explicitly that pedestrians include wheelchair users and mobility scooter users.

In 2009, a requirement for applications for planning permission for national and major developments to be accompanied by a statement setting out access for disabled people had been considered was introduced into the planning system.

Scotland also has legislation in place that requires NHS estates, where community health services are delivered, to be fully accessible. To support this, action is underway to improve signage and other navigation systems and support around and within NHS Scotland premises and related health facilities to improve access for people with a range of needs such as language, sensory impairment and a range of disabilities including learning and cognitive disabilities.

Transport

Accessibility is a key objective in Scotland's National Transport Strategy; Scottish legislation provides for concessionary fares, a 'Blue Badge' Scheme for disabled persons' parking and a Mobility and Access Committee for Scotland (MACS). MACS is an advisory NDPB with more than 50% disabled members providing advice to Scottish Ministers on matters relating to the needs of disabled people in connection with transport.

The Transport Scotland 'Roads For All' 3 Year Statutory Report 2006-2009 notes significant progress in taking forward the Trunk Road Disability Equality Scheme and Action Plan. The following major strands of work have been progressed during the first three years:

- full access audit of the trunk road network;
- identification and costing of works to remove barriers to access;
- theoretical prioritisation of access works by trunk road corridor based on population and road use;
- development of potential future 5,10, and 15 year programmes for the
- implementation of access works;
- publication of the Good Practice Guide for Roads;

- identification of training needs and delivery of training programmes;
- national conference held on 8 June 2010;
- journey surveys to establish the access needs of people to facilities and services from the trunk road network;
- upgrade of motorway emergency telephones programmed incorporating inclusive design facilities;
- review of the contemporary technology available to aid accessibility, with pilot projects being implemented;
- review of public transport infrastructure to improve accessibility, with pilot projects being implemented; and
- continued involvement of disabled people in all aspects of this work including pilot projects and the development of the successive Action Plan.

The Scottish National Concession Scheme for Older and Disabled Persons allows older and disabled people (especially those on low incomes) improved access to services, facilities and social networks by 'free' scheduled bus services; and so promote social inclusion. There are approximately 1.1 million National Entitlement Cardholders and within that total, about 162,000 people under the age of 60 qualify on disability grounds. Over 914,000 (85%) cardholders are over age 60. They qualify on age alone and disabled people within this group are not separately identified.

MACS promotes the travel needs of disabled people with transport planners and operators so that these are fully taken into account in the delivery of services and encourages awareness amongst disabled people in Scotland of developments which affect their mobility, choices and opportunities. To support this, the Disabled Persons' Parking Places (Scotland) Act 2009 will make every on-street and some off-street disabled parking spaces enforceable.

The Scottish Government is making significant progress in improving access to our rail network. All new station infrastructure is built to DDA compliant standards and the number of step free stations continues to increase through our delivery of our £41m share of the Department for Transport's Access for All Fund. We work in close partnership with a range of disability organisations who are members of our Scottish Rail Accessibility Forum.

The timetable by which buses must be fully accessible is set out in reserved legislation, which is the Public Service Vehicles Accessibility Regulations (PSVAR) 2000. All new buses have had to be fully accessible since 31 December 2000. All other single decker buses must be fully accessible by 1 January 2016 at the latest, all double decker buses by 1 January 2017 at the latest and all coaches by 1 January 2020. Until then, fleet renewal and deployment is a discretionary operational matter for individual bus operators. The Scottish Government is committed to encouraging bus operators to meet these regulations within the timetable.

Some evidence suggests that those with learning difficulties are disproportionately represented in road accidents. Key areas where this group of young people could face additional safety risks are a limited awareness of surroundings and concepts of danger, a limited ability to cope with changing situations and some difficulty in putting theory into practice. As a result, Transport Scotland through Road Safety Scotland

provides two different resources for young people who need additional support to learn important road safety techniques.

A2bsafely is an interactive, multi-media road safety education resource for young people with mild to moderate additional learning needs <http://www.a2bsafely.com/>. On the Road is an adult literacy resource specifically targeted at drivers aged between 17-25 who are the most likely group of road users to have a car crash and account for a quarter of all drivers killed or seriously injured. <http://www.road-safety.org.uk/education-and-families/additional-educational-support/on-the-road/>

Accessible Information

Scotland recognises that access to information is essential to promoting disability equality and independent living. We have a legal duty, under equality legislation, to take account of disabled people's needs and ensure disabled people have equal opportunities to access information and services as non-disabled people. In essence, it means that we need to be doing everything we can reasonably do so that disabled people can access information and contribute to our decision-making processes.

Scottish Government funding to the Scottish Accessible Information Forum and Communication Forum Scotland provided the means for disabled people to develop standards and tool kits which have helped advise the public and private sector on how to provide accessible and inclusive services.

However, disabled people have told us that many barriers remain. Our work on independent living has identified 'Inclusive Communication' as one of the priority areas for action to support independent living for all disabled people in Scotland. This recognises that comprehensive "inclusive communication" practices can help people to access information, understand spoken and written communication of government and direct services and express themselves to government and service providers. Inclusive communication is the social model response to all communication disability.

We have established a partnership with disabled people, local authorities and NHS Health Scotland, as well as SAIF and Communication Forum Scotland, to develop a single set of national standards for inclusive communication across the public sector with implementation and monitoring indicators.

In addition, the new National Health Information and Support Service – NHS Inform - is also being designed to be fully accessible to disabled people, as well as including information of relevance to disabled people on health issues. Work is underway to gather existing health and wellbeing information in BSL as part of the foundations of this service.

Article 20 of this report provides more detail on the work in Scotland to promote access to British Sign Language.

Procurement

Article 19 of Directive 2004/18/EC implemented in Scots law by Regulation 7 of the Public Contracts (Scotland) Regulations 2006 allows public bodies to restrict participation in the tendering process to supported businesses or factories only i.e. businesses or factories where more than 50% of the workers are disabled persons. Contracts awarded in this way are known as 'reserved contracts'

It is Scottish Government policy that every public body should aim to develop a strategy for awarding at least one contract with a Supported Business or Factory.

A development to the Scottish Government's advertising portal Public Contracts Scotland means that public bodies are alerted to the existence of supported businesses that could possibly meet their needs for both contracts which are covered by the requirement to advertise in the Official Journal of the European Union and those which are not. When public bodies enter the commodity they wish to purchase the portal will highlight supported businesses or factories which could potentially meet that requirement. The Scottish Government has recently published guidance on reserved contracts.

The Scottish Government has also provided guidance on the Procurement of Care and Support Services. The guidance recognises the right that service users, including disabled people, have to be actively involved in defining their needs and the outcomes they require from services procured by public bodies. The guidance describes the policy and legislative context for the procurement of services and makes specific reference to the UN Convention on the Rights of Disabled People.

The Scottish Government expects that procurement of care and support services deliver positive outcomes for disabled service users and their carers through the delivery of good quality, flexible and responsive services which meet individuals' needs. It also expects that public bodies communicate effectively with disabled service users throughout the procurement process and involve them in the design of services. The guidance requires public bodies to evaluate each procurement exercise and to consider the effectiveness of their communication with, and the involvement of, service users.

Article 10 – Right to life

Article 10 says:

Every human being has the right to life. Governments must do everything necessary to ensure disabled people enjoy this right on an equal basis with other people.

Disabled people in Scotland enjoy the right to life from birth on an equal basis with all other citizens.

Scotland recognises the importance of challenging the medical model approach to disability which may fail to recognise and respect a disabled person's full enjoyment of life. We seek to promote awareness of the social model of disability equality and note a number of initiatives within NHS Health Scotland to deliver services which

support independent living principles of dignity, freedom, choice and control. These are predominantly noted under Article 25.

Article 11 – Situations of Risk and Humanitarian Emergencies

Article 11 says:

Governments must take all necessary steps to make sure that disabled people are protected and safe in situations of risk – such as war, famine and natural disasters.

The Scottish Government has policies in place to ensure disabled people are protected and safe in situations of risk. [Preparing Scotland](#) is a suite of guidance documents on dealing with emergencies. The guidance affords disabled people equal rights in the case of national emergencies.

The section on: [Care for people affected by emergencies](#) includes reference to the particular needs of disabled people, such as in determining the location of Survivor Reception Centres, to ensure they are accessible and the management of Family and Friends Reception Centres to ensure the consideration of additional support needs, including communication support.

Article 12 – Equal recognition before the law

Article 12 says:

Disabled people have the right to equal recognition as people before the law.

Disabled people have the right to make their own decisions in all areas of life, on the same basis as other people.

Governments should provide access to support that might be needed by disabled people in making their own decisions. If decisions are made that relate to a person's capacity to understand, then there must be safeguards against abuse:

- your rights and choices must be respected, and someone else should only be speaking for you to the extent that it is necessary and for as long as is appropriate.

There should be a regular and independent review of the steps taken to make sure that there is no conflict of interest and that the disabled person's rights and interests are properly respected.

Government must do everything they can to ensure disabled people can own and inherit property like anyone else, manage their own money and access bank loans and mortgages.

Scotland strongly recognises the right of disabled people to legal capacity. In some cases, persons with cognitive or decision-making impairments may require support in exercising that capacity. In Scotland, substituted decision-making will only be used as a measure of last resort where such arrangements are considered necessary, and are subject to safeguards.

The law in Scotland generally presumes that adults are capable of making personal decisions for themselves and of managing their own affairs.

Adults with Incapacity

The Adults with Incapacity (Scotland) Act 2000 provides a framework for safeguarding or promoting the welfare and/or managing the finances of adults who lack capacity due to mental disorder or inability to communicate. The Adults with Incapacity (Scotland) Act aims to protect people who lack capacity to make particular decisions, but also to support their involvement in making decisions about their own lives, as far as they are able to do so. Anyone authorised to make decisions on behalf of someone with impaired capacity must apply a set of clearly stated principles.

The Adults with Incapacity (Scotland) Act provides a number of safeguards to ensure, for example, that any person acting as attorney or guardian cannot place the disabled person they are acting for in a mental hospital against his/her will or consent to certain treatments on his/her behalf.

Under the Adults with Incapacity (Scotland) Act four public bodies are involved in the regulation and supervision of those authorised to make decisions on behalf of a person with incapacity: the Office of the Public Guardian (Scotland), the Mental Welfare Commission for Scotland, the courts, and local authorities. Where there is disagreement about treatment or consent, a second medical opinion must be sought. The Mental Welfare Commission holds a list of specialist doctors for this purpose. Cases can be referred to the Court of Session in certain circumstances.

One of the guiding principles of the Adults with Incapacity (Scotland) Act is that any person with impaired capacity must be offered help to communicate his or her own views, using whatever aids, communication support or advocacy required. The Scottish Government commissioned booklets and DVD's to provide guidance to disabled people and any carers. More information is available on the Scottish Government's website at <http://www.scotland.gov.uk/Topics/Justice/law/awi>.

Patients Rights

One of the key functions of Scotland's new [Patient Rights \(Scotland\) Bill](#) is designed to signpost people to sources of advice and support such as advocacy and communication support services which they might need to exercise their rights

Mental Health Tribunal for Scotland

The Mental Health Tribunal for Scotland's administration, through its application of the Mental Health (Care and Treatment) (Scotland) Act 2003, affords all patients equal rights whether they have capacity and insight to participate in proceedings or not. The Act also affords all people with a mental disorder the right to independent advocacy in their area.

They seek to ensure that all patients are represented to a level appropriate to their needs and that their rights and preferences are respected as we administer their

cases and support the Tribunal to make its decisions. To help us apply the 2003 Act more effectively they convene regular meetings with service users and carers and with those that support them.

Article 13 – Access to justice

Article 13 says:

Disabled people must have the same rights to go to court, take other people to court, act as witnesses and take part in what happens in courts as anyone else.

Disabled people must be given support to do this which may include the provision of sign language.

There should be appropriate training for courts, police and prison staff to support this right.

Scotland has a distinct Justice System and recognises that ensuring effective access to justice for disabled people is fundamental to independent living within communities and crucial in ensuring that disabled people can exercise their legal rights on an equal basis with others. We know, in particular, that adults with learning disabilities or mental health conditions may continue to face barriers when interacting with the complexities of the justice system, as witnesses, accused persons or other parties and that more needs to be done to address negative attitudes towards disabled people in this context.

The measures taken in Scotland can be seen to support our overarching commitment to providing disabled people with greater choice, control, dignity and freedom.

A Justice Disability Steering Group, made up of the Crown Office and Procurator Fiscal Service, the Scottish Legal Aid Board, the Law Society of Scotland, the Scottish Courts Service, the Association of Chief Police Officers and the Scottish Government, to develop a collaborative framework for more effective multi-organisational working and involvement of disabled people to improve access to justice across a range of justice issues.

The Agencies that make up the Scottish Criminal and Civil Justice System have a number of measures in place to deliver effective access to justice by all parties and to take account of a disabled person's particular needs. However we also recognise that there remains a great deal of work to be done to improve awareness, particularly in relation to people with learning disabilities as witnesses and accused persons, to enable their successful participation in our justice system.

As public bodies, the justice agencies provide staff with dedicated equality training including material developed and delivered by disabled people. Scotland's Judges and Sheriffs receive equalities training and guidance through the work of the Judicial Studies Committee and the Equal Treatment Bench Book, which has a dedicated chapter on disabled people's access to justice.

The Scottish Legal Aid system provides free or subsidised legal assistance for those who need it but who could not otherwise afford to pay for it themselves. The assessment of financial eligibility tries to take account of issues specific to individuals who are disabled and disregards disability-specific state benefits such as Attendance Allowance and Disability Living Allowance. It allows the Scottish Legal Aid Board discretion to take into consideration necessary additional expenditure to effectively meet some of the needs of their disabled clients, for example, funding can be provided for sign language interpreters, other communication support, or related travel costs.

Scotland has an [Appropriate Adult Scheme](#) which facilitates communication between the police and disabled adults with a learning difficulty or mental health condition during police investigations and interviews. The use of an appropriate adult is extended to all categories of interview - witness, victim, suspect and accused.

The [Vulnerable Witnesses \(Scotland\) Act 2004](#) allows applications to be made on behalf of vulnerable witnesses to use different special measures to help them to give their best evidence. The Act provides that witnesses can be regarded as vulnerable for a number of reasons, including mental illness, personality disorder or learning disability.

Scottish Ministers recently agreed to a review of support for witnesses. This will include looking at whether existing support (legislative or otherwise) is helping as intended and what other improvements are needed. The review has involved extensive consultation and will draw on a range of other material e.g. the work of the Justice Disability Steering Group, and existing research on what makes a difference to witnesses. The Scottish Government will publish a report in early 2011 about work to date, key priorities for action and plans for a future work programme.

Other measures taken by Scotland's Justice System to improve disabled people's access to justice include:

- Interpreting services and alternative formats for official documentation are provided across the justice system for victims, witnesses and accused persons, to ensure fairness and equality.
- A DVD *What happens next...? A guide to the Scottish Criminal Justice System?* commissioned by the Scottish Government and produced by Lanarkshire Ace (an advocacy group for adults with learning disabilities) to support their access to and understanding of the systems and their rights;
- A wide range of information materials available for witnesses, including those who are disabled and their carers, at the Scottish Government's [Witnesses in Scotland](#) website
- The Vulnerable Witnesses Act affords Scotland's courts the flexibility to accommodate the needs of some witnesses, including some disabled people who are considered to be vulnerable, through the use of fully accessible accommodation outwith the court, amongst other measures.

- Scottish Government provides funding to Victim Support (Scotland) to provide support to victims involved in the Criminal Justice process and to witnesses through their dedicated Witness Support Service, now available in Sheriff and High Courts.

A wide range of information materials are available for witnesses, including those who are disabled and their carers, at the Scottish Government's [Witnesses in Scotland](#) website. This includes the *Being a Witness – a guide for children and adult vulnerable witnesses* in BSL DVD format. Information is also available for practitioners who support vulnerable witnesses including a [Support Pack](#), and codes of practice on providing therapeutic support to [adult](#) and [child](#) witnesses before, during and after court proceedings.

Mental Health Tribunals

The Mental Health Tribunal for Scotland was established by the Mental Health (Care and Treatment) (Scotland) Act 2003. The establishment of the Tribunal as a new specialist, independent judicial body, replacing the previous use of general courts, represented a fundamental change in the way that decisions about compulsory measures of treatment for people with mental disorder are made in Scotland.

The primary role of the Tribunal is to consider and determine applications, references and appeals in relation to compulsory detention and treatment of those persons considered to be suffering from a mental disorder; it also reviews on a regular basis, and may revoke, the forensic orders which mentally disordered offenders have been made subject to by the criminal courts or by Scottish Ministers. The Tribunal is bound by the principles of the 2003 Act in exercising its functions and so must consider issues such as the least restrictive option, participation by the patient and reciprocity in making decisions about an order. It places the patient at the centre of the proceedings of the Tribunal.

In terms of representation at the Tribunal, the 2003 Act has established a strong statutory regime to optimise patient representation and protection: the named person to represent the interests of and to support the patient, and with independent intervention rights of their own; independent advocates to support and help individuals express their own views about their care and treatment; curators ad litem appointed by the Tribunal where the patient does not have the capacity to instruct a solicitor to represent the patient's interests at a hearing; and the patient may additionally have a lawyer to represent them. Patients have access to both advocacy and legal representation free of charge.

Hearing venues are provided by Health Boards and Local Authorities and are expected to be compliant with the Disability Discrimination Act and the Tribunal's own stringent standards. Hearings will usually be held in the hospital where the person subject to the Act is an in-patient. If the person is not an in-patient, the hearing will usually take place at a venue as near as possible to where that person resides. Training and awareness raising on fair treatment of patients are integral to the effective working of the Tribunal and its administration and is reinforced by regular appraisal of Tribunal Members and members of staff.

On 15 April 1971, children's hearings took over from the courts most of the responsibility for dealing with children and young people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. Every local authority has a children's panel, and panel members sit on hearings on a rota basis. A children's hearing has three panel members, of which there must be a mix of men and women. The hearing must decide whether compulsory measures of supervision, which are in the best interests of the child or young person, are needed for the child and, if so, what they should be. The children's panel is a group of people from the community who come from a wide range of backgrounds. Panel members are unpaid and give their services voluntarily. Across Scotland there are around 2,500 children's panel members. The philosophy of the Children's Hearings system was established in the [Kilbrandon Report of 1964](#). Children and young people who offend and those who require care and protection equally deserve to be considered as children in need and the welfare of the child is paramount.

The reform of the Children's Hearings system (a combination of legislative and practice changes) should have a significant positive impact on disabled children and young people who can experience large barriers to expressing their views and having their needs met. Improved training for panel members and Children's Reporters in communication skills and methods, along with up-to-date information about specialist advice, resources, and interpreters will help the Children's Hearings system respond more effectively to the needs and views of vulnerable children and young disabled people. The Children's Hearings (Scotland) Bill is currently progressing through the Scottish Parliament and enactment is expected early in 2011.

Article 14 – Liberty and Security of Person

Article 14 says:

Governments must make sure that:

- disabled people enjoy the same right to liberty and security as everyone else
- disabled people are never deprived of their liberty just because they are disabled
- disabled people are protected from arbitrary detention.

If a disabled person is detained or deprived of their liberty they are provided with reasonable adjustments and measures are in place to safeguard their other human rights (for example the right to a fair hearing, the right to be free from degrading treatment).

Scotland is committed to ensuring that no one in Scotland is deprived of their liberty on the basis of being disabled. In particular, the 'Same As You?' Project drove a policy of hospital closures ending the long-term institutionalisation of people with learning disabilities in Scotland. This has been crucial to securing the liberty and security of people with learning disabilities.

Where disabled people are deprived of their liberty in the criminal justice context, they benefit from the same procedural guarantees as all other persons deprived of their liberty and are provided with reasonable accommodation to take their specific needs into account.

Each of the Inspectorates of Prisons, Constabulary and Prosecution operate independently and exists to monitor and improve services in Scotland. They carry out regular inspections of Scotland's prisons, police forces and Crown Office and Procurator Fiscal Service respectively and submit reports to the Scottish Government and Parliament with recommendations.

Following one Inspectorate prison inspection, disability equality issues were highlighted in relation to building design for custody facilities and new guidance is underway to ensure a quality of service that is fair, accessible and ensures all persons in police custody are treated with dignity and respect.

Scottish legislation transfers responsibility for primary health care from Prison Authorities to Health Boards to reduce health inequalities of disabled people in custody.

Detention of people on mental health grounds

Under Scottish law, safeguards exist to protect the rights of people who are made subject to compulsory measures of care and treatment for mental disorder under the Mental Health (Care and Treatment) (Scotland) Act 2003. Under the Act, "mental disorder" means any mental illness; personality disorder; or learning disability, however caused or manifested, and the compulsory measures may be hospital or community based. Safeguards under the Act include:

- the Mental Health Tribunal itself (see paragraphs 112-114 above), which not only has to approve certain orders (eg long term civil orders) but also acts as the body for regular review of all other mental health orders;
- a range of patient representation (see paragraph 131 above);
- use of advance statements;
- the Mental Welfare Commission for Scotland, which is an independent protective body);
- the duty on hospital managers to appoint a dedicated specialist medical practitioner (ie a psychiatrist known as a Responsible Medical Officer or "RMO") in relation to a person with mental disorder where they are made subject to compulsory measures under the Act.
- the duty on Local Authorities to designate a specialist mental health social worker (a Mental Health Officer or "MHO") as being responsible for an individual's case where they are made subject to compulsory measures under the Act;
- the duty on Health Boards have a duty to provide appropriate services to meet the needs of any child or young person detained in hospital, or otherwise admitted to hospital for treatment for mental disorder;

- the duty on a range of bodies and professionals who exercise functions under the Act to ensure that the function is discharged in a manner which encourages equal opportunities and the observance of the equal opportunities requirements; in that regard "equal opportunities" means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status; on racial grounds; or on grounds of disability; age; sexual orientation; language or social origin; or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions, and "equal opportunity requirements" means the requirements of the law for the time being relating to equal opportunities.

There are other safeguards in the Act. Some of these will benefit all service users, not just those who are made subject to compulsory measures under the Act. These include:

- the right for service users and carers to request an assessment of the service user's needs from Health Boards / local authorities;
- duty on local authorities to provide 'care and support services' and 'services designed to promote well-being and social development' for people who have, or have had, a mental disorder;
- patients held in the State Hospital have the right to appeal to the Tribunal against being held in conditions of excessive security.

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

Article 15 says:
No one must be tortured or subject to cruel, inhuman or degrading treatment.

Disabled people must never be subject to medical experiments they have not freely agreed to be part of.

Scotland strongly supports the right of all its people to live free of torture or cruel, inhuman or degrading treatment or punishment. The UK is a signatory to the UN Convention Against Torture and also to the International Covenant on Civil and Political Rights.

Scotland, as a part of the UK, is subject to the European Convention on Human Rights. The Convention rights were made part of Scots law by the Scotland Act 1998 and the Human Rights Act 1998. This means that people in Scotland can raise alleged breaches of Convention rights in the Scottish courts.

Article 16 – Freedom from exploitation, violence and abuse

Article 16 says:

Governments must do everything they can to:

- protect disabled people from all forms of exploitation, violence and abuse at home and in the community
- prevent all forms of violence and abuse against disabled people
- ensure disabled people know how to recognise and report violence and abuse.

Governments must

- support the recovery of disabled people who have been victims of violence and abuse. This should be done in a way that supports people to regain control over their lives
- put in place strong laws to make sure instances of violence and abuse against disabled people are identified, investigated and prosecuted.

Scotland has taken, and will continue to take, all possible steps to ensure that disabled people are free from exploitation, violence and abuse, in support of our independent living principles.

Scotland's Police Forces, the Crown Office and Procurator Fiscal Service, Local Authorities and Health Boards all have a duty to undertake prevention, intervention and enforcement action to ensure that all individuals, including those who are disabled, are free from exploitation, violence and abuse.

In 2009, Scotland introduced new 'hate crime' legislation to provide more protection for disabled victims of any crime that is aggravated by prejudice towards a person's disability. The Offences (Aggravation by Prejudice) (Scotland) Act 2009 came into force on 24 March 2010. Section 1 of that Act provides that where an offence has been proved to be aggravated by prejudice related to disability then the court must take that aggravation into account in determining the appropriate sentence. The [Lord Advocate's Guidelines to Chief Constables](#) recognises the particular seriousness of hate crime and sets out robust actions for the reporting and prosecution of these cases.

The Scottish prosecution service has robust policies in place regarding the investigation and prosecution of violence against women and all sexual assault. Guidance on both these matters specifically includes reference to the needs of disabled people who are victims of these crimes and the special considerations in relation to prosecution and support.

The Crown Office and Procurator Fiscal Service guidance on the investigation and prosecution of sexual abuse cases includes dedicated advice for prosecution staff on the particular needs of people with learning disabilities and mental health conditions who are victims of sexual abuse. Any disabled people affected by hate crimes, sexual violence or domestic abuse are included in the categories of victims and witnesses helped by the Procurator Fiscal Service's dedicated Victim Information and Advice service.

Adult Support and Protection

The Adult Support and Protection (Scotland) Act 2007 places a duty on Scottish councils to make inquiries about a person's wellbeing, property or financial affairs if it knows or believes that the person is an adult at risk of harm and that it might need to intervene in order to protect the person's wellbeing, property or financial affairs. The Act establishes a general principle on intervention in a person's affairs so that intervention should only occur if it will provide benefit to the adult at risk of harm which could not reasonably be provided without intervening in the adult's affairs, and is the option least restrictive to the adult's freedom.

Adults at risk are defined as persons who:

- are unable to safeguard their own well-being, property, rights or other interests
- are at risk of harm, and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected

An adult is at risk of harm if another person's conduct is causing, or is likely to cause the adult to be harmed, or if the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

The Act gives local authorities the power to apply for a number of orders:

- An assessment order can be granted to allow for an adult to be taken away from a location in order to carry out an assessment to decide whether the adult is at risk, and if so whether further action is required.
- A removal order allows a council to remove an adult at risk from a particular place in order to protect them from harm.
- A banning order prevents a specified person from being in a particular place, and is used to prevent the person from coming into contact with an adult at risk.

Mental Health

Under section 11 of the Mental Health (Care and Treatment) (Scotland) Act 2003, the Mental Welfare Commission (an independent protective body) has power to make investigations and recommendations into a patient's case (ie a person who has, or appears to have, a mental disorder), whether they are in hospital or in the community.

Local authorities also have a duty under section 33 of that Act to inquire into the case of a person with mental disorder where certain criteria are met – essentially, where they are at risk of harm of some kind; and they can both request assistance from a range of statutory bodies in relation to that inquiry as well as apply for a warrant (such as a warrant to enter premises) to enable them to carry out their

inquiries. A mental health officer from a local authority can also apply to the court under section 294 for a “removal order” in respect of an individual with mental disorder who they consider to be at risk of significant harm, to remove the person to a place of safety.

Disabled Children

The revised National Child Protection Guidance in Scotland – published on 13 December 2010 – has a specific section on issues relating to disabled children in a child protection context. The guidance has no statutory force, but is expected to be universally adopted as the main set of national standards in child protection.

The Scottish Government policy ‘Getting it right for every child’ (GIRFEC) supports the development of the national Vulnerable Persons System for the police service as part of the wider ACPOS Information Management Programme. The VPS will provide the electronic means to record, research and share information relating to incidents involving vulnerable adults and children, including disabled people so as to better investigate crimes, detect offenders, and share appropriate information with other agencies and services so that vulnerable people get the proper support and access to services they need.

Regulation of Care

Scotland also has in place a series of inspection and regulatory bodies to ensure all care service users, including those who are disabled, are free from exploitation, violence and abuse. The [Regulation of Care \(Scotland\) Act 2002](#) established a system of care regulation and set up the Care Commission in Scotland. The Act puts a duty on the Scottish Commission for the Regulation of Care and on the Scottish Social Services Council to encourage equal opportunities and to comply with equal opportunities law in carrying out their functions. The Commission’s purpose is to provide greater protection for people in need of care and to ensure that care service providers meet the Scottish Government’s [National Care Standards](#) and work to improve the quality of care.

Article 17 – Protecting the integrity of the person

<p>Article 17 says: Every disabled person has the same right as anyone else to respect for their physical and mental integrity.</p>

Scotland recognises that every disabled person has a right to respect for his or her physical and mental integrity on an equal basis with others. Our independent living principles of freedom, dignity, choice and control, apply to all disabled people – this includes people with mental health conditions, learning disabilities and complex needs.

The Adults with Incapacity (Scotland) Act 2000 allows treatment to be given to safeguard or promote the physical or mental health of an adult who is unable to consent. The safeguards outlined under Article 12 apply here. Where there is

disagreement about treatment the Mental Welfare Commission should nominate a second medical practitioner to give an opinion on the need for treatment.

The [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#), which came into force in October 2005, is the main piece of legislation in Scotland regulating the care and treatment of persons with mental disorder. The Act defines “mental disorder” as including learning disability in addition to mental illness and personality disorder.

The very name of the Act – with its deliberate reference to “care and treatment” – emphasises the core approach to mental health services that Scotland has embraced, whether in relation to those in need of compulsory measures of treatment or otherwise. The Act is one which is principles based, requiring respect by all acting under its powers for the principles of: equality and diversity; non-discrimination; participation by the patient in decisions; least restrictive option; informal care where possible; maximum benefit to the patient; reciprocity; welfare of the child; and respect for carers.

These principles are found at the very first section of the Act, but they do not sit in isolation, either within the Act itself or within mental health care and treatment generally – rather, the principles of the Act were a fundamental and holistic attempt to improve the way in mental health services users are treated generally in Scotland. Every intervention under the Act must conform to the principles of the Act aimed at protecting the person’s integrity.

The 2003 Act also places duties on a number of organisations and individuals involved in mental health care and treatment:

- it makes provision for the Mental Welfare Commission for Scotland (the independent protective body for individuals with mental disorder), and the Mental Health Tribunal for Scotland (the specialist independent judicial body);
- it places some specific duties on Health Boards and Local Authorities in relation to persons with mental disorder (in addition to their more general duties), and gives them some corresponding powers;
- it places certain duties on hospital managers in relation to a person who is subject to compulsory measures;
- it places certain duties on and grants certain powers to the Scottish Ministers;
- it creates and defines a number of special professional roles: approved medical practitioners, designated medical practitioners; and Mental Health Officers; and

Scottish Local Authorities have a range of general duties towards persons with mental disorder, mainly set out in the Social Work (Scotland) Act 1968, and the 2003 Act placed further specific duties (and corresponding powers) on Local Authorities.

As above, the Mental Welfare Commission in Scotland is an independent organisation working to safeguard the rights and welfare of everyone with a mental illness, learning disability or other mental disorder. It monitors the operation on the ground of the Mental Health (Care & Treatment) (Scotland) Act 2003 and the welfare parts of the Adults with Incapacity Act. The Mental Welfare Commission has duties and powers around visiting individuals who are being given care and treatment under mental health or incapacity law, has the power to conduct formal independent

inquiries and also has powers to revoke mental health orders in certain circumstances. Scottish Ministers also have the power to request that the Commission conducts a formal inquiry.

The NHS in Scotland expects staff to treat all patients as individuals and respect their right to privacy and confidentiality. The Patient Rights (Scotland) Bill, currently progressing through the Scottish Parliament, seeks to strengthen the right of every patient to receive health care that takes into account their particular needs, enables them to participate in decisions about their healthcare and provides appropriate information and support to allow them to do so and respecting their right to privacy and confidentiality.

The draft Bill recognises the principles of patient choice and control and reflects a 'whole person' approach to decision making that seeks to enhance independent living across all aspects of a person's life. The Scottish Government and Scotland's leading disabled people's organisations support these measures.

Article 18 – Liberty of movement and nationality

Article 18 says:

Governments must recognise that disabled people have equal rights to decide where they live and to move between countries, and that they have a nationality. They should do this through taking steps, including making sure that disabled people;

- can obtain or change a nationality have papers, like passports
- can leave any country including their own
- can enter their own country without discrimination on basis of disability.

Disabled children have the right to a name from birth, a right to be a citizen and if possible, the right to know and be cared for by their parents.

Scotland recognises the right of disabled people to liberty of movement; to freedom to choose their residence; and to a nationality, on an equal basis with others. Legislation relevant to nationality is reserved to the UK Government.

In Scotland, there is an obligation under the Registration of Births, Deaths & Marriages (Scotland) Act 1965 to register all births that occur in Scotland with any registrar of births, deaths and marriages (provided by each Scottish local authority, operating under instructions of the Registrar General for Scotland). The obligation applies irrespective of nationality or of ability / disability. The birth register includes details of parentage, but does not record disability or nationality.

Information in BSL DVD format is available as part of Scotland's commitment to inclusive information for all disabled people.

The Registrar General's Disability Equality Scheme Annual Report is available: <http://www.gro-scotland.gov.uk/files2/about-us/disability-equality-scheme-annual-report-2009.pdf>

Measures taken to promote disabled people's freedom to move across Scotland's Local Authority boundaries are detailed under Article 20 of this report.

Article 19 – Living independently and being included in the community

Article 19 says:

Disabled people have an equal right to live in and take part in the community.

Disabled people have the right to the same choice and control as non-disabled people.

Governments should do everything they can to ensure disabled people enjoy these rights.

Governments should ensure that;

- disabled people have the right to choose where they live and who they live with – no disabled person should be unlawfully forced into a particular living arrangement (for example be forced to live in a care home against their will)
- disabled people have access to a wide range of support services (at home and in the community) including personal assistance to prevent isolation and support inclusion
- disabled people can access the same community services as everyone else.

The Scottish Government announced its approach to promoting independent living for disabled people in 2008. The Scottish Government, in partnership with disabled people, regards independent living as an overarching commitment and high level policy framework for disability equality, giving coherence and guidance to national and local government activities across mainstream policy. In June 2008, the Minister for Communities and Sport said:

“Independent living is a key priority for this Government. We accept and support the social model of disability and are ambitious and aspirational in our outlook – we want to make choice and control a reality for all disabled people, not just a fortunate few.”

This overarching commitment is the basis of Scotland’s ‘shared vision’ signed by a partnership of Scottish Government, the Convention of Scottish Local Authorities and the Independent Living in Scotland Steering Group representing the voice of disabled people. In 2010, NHS Health Scotland added their signature to the Shared Vision as a named fourth partner.

Scotland’s shared vision has defined independent living in the following terms:

- Disabled people across Scotland will have equality of opportunity based on core principles of independent living: **choice, control, freedom and dignity**. It covers every aspect of an individual’s life - maximising the opportunities for disabled people to participate fully in society and live an ordinary life - at work, at home and in the community.

The Vision is aspirational and recognises that there is scope to deliver lasting change for disabled people in Scotland that is in the country’s interests:

- Right for the individual – to be free from prejudice and discrimination; and to participate within society as full and equal citizens;
- Right for society as a whole – a more equal society will have greater strength and social cohesion;
- Right for our economy – the more diverse an economy, the more innovative and high growth it is; and the more successful it will be at attracting talent.

Scotland's commitment to independent living is founded a model of co-production and inclusion. We recognise co-production as a coalition of all partners' ideas, knowledge and expertise, in the planning and development of policy, budget setting, tendering processes and service delivery. Our co-production approach contributes to the positive image of disabled people as valued citizens and helps us promote positive attitudes across the public sector and communities.

Working with disabled people to identify solutions is an important part of our work on independent living, and will be crucial to its success. Enabling disabled people to be partners is not just the right thing to do in principle; it is practically sensible given the challenges that public services face. Making 'best use of resources' means drawing in the widest range of resources possible and only 'co-production' allows that to happen.

To help ensure effective involvement and participation, Scotland uses the following framework:

- **ILiS (Independent Living in Scotland):** a project, run by disabled people and managed by a steering group made up of disabled people and their organisations, to give disabled people a voice in shaping government policy and public service delivery. The project, funded by the Scottish Government, was launched in March 2009 and is hosted by the Equality and Human Rights Commission (Scotland). The project is supported by disabled people's organisations across a wide range of impairments: physical, sensory, mental health conditions and learning disabilities. The ILiS document ***Ready for Action*** sets out all priorities for supporting independent living, in response to a Scoping Study commissioned by the Disability Rights Commission in 2007.
- **The Independent Living Core Reference Group (CRG):** a cross-government group providing a framework and leadership to influence the culture and organisation of Scottish policy-making and to co-ordinate efforts across government and the wider public sector. The Group is a **partnership** of Scottish Government, disabled people, COSLA, NHS Health Scotland, Association of Directors of Social Work and other public sector and disabled peoples organisations. The Group is co-chaired by the Scottish Government Director of Housing and Regeneration and the Convener of ILiS Steering Group. It is supported by the Director General of Health and Wellbeing and Chief Executive of the NHS in Scotland.
- **The CoSLA and NHS seconded posts:** attached to the Scottish Government Equality Unit with a shared programme of work to develop local authorities and health boards perspectives and awareness.

The immediate focus has been on fully articulating what is meant by independent living and establishing how this can be applied to the challenges that face those delivering public services across Scotland. We will report on progress against our priorities by the end of phase one – March 2011 – with proposals for the future of the Independent Living Core Reference Group beyond then.

Scotland's approach to independent living embraces principles of citizenship, advocates for the personalisation of services and promotes tackling barriers that prevent access to all aspects of daily and public life in Scotland. The aim is to work towards delivering lasting change, so that all disabled people living and working in Scotland can be an integral part of Scotland's future development as a country of equality of opportunity and quality of life for all of its citizens.

Independent living is a complex area which cuts across many parts of Government policy and has implications for service delivery across and beyond the public sector. The size of the agenda means that fully realising independent living will be a long term project.

“For Independent Living to become a reality, people need to have access to housing, transport, new technology, education, jobs and leisure, and recreation in the community. It needs the combined efforts of people themselves, personal networks, their communities, universal services and other sector providers – the responsibility does not rest solely with social care” *Self Directed Support, A National Strategy for Scotland, Consultation Paper 2010*

Scotland recognises the significant issues in regard to public expenditure. The cross-cutting work on independent living provides opportunities to reshape public services so that they support, rather than inhibit, independent living. We argue that policies, services and provisions, based on the philosophy of independent living can:

- facilitate and accelerate the economic growth of Scotland;
- reduce the gulf between demand and supply of public services for both disabled people and their informal support;
- overcome the 'silo' effects of services and budgets by providing a more 'holistic' approach to solving need.

Scotland's framework for independent living and increasing the participation of disabled people has also created opportunities to influence senior local government community planning managers and elected members. Disabled people's organisations have made substantial and influential contributions to the work on the Independent Budget review, and other spending reviews undertaken by the Scottish Government in response to the current world economic crisis.

The Independent Living Core Reference Group first met in September 2009. The Group produced a workplan of activity to help drive the independent living agenda forward during the first phase and support longer term work. The workplan focuses on:

- strategic activity to build capacity, awareness and commitment across Scottish Government, Local Authorities and Communities;

- four policy priorities of Housing, Advocacy, Portability of Care and Inclusive Communication; and
- work to increase the number and range of policy and service delivery areas where disabled people are participating in policy and service development.

Activity to address disabled people's access to housing in support of the right to independent living is considered below. The Core Reference Group other priorities of Portability of Care, Advocacy and Inclusive Communication are described elsewhere in this report, under Articles 20 and 21 respectively.

Scotland's local authorities, as key partners, are helping to shape the infrastructure which can promote independent living, and reshape service delivery to enable disabled people to exercise choice and control over key aspects of their lives.

Community Care Services

Scotland also has in place a number of measures in relation to care and support, housing and health, to facilitate disabled people to live in the community, providing services which support living and inclusion in the community and disabled people's participation in every-day life, and to help prevent isolation and segregation.

Under the Social Work (Scotland) Act 1968, Scottish local authorities have a duty to provide community care services within their area. The Scottish Government expects all local authorities to have a range of services in place to meet the needs of its local population.

The [Regulation of Care \(Scotland\) Act 2002](#) puts a duty on the Scottish Ministers, the Commission and the local authority to comply with various principles including promoting the independence of people receiving care and offering them a choice of care services.

Scotland's National Dementia Strategy also highlights the principles of dignity and respect for people with dementia and the importance of being able to live as independently as possible.

The Scottish Government funds the National Local Area Co-ordination Development Team at SCLD which supports local area co-ordinators in their role. Local area co-ordination developed in Australia and was adopted in Scotland following recommendation of *The Same As You?*. Its intention is to build the capacity of people with learning disabilities to participate in communities and vice versa – to build the capacity of communities to welcome and support people with learning disabilities. It is a service which is highly valued by people with learning disabilities and their families.

Services for Disabled Children

Disabled children are defined as a child in need under section 93(4) of the Children (Scotland) Act 1995. The same section also describes a child in need as one who is

affected adversely by the disability of another in their family. Section 23 of this Act provides that local authorities are obliged to provide services which will minimise the effects of any impairment and provide [disabled] children with equal opportunities for day to day living. The Scottish Government review of disabled children's services is due to report to Ministers at the end of 2010.

Self Directed Support

The [Community Care and Health \(Scotland\) Act 2002](#) puts a duty on local authorities to offer direct payments to eligible people. This will increase the availability of direct payments. (Direct Payments are cash payments to disabled people to enable them to arrange and buy their own community care and children's services.)

Scotland recognises that support that is directed by disabled people themselves is the key to achieving independent living, with real choice and freedom over how they live their lives. The Self Directed Support Strategy seeks to radically increase the uptake of self-directed support through direct payments in Scotland. This work builds on research conducted in June 2008 which demonstrated the flexibility, choice, control and independence that self-directed support is able to offer individuals.

A key part of this strategy is the test sites in three local authorities and a pilot project which aims to release health money into self-directed support packages. The Scottish Government aims to introduce primary legislation in September 2010 to ensure that self-directed support is a form of mainstream service provision.

Housing

One of the Independent Living Core Reference Group's first priority areas has been on housing. This has seen disabled people working with government to contribute to a national review of housing policy through the Scottish Government's 'Fresh Thinking' consultation. There are also two local co-production pilots in North Lanarkshire and Argyll and Bute to work with disabled people to inform and develop local housing strategies.

Housing Support branch is currently providing funding to a partnership of disabled people through the Glasgow Centre for Inclusive Living and Ownership Options in Scotland to develop an accessible housing register that will match disabled people with available suitably adapted housing in Scotland.

These pieces of work will afford disabled people significant influence on the development of national and local government housing policy and planning.

Specific legislation and policy currently supporting independent living includes:

- Regulations under the Housing (Scotland) Act 2006, approved by Parliament in November 2008, introduced a simpler and fairer system of local authority financial assistance with adaptations. The Regulations came into force in April 2009. Structural adaptations now attract a mandatory grant where a priority need has been assessed. This is now a minimum of 80% of the cost of the work rising to 100% if in receipt of certain benefits. The Scottish Government

also provided information on *'Help with adaptations to your home: A guide for disabled people in private housing in Scotland'*. This is available on the Scottish Government website.

- Grant funding from the Affordable Housing Investment Programme to Registered Social Landlords to allow them to carry out adaptations to their housing stock to enable disabled people to remain in their own homes.

Article 20 – Personal mobility

Article 20 says:

Government should do everything possible to ensure disabled people can get around as independently as possible, including by;

- ensuring people can travel when they want at a price they can afford
- ensuring people have access to quality, affordable mobility aids including new technology or help from other people to help them get around
- providing mobility training to disabled people and staff working with them
- encouraging manufacturers of mobility aids and technologies to think about all aspects of mobility for disabled persons.

Scotland views the personal mobility of disabled people from a social model perspective, by recognising the importance of removing environmental barriers to freedom of movement, as well as the provision of mobility aids, adaptations and assistance that allows disabled people to move freely with the greatest possible independence.

Articles 9 and 21 of this report outline Scotland's approach to removing environmental and communication barriers, with particular reference to Scotland's Transport Strategy as one means to ensure disabled people can get around as independently as possible.

Scottish Government Healthcare Planning works with local authorities to provide a range of measures to promote mobility for disabled people. Mobility aids and devices, including wheelchairs, walking sticks/zimmer frames/crutches are made available by the NHS in Scotland for people with clinical needs, free at the point of delivery.

Portability of Care

Scotland also has in place measures to promote disabled people's freedom to move across Scotland's Local Authority boundaries. Scotland programme of work on independent living (see Article 19 of this report) identified 'portability of care' as one of the priority areas for supporting the key principles of choice and control. Portability of care refers to the movement of a disabled person's assessment of need and care and support provision across local authority boundaries.

The Scottish Government provides guidance to Scottish local authorities to assist in applying the statutory provisions under which the local authority providing accommodation or services can recover the costs from another local authority. It also

provides guidance on good practice in meeting the costs of transitional arrangements to help facilitate disabled people's freedom to move.

The Independent Living Core Reference Group Workplan will continue to pursue further progress in this area to ensure that disabled people's experience in communities matches the policy intention and national guidance.

Article 21 – Freedom of expression and opinion, and access to information

Article 21 says:

Governments should take steps to ensure that disabled people can express their views freely and access information on an equal basis to everyone else by doing things like;

- providing disabled people with information in accessible formats and technologies at no extra cost and in a timely way
- ensuring people can use sign language, Braille and many other types of communication when they are dealing with public services or the State
- urging private service providers to provide accessible information including accessible websites
- encouraging the mass media, including internet providers, to make their services accessible
- recognising and promoting the use of sign language.

Scotland recognises that all communities include people with a range of communication support needs and that comprehensive “inclusive communication” practices can help people to access information, understand spoken and written communication of government and direct services and express themselves to government and service providers.

Scotland also recognises that many disabled people need access to advocacy services to ensure their access to information and services and to enable them to enjoy freedom of expression and opinion in a way that support independent living in all aspects of day to day life.

Scotland's programme of work on independent living identified inclusive communication and advocacy provision as two of the priorities for action to support independent living for all disabled people. Through this independent living workplan, the Scottish Government and partners have made a powerful commitment to providing all disabled people with access to information and freedom of expression and opinion.

The work on inclusive communication will be taken forward by a joint project in partnership with CoSLA, NHS Health Scotland and disabled people and their organisations. The project will seek to develop National Standards for inclusive communication. Funding to organisations such as Scottish Accessible Information Forum (SAIF), Communication Forum Scotland and Scottish Council on Deafness has helped ensure people with a range of communication support needs are able to contribute to this work.

The need for advocacy is recognised across a number of national and local policy areas and Scotland's work on independent living is working with disabled people to explore ways to improve access to services.

The Mental Health (Care and Treatment) (Scotland) Act 2003 places obligations on Health Boards, in collaboration with Local Authorities, to ensure the provision of independent advocacy services to all persons with mental disorder in their area. The draft Patient Rights Bill sets out a specific right to communication support, including advocacy services, to facilitate patient's access to information about their health care and enable their full participation.

NHS signage

To support the accessibility of NHS estates and community health services, Scotland is taking action to improve signage and other navigation systems and support around and within NHS Scotland premises and related health facilities. This will help to improve access for people with a range of needs such as language, sensory impairment and a range of disabilities including learning and cognitive disabilities.

British Sign Language

The Scottish Government recognises the importance of British Sign Language to the Deaf community in Scotland, and the contribution which this vibrant language makes to the rich and varied use of language in Scotland today.

We recognise that BSL is a language, rather than just a method of communication support, and have always treated it as such. However, Deaf people are also covered by Disability Equality legislation and by this Convention and for these reasons work on BSL has been led by the Scottish Government's Equality Unit.

Scotland's commitment to independent living is inclusive of deaf people and the BSL & Linguistic Access Working Group is represented on the Independent Living Core Reference Group by the Scottish Council on Deafness.

The Scottish Government has worked with partners on the British Sign Language and Linguistic Access Working Group and this group has published a Roadmap to British Sign Language and Linguistic Access in Scotland

<http://www.scotland.gov.uk/Publications/2009/07/01102537/0>

The Roadmap contributes to the knowledge the Scottish Government requires in making informed judgements about linguistic access when it is formulating, revising, or implementing, policy. It is intended to be a resource for government and whilst it is primarily aimed at central government officials, it can also be of use to other bodies, such as local authorities.

Scottish Government funding has helped to develop and support an infrastructure which will train and register a greater number of BSL/English interpreters to address the critical shortage in Scotland. A funding package of £1.5 million was made available from 2008 to 2011 to a consortium of organisations led by the Scottish

Association of Sign Language Interpreters to deliver a multi-faceted project – Building Bridges.

- 9 apprentice interpreters have achieved Certificates in BSL (7 with distinctions) and in Interpreting (6 with distinctions) from Leeds University and are now registered to work as professional interpreters under supervision. This includes the first Deaf interpreter in Scotland.
- 8 Deaf students have undertaken a second Training the Trainers course in teaching BSL at advanced level adding to the 10 Deaf tutors trained at Heriot-Watt University previously.

A new web space www.pd4me.info has been established on the web site of the Association of Sign Language Interpreters (ASLI) specifically for the Scottish apprentices during their training. It will be used for CPD once the apprentices have completed their training.

Scottish Government funding to the Scottish Council on Deafness (SCoD) has assisted our direct engagement with deaf people. SCoD facilitated the first National Conversation on the Options for Devolution and Constitutional Change attended by more than 100 deaf people of all ages, chaired by a BSL user and hosted on behalf of the Scottish Government by the Deputy First Minister.

A specific requirement was built into the Design, Print, Publishing and Associated Services Framework awarded in April 2010 for the provision of a translation service for Scottish Government publications into British Sign Language.

Accessible Websites

The Scottish Government website aims to conform to World Wide Web Consortium Web Content Accessibility Guidelines W3C AA accessibility standards. We have already introduced voice enabled software, large font features and British Sign Language video content in some areas of the site. As part of an improvement programme we intend to introduce colour contrast options. A 2010 Evaluation Study of the site rated accessibility 'extremely well' and found that disabled users experienced no greater difficulties in accessing and using the site than any other users.

Disabled Children

The reform of the Children's Hearings system (a combination of legislative and practice changes) should have a significant positive impact on disabled children and young people who can experience large barriers to expressing their views and having their needs met. Improved training for panel members and Children's Reporters in communication skills and methods, along with up-to-date information about specialist advice, resources, and interpreters will help the Children's Hearings system respond more effectively to the needs and views of vulnerable children and young disabled people. The Children's Hearings (Scotland) Bill is currently progressing through the Scottish Parliament and enactment is expected early in 2011.

Article 22 – Respect for privacy

Article 22 says:

Disabled people have the right to a private life and private communication, regardless of whether they live in their own home or a care home.

No one should interfere with or get in the way of that without justification.

Governments must make sure that personal information about disabled people is kept confidential the same as everyone else's.

The Scottish Government recognises that respect for privacy must be reflected in a person's home or care environment. Scotland's National Care Standards, which apply to both adult and children's care home services, are based on a set of principles that include privacy. The Standards require care homes to provide care and support which respects the privacy of residents. The Standards are enforced by the national regulator, the Care Commission.

The protections and right to privacy afforded by other legislation, such as the Adult Support and Protection (Scotland) Act 2007; the Adults with Incapacity (Scotland) Act 2000; and the *Same as You?* Strategy, are covered under other Articles in Scotland's contribution to this report.

Scotland's robust framework for the provision of interpreting and translation services to ensure people are able to communicate freely and privately with our public services are referred to under Article 21 of this report.

Scotland's citizens, including all disabled people, are entitled to the protections provided under the UK Data Protection Act (DPA), regulated by the UK Information Commissioner's Office. Scottish Ministers have declared their commitment to improving public confidence that data is secure and their privacy safeguarded. The Scottish Government is producing high level guidance on Identity Management and Privacy Principles.

<http://www.scotland.gov.uk/Publications/2009/08/PrinciplesConsultation>

Draft principles include:

- Proving identity or entitlement: people should only be asked for identity when necessary and they should be asked for as little information as possible
- Governance and accountability: private and voluntary sectors which deliver public services should be contractually bound to adhere to the principles
- Risk management: Privacy Impact Assessments should be carried out to ensure new initiatives identify and address privacy issues
- Data and data sharing: Organisations should avoid creating large centralised databases of personal information and store personal and transactional data separately
- Education and engagement: Public bodies must explain why information is needed and where and why it is shared

The Information Commissioner's Office (ICO) welcomed the Scottish Government's initiative to ensure that data protection is treated as an important part of corporate governance. The work to develop the Principles has been commended by counterparts in Europe such as Irish Data Protection Commissioner Billy Hawkes and the Dutch Commissioner Jacob Kohnstamm.

NHS Scotland expects staff to treat all patients as individuals and respect their right to privacy and confidentiality. The Caldicott Framework was established in 1999 and contains a requirement to establish a common framework for the use of patient identifiable data and appoint Guardians in all NHS organisations with access to patient records to oversee this framework. The circular can be accessed at: http://www.sehd.scot.nhs.uk/mels/1999_19.doc

Article 23 – Respect for home and the family

Article 23 says:

Disabled people have the same right as anyone else to marry and start a family. That includes deciding when and how often to have children.

Disabled people must have access to appropriate information and support to make sure these rights are respected and upheld in practice, including any support they need as parents.

Governments must ensure there is no discrimination against disabled people in laws about adoption or marriage.

Government must ensure there is no forced sterilisation of disabled people.

Governments must provide early and comprehensive information, services and support to disabled children and their families.

No child must be separated from their parents simply on the basis of a parent's impairment.

Scotland recognises the fundamental independent living principles of freedom, dignity, choice and control as applying to a person's ability to establish and maintain a home and family of their choosing.

We acknowledge the crucial importance of accessible, adapted housing that meets the needs of all the family and allows disabled people to maintain these chosen relationships. Housing is one of Scotland's priorities to support independent living and this is set out under Article 19 in this report.

Scotland recognises that carers are at significant risk of isolation and are often socially disconnected from family and friends due to the intensity of their caring role.

We recognise that older disabled people may experience harm. The Adult Support and Protection (Scotland) Act 2007 provides councils with powers to protect adults

from harm (a definition of an adult at risk is at Section 128). It includes powers to investigate suspected harm, and apply for orders to carry out an assessment of the adult and their circumstances, to remove the adult to a temporary place of safety and to exclude the perpetrator.

Disabled Children

In Scotland, the disabled children's remit has been incorporated into the Getting it Right for Every Child team, which is implementing Scottish Government's approach to work with all children and young people, and which puts the wellbeing and needs of children at the centre of flexible, timely and appropriate services which also take account of children and young people's views. There are a number of measures to protect and support respect for family life in relation to children.

Scottish Government is leading the development (jointly with Scotland's Commissioner for Children and Young People) of new national guidance on moving and handling, to be completed at the end of 2010. This guidance is rooted in the recommendations of the SCCYP report 'Handle with Care', which grew out of extensive consultation with children, young people and families on issues of manual handling, and will address issues of accessibility and appropriate design in buildings; enhance the dignity and respect of children and young people as users of manual handling services; and stress appropriate, widespread communication (in accessible form) of key moving and handling principles, as well as the underpinning legislative framework.

We recognise the need to look at the specific issues for disabled children in residential care. Under the Looked After Children (Scotland) Regulations 2009 local authorities must make an assessment of the child's long term needs and how those needs can be met. The local authority must also assess the existing health arrangements for the child and whether there is a need to change such arrangements.

In May 2010 the Looked After Children Strategic Implementation Group (LACSIG) was formed by the Scottish Government to lead and drive forward an implementation programme to improve the outcomes for looked after children and young people in Scotland. To help implement national policy across a range of looked after issues, Five Activity Hubs were established to lead work in priority areas. These areas of work were agreed with COSLA in December 2009 at the launch of the National Residential Child Care Initiative reports and Scottish Government response. These are:

- Culture change;
- Workforce;
- Commissioning;
- Improving learning outcomes; and
- Improving health outcomes

The Health Activity Hub will produce a Framework for the Health of Looked After Children and Young People and Care-leavers bringing together local and national issues across a range of sectors and health indicators. The group will then lead and drive forward the implementation of actions outlined within this framework.

The Scottish Government will include an assessment of the resources available in residential care services for disabled children within a forthcoming baseline survey of disabled children's services in Scotland conducted by the *for Scotland's Disabled Children* (fSDC) liaison project, and we will explore the experiences and needs of disabled children in residential care in related fSDC liaison project activity to engage families and young people in articulating their experience of service design and delivery as it develops.

In Scotland, the decision to approve someone as a prospective adoptive parent or foster carer must centre on their ability to promote the welfare of the child. The assessment process and safeguards are designed to take account of the needs of all disabled children. Adoption and Fostering legislation requires agencies to appoint medical advisers to their adoption and foster panels in order to enable the health information which prospective adopters or foster carers are required to provide to be interpreted and to advise on the extent to which their health and physical well-being may affect his or her capacity to act as an adoptive parent or foster carer.

Regulations on Supporting Young People Leaving Care in Scotland 2004 state that young disabled people should have their needs assessed to ensure that they are supported to make a successful transition to adult living.

Respect for family life also extends to the sexual health of Scotland's families. The Scottish Sexual Health Strategy – *Respect and Responsibility* – was published in 2005. One of its overarching aims is, 'to support everyone in Scotland, including those who face discrimination due to their life circumstances or their gender, race or ethnicity, religion or faith, sexual orientation, disability or age, to acquire and maintain the knowledge, skills and values necessary for good sexual health and wellbeing'

Article 24 – Education

Article 24 says:

Governments must ensure the education system at all levels is inclusive and geared towards supporting disabled people to achieve their full potential and participate equally in society.

Disabled people should be able to access free, inclusive primary and secondary school education in the communities in which they live.

Disabled people must not be excluded from the general education system (at any level) because of their disability.

Disabled people have the right to reasonable adjustments and extra support to take part in education.

Governments must also promote the learning of Braille, sign language and use of appropriate forms of communication for disabled learners. This involves promoting the linguistic identity of Deaf people and ensuring enough teachers are trained in different communication methods.

All Scotland's children, including disabled children, are entitled to access and attend primary and secondary education. Scotland is aware of the challenges faced by children with a range of impairments and support needs, and provides extra resources and support to address these challenges in ways appropriate to the child's individual needs.

The Scottish Government is committed to an inclusive education system, including lifelong learning, where disabled children and adults receive the support they need whilst in education or training. Scotland's *Curriculum for Excellence* is central to Scottish educational policy, and will benefit all children in Scotland including those who are disabled. *Curriculum for Excellence* is an inclusive programme that is focussed on the individual needs of the child or young person and puts the child at the heart of learning.

Scotland's education system provides parents of disabled children with increasing access to mainstream schools and staff, which have the capacity to meet their needs. Our system includes mainstream and special schools, allowing us to serve the best interests of a child and the preference of their parent or guardian.

Effective inclusion must take account of what works for each individual child. In Scotland, education authorities are under a duty to provide education in a mainstream school, unless doing so would:

- not be suited to the ability or aptitude of the child;
- be incompatible with the provision of efficient education for the children with whom the child would be educated;
- or would result in unreasonable public expenditure being incurred which would not ordinarily be incurred.

In addition, under the Education (Additional) Support for Learning (Scotland) Act 2004 (the 2004 Act), education authorities are required to identify, meet and keep under review the additional support needs of all pupils for whose education they are responsible and to tailor provision according to their individual circumstances. Education providers have a positive obligation to make changes to reasonably accommodate the needs of a disabled student and to put in place strategies and programs to prevent harassment and victimisation. Individuals can make a complaint to the EHRC if they feel the standards have been violated.

The Education (Additional Support for Learning) (Scotland) Act 2009 also strengthens the duties on education authorities to provide information to parents. One element of this support is the provision of accessible curriculum materials. The Scottish Government is committed to ensuring that young disabled people can access curriculum information. We have developed a database of adapted resources for all pupils with additional support needs. Scotland is at the forefront in developing an on-line database of adapted curriculum materials. The *Scottish Books for All* database will provide accessible books, worksheets and other curriculum materials for pupils with additional support needs.

The Mental Health Care and Treatment Act - Section 277 of the Act amends the Education (Scotland) Act 1980 to confirm that Local Authorities have a duty to

provide education for children who are subject to the new Act, or who are subject to the mental disorder provisions of the Criminal Procedure (Scotland) Act 1995.

The Scottish Qualifications Authority (SQA) have worked with CALL Scotland (who are funded by the Scottish Government) to develop Digital Exam Papers to provide pupils with accessible digital copies of papers that they can use in exams. The Scottish Government has also funded a Scotland-wide licence for Heather – the Scottish voice. Heather is a high quality computer voice with a Scottish accent. Children and young people can use Heather to read digital exams, textbooks and to speak using their communication aids.

The Disabled Students' Allowance (DSA) enables eligible higher education students who incur additional expenditure whilst undertaking their course because of their impairment or additional support needs to apply for additional financial support in the form of the non means-tested amount. The number of students in receipt of DSA has increased each academic year since 2002-3 – 99.3% higher in 2008-9 than in 2002-3. Also, the amount paid through the DSA has increased by 71.9% since 2002-3 to £8.816m in 2008-9. The DSA comprises helps pay for large items of equipment (£5,160 for academic year 2009-10), non-medical personal helpers allowance (which includes interpreting and communication support), (£20,520 in academic year 2009-10 and basic items (£1,725 in academic year 2009-10). These payments are delivered through the Students Awards Agency for Scotland.

The need for greater action with regard to transitional arrangements for young people with additional support needs, involving a high degree of inter-agency co-operation, is one of the four key priorities for the co-ordination of action across the public sector under the Scottish Ministers Duty for Disability Equality. This is highlighted in recent Scottish Government policy initiatives, including *More Choices, More Chances* and *Partnership Matters*. *More Choices, More Chances* is Scotland's robust strategy for reducing the number of young people not in education, employment or training. It is a universal model for all young people, but which gives priority to young people with additional support needs, including those who are disabled.

Scotland recognises the importance of providing young disabled people with the skills and opportunities to achieve independent living as adults and to afford them the greatest freedom, choice and control as members of society. We recognise, in particular, that people with learning disabilities often identify the transition out of school as a particularly difficult time and that more work is needed to build awareness of the capabilities of young people with learning disabilities among careers and employment professionals. Examples of how Scotland addresses these issues include:

- The new *Skills Strategy for Scotland* provides us with the opportunity to set out our ambitions for skills in a lifelong context. It covers early years provision, schools, further and higher education, work related learning, informal learning opportunities and information, advice, guidance and funding systems.
- Recent changes to Scotland's Educational Maintenance Allowance programme in schools and colleges allow the Scottish Government to reinvest

£12m in Activity Agreement pilots over two years. The Activity Agreements Steering Group comprises pilot areas in Skills Development Scotland, Youthlink Scotland, Young Scot, Youth Scotland, Inspiring Scotland, Volunteer Development Scotland, the Scottish Training Federation, the Supported Training Action Group and the SCVO.

- The Scottish Government has appointed an Additional Support for Learning Transitions National Development Officer (NDO) to take forward specific actions highlighted by the HMI Review of Education Authorities, Implementation of the Education (Additional Support for Learning (Scotland) Act 2004.
- [Partnership Matters](#) is our guidance document which outlines the roles and responsibilities of agencies supporting students with additional needs at or as they prepare to go from school into college or university, or from college or university to employment. The guidance was revised in May 2009 and has been extended to Universities for the first time. There has been extensive consultation with the sector and voluntary organisations. There has also been input from university and college student support services, NUS Scotland disability officer and the Disabled Student Stakeholder Group.
- The Scottish Government has recently commissioned the BRITE Initiative to produce bespoke Transitions Guidance for individuals with multiple complex needs and their families and carers. Disabled people will be involved in the development of this.

Article 25 – Health

Article 25 says:

Disabled people have the right to enjoy the best possible health.

Disabled people have the right to the same range, quality and standard of free and affordable healthcare as everyone else – including sexual health and fertility services.

Governments should ensure healthcare professionals are trained to provide an equal service, on a human rights basis. This includes making sure that disabled people have access to information about treatment so that they know what treatment they are agreeing to.

Governments should provide the health services and treatment disabled people need for their specific impairments, including services that help people regain their independence after they have developed an impairment. They should ensure impairments and health conditions are identified early and that people get early support. These services need to be close to where people live – including in rural areas.

Governments should take steps to make sure health and life insurance policies do not discriminate against disabled people.

Scotland's NHS Health Boards are primarily responsible for the provision of health services in Scotland and fully support the right of disabled people to the enjoyment of the highest attainable standard of health and access to health services in their community. There has been greater recognition and attention to enabling disabled people to access the health service in Scotland as a result of a number of significant policy and legislative developments over the past few years.

There is ongoing work to build a human rights culture within NHS Scotland under Health Scotland Human Rights Pilot Projects:

<http://www.healthscotland.com/uploads/documents/13027-humanRightsWorkingGroup.pdf>

In 2010, NHS Scotland became the 4th signatory to Scotland's Shared Vision on Independent Living as described under Article 19 of this report. NHS Health Scotland are members of the Independent Living Core Reference Group, sitting alongside disabled people, the Scottish Government, and the Convention of Scottish Local Authorities, and are partners in the work on Advocacy and Inclusive Communication, as outlined under Article 21 of this report. Their commitment is further demonstrated through a dedicated secondment post to promote the independent living agenda across Scotland's NHS Boards.

The NHS Scotland Healthcare Quality sets out the drivers for realising the shared aim of delivering the highest quality healthcare services to the people of Scotland – including all disabled people. These drivers are framed around the three Quality Ambitions: Safe, Effective and Person Centred care. An implementation framework is being developed to support three ambitious and transformational Quality Programmes, each aligned to one of the three Quality Ambitions. Each will be linked to the Quality Alliance Board. A number of high level Quality Outcome Measures are being developed as part of the Quality Measurement Framework. It will be important to be clear how the programmes map against these measures as these will be the mechanism through which progress on the programmes will be assessed. Equity will be a thread running across the implementation of the strategy.

Equally Well, the report of the Ministerial Taskforce on Health Inequalities was published in June 2009. Health checks in deprived areas to identify people with depression and anxiety were recommended, to ensure adequate treatment and support. The Ministerial Task Force will reconvene in 2010 to review progress since the publication of *Equally Well*.

To help Scotland's Health Boards deliver commitment to disability equality, with respect to building design and operation, a range of guidance documents are published by Health Facilities Scotland (HFS).

Health Rights Information Scotland (HRIS) is funded by the Scottish Government to produce information for patients in Scotland about their rights and responsibilities when using the NHS. HRIS have produced five core leaflets on health rights covering confidentiality, consent, complaints, access to medical records and basic health rights. All of the information is produced by consulting with stakeholders including the public to make sure that it's as useful and useable as possible. The

leaflets are also available in a variety of languages and formats.

<http://www.hris.org.uk/patient-information/>

The Scottish Government and partners developed and published '*Achieving Fair Access*' (Fair for All-Disability 2006), a comprehensive strategic and practical set of Guidance for health boards on access to health services for disabled people.

The *Better Together* national patient experience programme will include provision for disaggregated information about disabled people's experiences of health services. The Scottish Government is currently addressing concerns identified by disabled people that, although their needs were handled sensitively at hospital, many had not had their additional support needs addressed. One reason for this is the lack of adequate information from GPs on additional needs and the difficulties in transferring this information within secondary care.

Patients who were disabled or limited a little / a lot by a health problem were less positive about their overall experience for all parts of the inpatient survey compared to patients who were non-disabled or did not have a health problem. This will support work specifically targeted at improving hospital stays for disabled people.

Work has commenced on identifying the under-represented groups with the intention to use additional local qualitative and quantitative activities to gather further information to support population of Board Action Plans.

The last module to be initiated is on the quality of the healthcare experience of those living with long term conditions. There is already a wealth of information available covering this aspect of quality for this group and three key areas have been agreed for the first phase of this work. This is being taken forward in partnership with the Long Term Conditions Alliance Scotland (LTCAS) and the Long Term Conditions Collaborative (LTCC).

For patients with hearing impairments, Scotland recognises the importance of access to health care and has an 18 week referral to treatment target. The Quality Standards for Adult Hearing Rehabilitation Services and Paediatric Audiology Services were launched by the Minister for Public Health in April 2009 and are monitored via self-assessment and peer review under the auspices of the Scottish Government's Audiology Services Advisory Group.

Each set of Standards covers 9 aspects, including Accessing the Service; Information Provision and Communication with Individual Patients; Developing an Individual Management Plan and Outcome. The Standards were put out to public consultation prior to completion and had involvement of the Royal National Institute for the Deaf (RNID) and the National Deaf Children's Society (NDCS) for input from hearing impaired people.

Disabled Children

Following a review of 12 paediatric services, the *National Delivery Plan for Children and Young People's Specialist Services in Scotland* was launched as guidance in January 2009. The *National Delivery Plan* was developed by those who use and are

involved in the planning, commissioning and delivery of specialist children's healthcare services.

The National Delivery Plan for specialist children's services (£32m over 2008-11, with recurring funding commitments) contributes to those with severe conditions. One element of the funding is for the establishment of a managed clinical network for children with exceptional healthcare needs (CEN) based in South East and Tayside. There is now a recurring commitment of £244,000 per year to CEN. More information is available at: <http://www.cen.scot.nhs.uk/>

A National Managed Clinical Network (NMCN) was established to improve standards of care through the development of protocols, clinical standards, a quality assessment framework and collaborative audit. Future work through the NMCN will ensure that all children, including all disabled children, are fully and appropriately assessed and have access to a full range of specialist care. Each child should receive equitable, quality care regardless of location and tailored to individual requirements.

Patient Rights

The Patient Rights (Scotland) Bill was introduced to Parliament in March 2010 to reinforce and strengthen the Scottish Government's commitment to place patients at the centre of the NHS in Scotland and signpost people to sources of advice and support such as advocacy and communication support services which they might need to exercise their rights. The development of the Bill included consideration of Human Rights legislation and Article 12 of the International Covenant on Economic, Social and Cultural Rights.

One of the key functions of the Bill is to signpost people to sources of advice and support such as advocacy and communication support services which they might need to exercise their rights. This draft Bill further supports Scotland's shared vision for independent living by promoting a holistic approach to patient care that seeks to ensure that decisions take account of independent living principles across a person's whole life.

Same As You?

A National Implementation Group for the learning disability strategy *The Same as You?* has involved users and carers from the outset and is focussing on promoting health improvement and tackling health inequalities for people with learning disabilities. *The same as you?* identified that healthcare services for people with learning disabilities should be available in the community and provided for the specialist role of community learning disability teams to help achieve this. This approach fully supports our independent living and co-production principles of working in partnership with disabled people.

NHS Scotland will be expected to provide regular health assessments for people with learning disabilities to address the poor health outcomes experienced by this group. Learning Disability Quality Indicators include a range of criteria for general and specialist learning disability services and were reviewed in 2008 by NHS QIS.

Protection and promotion of sexual and reproductive health among people with learning disabilities remains of key importance.

Disability Equality Training

Scotland's Health Boards have in place a significant programme of training for all staff which seeks to improve disabled people's access to and experience of the health services. It includes:

- Provision of Basic Sensory Impairment Awareness Training. This course was developed and delivered by CommTacs using sensory impaired trainers to provide training for frontline receptionists and administrative staff. This provided staff with hands-on practical training to allow them to meet the needs of patients, carers and service users who hard of hearing, deaf, blind and deafblind. 180 members of staff were trained across NHS Scotland. This course is being rolled out for other NHS staff in 2010/11.
- Development of Tip Cards for Midwives Caring for Pregnant Women with Hearing Impairment. These cards were produced to support midwives to remove barriers to communication when caring for pregnant women. These are a quick reference guide and provide practical tips and hints for staff. A copy of the tip cards are being sent to every midwife in Scotland and has been produced in pocket size, wipe clean materials to ensure control of infection. NES is currently exploring further use of this type of information to support NHS staff in caring for disabled people.
- Development of a Framework to support Staff Development in Patient Focus and Public Involvement (PFPI). This framework was developed to support NHS staff to develop their practice in PFPI and elements of equality and diversity. It describes the essential knowledge, skills and attitudes to help staff across NHS Scotland meet the requirements of PFPI agenda and some elements of equalities duties. It acts as a tool to guide staff through the wide array of education and training available. This includes eliminating barriers to communication, developing accessible health services and understanding and celebrating diversity. A copy of the framework can be accessed at http://www.nes.scot.nhs.uk/pfpi/documents/PFPI_Framework.pdf
- Training on disability equality, including the social model of disability, is part of the generic core curriculum of postgraduate medical specialist training and there are assessments against this part of the curriculum annually.
- The vocational trainees in Dentistry undertake an online equality and diversity training programme which incorporates disability and service provision, but does not focus on the right to health per se.
- NES has also supported some more specific educational approaches, including an educational pilot which is developing and testing approaches to the assessment of cultural competence for trainee dentists. Disabled people with a variety of impairments have been involved in the development and delivery of the cultural competence training, which is part of this pilot.

- In recognition of the particular needs of Scotland's rural communities, training was delivered to pharmacists in the Highlands on disability -- this was specifically targeting remote and rural practitioners.
- Development of a pilot training scheme for student radiographers, currently being delivered in partnership with PAMIS, where trainees spend a day with a person with multiple and profound impairments and their families and carers, to improve awareness of the potential barriers for disabled people.
- New workstreams established to develop educational infrastructure which will support improvements in the healthcare delivered to people with learning disabilities and dementia.

Article 26 – Habilitation and rehabilitation

Article 26 says:

Governments must take effective steps to enable disabled people to maximise their independence, develop their independent living and work skills, and manage their impairment or health condition.

Governments must make sure disabled people have access to services which are available as soon as people need them and as close as possible to where people live.

Professionals and staff working in these services should be properly trained.

Governments should also ensure everyone is aware of and can use the range of equipment and technology available to support independent living.

Scotland's approach to addressing the needs of disabled people in the provision of services, aims to help disabled people develop maximum independence in activities of daily living, and support independent living principles of freedom, dignity, choice and control.

Scottish Government Healthcare planning ensures early intervention and rehabilitation as part of NHS rehabilitation services. Early intervention for wheelchair mobility is in place for disabled children as appropriate and forms part of rehabilitation of spinal injury patients and others (e.g. stroke; closed head injury).

The Scottish Government recognises the importance of work (paid or unpaid) in maintaining and improving health and wellbeing. [Health Works](#) aims to minimise health barriers to work, recognising that supporting people back to work can be part of the recovery and rehabilitation process.

The Scottish Government endeavours to ensure that Armed Forces veterans who are disabled, are able to access the full range of health and other public services and support available to other sections of Scottish society. The provision of this support is predicated on the principle that they are not disadvantaged as a result of their

previous service and support and assistance is tailored to their specific needs and aspirations.

Article 27 – Work and employment

Article 27 says:

Disabled people have the right to earn a living through work that they freely choose and in workplaces that are accessible and inclusive.

Governments should promote this right to work by;

- ensuring disabled people are protected against discrimination in employment and are entitled to reasonable adjustments.
- ensuring disabled people can access work experience ensuring disabled people enjoy fair working conditions, the same union rights as others and protection against harassment
- employing disabled people in the public sector
- promoting career development for disabled people including through access to training opportunities
- promoting self-employment and employment in the private sector
- supporting disabled people to stay in or get back to work.

Disabled people should be protected against forced or compulsory labour.

Employment legislation and overall policy are reserved to the UK Government. However, the Scottish Government is cognisant of the challenges faced by disabled people in entering and maintaining employment and is fully committed to ensuring disabled people have the right to work and to gain a living by participation in a labour market and work environment that is open, inclusive and accessible.

Scotland recognises that access to employment is critical to supporting independent living and that there is a need for greater action and for a high degree of inter-agency co-operation. The Scottish Government is committed to improving opportunities in the labour market for disabled people in Scotland and this is one of the four key priorities for the co-ordination of action across the public sector under the Scottish Ministers Duty for Disability Equality.

We acknowledge that the public sector is lagging behind the private sector in the employment of people with learning disabilities and welcome schemes such as Project Search, which aim to help redress this balance.

In 2010, the Scottish Government and COSLA published a Supported Employment Framework for Disabled People in Scotland. It is expected that this will improve labour market participation for disabled people and reduce inequality in terms of access to employment and will be measured through the National Performance Framework.

The Framework aims to:

- Raise awareness about the contribution supported employment can make to economic growth, to employment, to social inclusion and to the health and wellbeing of disabled people.
- Ensure that supported employment is seen by local authorities and their partners as a valued and integral part of local mainstream employment services.
- Help agencies work together to make sure that individuals are not caught in a 'training cycle' but make the transition from training to paid employment.

The supported employment model is aimed at all disabled people of working age. The focus of the Framework is moving disabled people towards sustained, mainstream employment. Implementation of the Framework is being overseen by a Supported Employment Framework Implementation Board, jointly chaired by Scottish Government and COSLA. The Board comprises a range of key delivery partners including Jobcentre Plus, Skills Development Scotland, SQA and Scottish Union of Supported Employment (SUSE).

The Implementation Board agreed to establish 2 demonstration sites in Midlothian and Stirling to test the model of supported employment advocated in the Supported Employment Framework. Both sites will develop actions and tools to improve the quality and consistency of supported employment in Scotland which will be shared at a national level. All local authority areas will have the opportunity to engage in the ongoing learning and development which will result from the work around the implementation of the Framework and the demonstration sites.

The Scottish Union of Supported Employment (SUSE) voiced their support for the Framework: "The Scottish Union of Supported Employment welcomes the "Supported Employment Framework for Scotland" document as a major catalyst in the ongoing development of employment focussed services for people with disabilities. The Framework's underpinning commitment to person centred planning and support, recognised national quality standards for service delivery, practitioner development and long-term sustainable funding align perfectly with our vision for the future of supported employment."

The Scottish Government's Employability Framework for Scotland, *Workforce Plus* sets out actions at both national and local levels to increase the numbers of people in rewarding and sustained work, with an emphasis on better partnership working, particularly at a local level, and greater alignment with the UK Government. Through Workforce Plus, a strong local infrastructure is being built that can successfully tackle barriers that disabled people and people with multiple complex needs face in gaining employment. This is supported at a national level.

Article 28 – Adequate standard of living and social protection

Article 28 says:

Disabled people have the right to a good enough standard of living including clean water, decent clothes, enough food and a decent home. There should not be big gaps between disabled people's standard of living and non-disabled people's.

Disabled people should expect to see continuous improvements in their standard of living.

To make this right real, government should take action to ensure that;

- disabled people can afford any equipment, aids or services they need disabled people – and disabled girls, women and older people in particular – can access benefits and schemes to help them get out of poverty
- disabled people living in poverty get enough help from the State with their extra costs
- disabled people have access to social housing (such as homes built by housing associations or councils which are cheap to rent or part-buy/ part-rent)
- disabled people get the same chance as other people to get retirement pensions and initiatives for older people.

Many disabled people rely on government income support as a sole or main source of income. Scotland recognises the link between disability and poverty and the impact that barriers to accessing employment can have on the ability of disabled people to enjoy an adequate standard of living. There is a strong link between disability, unemployment, reliance on out of work benefits and poverty. Disabled people are disproportionately likely to be on low incomes compared with non disabled people.

Disabled people in Scotland have expressed concerns that welfare reform will mean more disabled people face significant barriers to independent living because they are unable to meet the additional costs of support and care that enables them to participate fully in society and contribute to the wider economy.

Scotland recognises the need for greater action to tackle poverty amongst disabled people, and the need for a high degree of inter-agency co-operation. This is one of the four key priorities for the co-ordination of action across the public sector under the Scottish Ministers Duty for Disability Equality.

Social protection programmes (benefits and welfare) are reserved to the UK Government, so there are no direct actions the Scottish Government can take to change the programmes themselves, although we do liaise with the UK Government to influence UK policy as it impacts on disabled people in Scotland. Scottish Government Ministers are alert to the concerns of Scotland's disabled people.

The Scottish Government is alert to welfare reform that restricts entitlement and access to welfare support and the potential impact on Scotland's shared commitment to independent living for all disabled people. We are concerned with ensuring that reforms support independent living as a key principle and do not inadvertently create additional barriers that prevent disabled people from participating fully in society and contributing to the wider economy.

The Scottish Government has undertaken a range of activities to help people maximise their income acknowledging the fact that disabled people are disproportionately likely to be living in poor households, defined as those with less than 60% of the median household income.

Achieving Our Potential, the Scottish Government Framework to tackle poverty and income inequality in Scotland, was published in November 2008 and sets out the approach of the Scottish Government and CoSLA to reducing poverty and income inequality in Scotland.

This framework contains a diverse and comprehensive range of options to address poverty and income inequality with a focus on those individuals and communities most vulnerable to poor outcomes. This is the why Scotland has a Solidarity target – to increase the overall income and the proportion of income earned by the three lowest income deciles as a group by 2017.

Housing

Scotland also recognises the importance of access to adequate, accessible and adapted housing for disabled people. Section 106 of the Housing (Scotland) Act 2001 places a requirement on Scottish Ministers, local authorities and Registered Social Landlords to ensure that they must, in the provision of housing and related services, act in a manner which encourages equal opportunities.

The social housing allocations framework aims to ensure that priority for housing is based on an objective and non-discriminatory assessment of housing need. In order to provide clarity and support Registered Social Landlords manage allocations better we will produce a new policy guide on social housing allocations. We have consulted with Scottish Disabled People's Organisations to ensure expected outcomes for disabled people are met. Outcomes will be monitored by the Scottish Housing Regulator and are a requirement of all Registered Social Landlords as part of their expected performance standards.

Possible links to support above:

Housing (Scotland) Act 2001 section 106 – equal opportunities:

<http://www.scotland.gov.uk/Publications/2002/09/15487/11223>

Equality Impact Assessment for Social Housing Allocations Guide:

<http://www.scotland.gov.uk/Topics/People/Equality/18507/EQIADetails/Q/Type/9/Id/197>

Link to Scottish Housing Regulator Performance Standards: Responsiveness to service users -

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_gs3.1responsivenessstoservi.hcsp

Access to Housing –

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_as1.1accesstohousing.hcsp

Equal Opportunities –

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_gs2.1equalopportunities-se.hcsp

Lettings –

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_as1.2lettings-usefulrefere.hcsp

Adaptations -

http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_as2.4adaptations-usefulref.hcsp

Article 29 – Participation in political and public life

Article 29 says:

- Disabled people have the same political rights and should be able to enjoy them the same as everyone else.
- Governments must ensure that it is easy for disabled people to;
 - access polling stations
 - access material about elections and candidates
 - vote in secret or with whatever help they need from another person
- take up important roles in government and public life (for example being a councillor, a school governor, a magistrate, being an MP or Member of the Scottish Parliament or Assembly Member or helping to run health services locally) – and do them well
- form and join disabled people’s organisations.

The Public Appointments and Public Bodies (Scotland) Act 2003 provides the legislative basis for the appointment by the Scottish Parliament of the Commissioner for Public Appointments in Scotland. The Act places a duty on the Commissioner to publish an equal opportunities strategy. The Commissioner published Diversity Delivers in September 2008. Its aim is to enhance equality of opportunity in Scotland’s ministerial public appointments process. Statistics on numbers of disabled appointees are published monthly on the Scottish Government’s appointments website www.appointed-for-scotland.org

Increased participation in public life is one part of Scotland’s Shared Vision for independent living for all disabled people. The Scottish Government recognises that disabled people are often under-represented in decision-making and over-represented amongst the disadvantaged in our communities. Our shared commitment to working in partnership with disabled people is one way to increase their representation around the table, enabling them to contribute at highest level of Government policy making.

Scotland’s Independent Living programme of work and framework for increasing the participation of disabled people has created increased opportunities for disabled people to influence Ministers, senior civil servants, senior local government community planning managers and elected members. In particular we are pleased to note their contributions to the Independent Budget Review, and work of the Parliamentary Finance Committee Inquiry in relation to spending reviews and re-shaping services debate. This has been part of our joint work on independent living, as outlined under Article 19 of this report.

Capacity Building

Scotland also recognises the important role played by the third sector and, in particular, disabled people's organisations. The work of the funded projects and organisations has sought to increase capacity amongst disabled people in local communities to work with national and local government. For example:

- The Independent Living in Scotland project has established 20 independent living ambassadors to work to inspire disabled people and spread the independent living message by sharing their experience and advocating for change. The project has produced DIY guides on specific subjects aimed at increasing awareness and capacity – such as Freedom of Information Act; How to work with the Media; How to carry out and use research'.
- Contact 100 is an electronic network of disabled people who have expressed an interest in having a stronger say in national and local government policy and planning across a wide range of issues.
- The Civic Participation Network project has promoted action to remove barriers to active participation for people with communication support needs.
- The National Local Area Co-ordination Development Team at Scottish Consortium for Learning Disabilities supports local area co-ordinators to build the capacity of people with learning disabilities to participate in communities and vice versa – to build the capacity of communities to welcome and support people with learning disabilities.

Examples of projects, where disabled people have worked in partnership with government, include: Self Directed Support Strategy and draft Bill; 'Same As You?' strategy, Transport policy; Carers' Support Strategy; Housing Reform and local housing strategies; Scotland's Sports Legacy; and the implementation of the Supported Employment Framework.

Scotland's independent living workplan has specifically increased disabled people's direct participation in policy development around the four policy priorities of Housing, Advocacy, Portability of Care and Inclusive Communication.

Community Engagement

Scotland also seeks to promote the participation of disabled people in local authority decision-making. The Scottish Government provides guidance to local authorities and other public bodies regarding the consultation and engagement of communities, including disabled people.

The Scottish Government recently issued (February 2010) revised guidance to the NHS in Scotland which sets out the process that NHS Boards should follow to involve the public when changes to services are being proposed. The guidance, entitled *Informing, Engaging and Consulting People in Developing Health and Community Care Services*, clearly sets out the policy and legislative responsibilities that the NHS must comply with when working through the process, including all

current and future equalities legislation and the need for robust equality and diversity impact assessments.

The NHS Reform (Scotland) Act 2004 places specific duties on NHS Scotland regarding public involvement and equal opportunities. NHS Boards across Scotland have developed local Public Partnership Forums to enable them to engage sustainably with their local communities. The Scottish Government advice note to NHS Scotland on the establishment of Public Partnership Forums sets out the need for Public Partnership Forms to take into account, either through membership or by seeking views, the diverse needs of the population, including those who are disabled.

The Scottish Health Council, funded by the Scottish Government, was established in April 2005 to promote Patient and Public Involvement in the NHS in Scotland. Scotland's proposed Patient Rights (Scotland) Bill seeks to reinforce and strengthen patient involvement in decisions about their health care and treatment. One of the key functions of the Bill is to signpost people to sources of advice and support such as advocacy and communication support services which they might need to exercise their rights.

Article 30 – Participation in cultural life, recreation, leisure and sport

Article 30 says:

- Disabled people have the right to access books, plays, films and television in accessible formats (for example books in large print, audio or Braille).
- Disabled people have the right to access libraries, cinemas, theatres, museums and other places of historical or cultural interest.
- Disabled people have the right to develop and use their creative, artistic and intellectual potential – for their own benefit and because it enriches society.
- Governments should ensure laws protecting copyright of books and music do not stop disabled people enjoying real access.
- Disabled people's different cultures and languages – including Deaf people's language and culture – must be respected and supported.
- Governments should do everything they can to support disabled people to take part in mainstream sport and disability sport.
- Governments should do everything they can to make sure disabled children can take part in play, leisure and sporting activities in and out of school on an equal basis with non-disabled children.

The Scottish Government is committed to ensuring all its citizens have the opportunity to participate in and enjoy cultural life, recreation, leisure and sport, all of which support Scotland's overarching commitment to independent living principles of freedom, dignity, choice and control across all aspects of a person's life.

Sport and leisure facilities are provided by Local Authorities who have a statutory responsibility under their concordat with Scottish Government to provide sport activities and sport facilities which are fully accessible to disabled people. The Scottish Government also sponsors Sportscotland who fund Scottish Disability Sport

(SDS), the governing body for disabled sport in Scotland, with around £600,000 per year.

The Scottish Government partnership with the Independent Living in Scotland project has helped facilitate Scottish Disability Sport's direct engagement with disabled people, including those not currently participating in sport and perhaps therefore not known to them. Scotland's Community Sports Hubs programme is also likely to be developed in partnership with disabled people in line with our commitment to co-production principles.

With over four years to go before the Glasgow 2014 Commonwealth Games, the Organising Committee has already commenced drafting their approach to accessibility and equality issues which will cover areas such as infrastructure development, venue design and operations, service delivery and communications – all of which impact on the athlete, spectator and volunteer experience. Disabled people helped inform the Games Legacy for Scotland through a consultation. <http://www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/MajorEvents/Glasgow-2014/Commonwealth-games/everyone>

Enabling diversity and ensuring equality is embedded across all games legacy activity. The Personal Best pilot provides accredited training to those who have found it difficult to gain entry to the labour market, including those with a disability and/or health issues and offers the potential for them to take part as volunteers in both the London 2012 Olympics and the Glasgow 2014 Commonwealth Games.

Scotland's tourism, culture and creative industries sectors are working to fully meet and exceed the demands of disabled people and others with accessibility issues. The aim is to create a continuously improving environment which ensures that all disabled people and those with accessibility issues have the freedom and opportunity to fully participate in the wealth of tourist/cultural activities Scotland offers.

The Scottish Government, Visit Scotland and partners from the voluntary sector are currently working with the tourism industry to review the available evidence to look for any opportunities to better meet and exceed the demands of disabled tourists providing them with a truly 5 star visitor experience. This work will be delivered on the basis of co-production, with disabled people as partners, right from the start.

A Literature Review of the Evidence Base for Culture, the Arts and Social Policy, Janet Ruiz, Scottish Executive, 2004, shows that participation in culture can reduce isolation, increase social networks and enhance quality of life for disabled people, directly supporting independent living. The National Youth Work Strategy published in 2007 confirmed the Government's commitment to ensuring youth work and youth engagement opportunities are open to young people from minority groups, including young disabled people. Visually impaired young people, for example, took a leading role in the Commonwealth Games Legacy consultation that Young Scot took forward for the Scottish Government.

The Scottish Youth Parliament involves young disabled people to represent the interests of other young people. One example of innovative voluntary organisation

provision is the Duke of Edinburgh Award's commitment to involving young disabled people in all aspects of the award including expeditions.

In 2010, Scotland's disabled people campaigned to have independent living principles supported by increasing choice and control over access to licensed premises. The Scottish Government responded positively and added an amendment to the Criminal Justice & Licensing (Scotland) Bill with regard to premises licence applications requiring to submit a statement about disabled access along with their operating plan and layout plan. Disabled people are involved in developing guidance on what should be included in the statement.

Appendix 1 Background information on the UN Convention on the Rights of Persons with Disabilities, including reporting, monitoring and parallel reporting

The Convention

The UN Convention on the Rights of Persons with Disabilities (the Convention) was ratified by UK Government on 8 June 2009. It makes it explicit that disabled people have and should enjoy the same human rights as everyone else. It applies to all disabled people and covers all areas of life including education, employment, health, culture, liberty and accessibility.

An Easyread version of the United Nations Convention on the Rights of Persons with Disabilities is available [here](#).

The Convention does not establish new human rights for disabled people. It builds on existing international human rights instruments in order to explicitly reaffirm the human rights of disabled people. It sets an internationally recognised benchmark for the human rights of disabled people against which States, including the UK, will be measured.

The Convention is binding on the UK as a matter of international law but does not form part of domestic UK law. There are no mechanisms for an individual to enforce convention obligations, and no sanctions, other than the political/presentational ones of being alleged to be in breach, or being found in breach. However, it may have an interpretative influence in both domestic and human rights jurisprudence, in particular in human rights cases and before the European Court of Human Rights.

The Convention sets out with greater clarity the obligation on States to promote, protect, and ensure the human rights that disabled people already have, so that they are treated on an equal basis with other people. This will help shape protection of disabled people's human rights for the future, and ensure that disabled people can enjoy the human rights that non-disabled people already enjoy.

The Convention has a wide field of application. It encompasses civil and political, as well as economic, social and cultural rights. These rights cover all areas of life including: the right to life, liberty and security of the person; access to justice; personal mobility; health; education; work; recreation; and provision for equal recognition of disabled people before the law. It also makes specific provision in respect of the rights of disabled women and disabled children.

The text of the Convention can be found on the UN Enable website at <http://www.un.org/disabilities/>. Background can also be found on the ODI website at <http://www.odi.gov.uk/working/un-convention/>.

Parallel Reporting

The Equality and Human Rights Commission and the Scottish Human Rights Commission have been designated to provide an independent mechanism to 'promote, protect and monitor implementation of the Convention'. They will submit their independent report to the UN in 2011.

In addition, other organisations, including those of disabled people themselves, may chose to submit parallel or 'shadow' reports to the UN. The UN can be expected to take these reports seriously and to base any examination of the UK Government – and Devolved Administrations – on the issues they raise, as well as what may be contained in the Government report.

Anyone, individuals or organisations, wishing to submit a parallel report (sometimes called 'shadow' report) can do so. This is intended to ensure that the Committee has a complete picture of law, policy and practice. There is no set form but there is good practice. A good general (short) guide to working with UN treaty bodies is prepared by the International Service for Human Rights www.ishr.ch/guides-to-the-un-system/simple-guide-to-treaty-bodies.

Parallel reports should be submitted to the secretariat of the CRPD at the UN Office of the High Commissioner for Human Rights:

CRPD secretariat, UNOG-OHCHR, CH-1211 Geneva 10, Switzerland

Email: crpd@ohchr.org

Visiting address: Palais Wilson, 52 Rue des Pâquis, 1201, Geneva, Switzerland

Website: <http://www2.ohchr.org/english/bodies/crpd/index.htm> Tel:

Mr. Robert Ouko, Administrative Assistant -CRPD: 0041229179703

Appendix 2 Scottish Government Progress as an Employer

4.1 At 31 March 2010, the Scottish Government employed 7898 members of staff within its core Directorates, Agencies and Associated Departments. Our role as an employer is subject to the Disability Equality Duty.

About the Diversity Team

4.2 The Diversity Team is located within the Human Resources Division. It has lead responsibility for providing advice and guidance on the Scottish Government's employee policies on equal opportunities and diversity and also for implementing our diversity agenda, including the implementation and monitoring of the diversity aspects of the Scottish Government's Equality and Diversity Delivery Plan. The team also undertakes a range of awareness-raising activity and supports our staff networks, including our network for disabled staff or those with an interest in disability issues and networks on specific disabilities, for example, ME/Chronic Fatigue Syndrome and mental health. In addition, it has broadened its policy remit to include a range of well-being policies, including a lead HR role on alcohol, stress and health and well-being.

Equal Opportunities and Diversity Policies

4.3 The Scottish Government's employee policy on equal opportunities is that all staff should be treated equally irrespective of any irrelevant difference, including all of the protected characteristics set out in the Equality Act, as well as working pattern, employment status, caring responsibility, or trade union membership.

4.4 In addition, we remain committed to increasing the diversity of staff within the organisation and to the continuous development of all of our staff, ignoring those irrelevant differences. We also seek to value the different perspectives and skills of all staff and make full use of these in our work, which underpins the delivery of all of the Scottish Government's national outcomes.

Scottish Government Diversity Strategy and Delivery

4.5 The new Civil Service Strategy *Promoting Equality, Valuing Diversity* was launched in July 2008 and is a key building block in the future vision for the Civil Service. It focuses on four main themes: behaviour and culture change; leadership and accountability; talent management; and representation. It reflects the drive to mainstream equality and diversity into every aspect of the business of government to enable the delivery of world-class public services. The Strategy is supported by individual delivery plans developed by all civil service Ministerial departments, including the Scottish Government. The Scottish Government plan was launched by Sir John Elvidge in December 2008, with progress reviewed in 2009. It has since been incorporated into the Scottish Government's Equality and Diversity Delivery Plan, overseen by the Equality and Diversity Programme Board.

4.6 Progress against our diversity targets for our under-represented groups is set out below:

4.6 Diversity Targets for Under-represented Groups

	Apr. 2003	Apr. 2005	Apr. 2005 Targets	Apr. 2008	Apr. 2008 Knowns	Apr. 2008 Targets	Apr 2009	Apr. 2009 Knowns	Apr. 2010	Apr. 2010 Knowns	Apr. 2011 Targets
GENDER - Percentage of female staff											
SCS	28.5	31.3	30	37.4	N/A	37	38.2	N/A	37.7	N/A	40
PB2 +		22	20	26.2	N/A	30	30.4	N/A	36.9	N/A	37.5
BAND C	37.6	43.3	43	46	N/A	50.8	48.2	N/A	45.8	N/A	**
BAND B	44.7	46	48	49.7	N/A	**	**	N/A	49.2	N/A	**
BAND A	**	**	**		**	**	**	**	59.2	N/A	**
ETHNICITY - percentage of staff reported minority ethnic background											
SCS	*	*	1.7	*	*	2.15	*	*	*	*	2
BAND C	1.2	1.2	1.7	0.9	1	2.15	1	1.1	0.7	1	2
BAND B	1.2	1.1	1.7	1.2	1.3	2.15	1.1	1.4	0.9	1.4	2
BAND A	1.2	1.2	1.7	1.4	1.8	2.15	1.2	1.6	1.1	1.9	2
DISABILITY - percentage of staff reported disabled											
SCS	*	2.7	3	5.3	***	4	5.4	***	4.2	5.7	6
BAND C	1.2	1.9	1.4	2.4	***	3	1.8	***	2.3	3.2	4.5
BAND B	2.2	3.6	3.2	4.6	***	5.4	3.5	***	4.3	6.2	7.5
BAND A	4.2	5.9	5	8.3	***	8.8	5.4	***	6.8	11.1	10

* Figures to be treated as confidential to preserve anonymity (numbers less than 5)

** No target set

*** Not available from system at that point

"Known" figures represent the percentage of responses where the respondent indicated an under-represented group from the sum of the majority and under represented groups.

Gathering and Using Information on Disability Equality and Diversity Policies

4.7 We continue to gather information on a range of HR policies, and, in particular in relation to the recruitment, retention, development and engagement of our disabled employees. The information we gather is used on an ongoing basis as part of the monitoring and equality proofing of all our HR policies.

4.8 We also use the Scottish Government's Equality Impact Assessment process to identify issues of concern. If evidence of discrimination or unfair treatment is apparent from any of our monitoring procedures, we consider this further and put in place remedial action as required, for example, by adapting existing policies or processes to eliminate such discrimination or undertaking awareness raising activity. Once any changes have been made, we would then seek feedback from staff and stakeholders to ensure that they are effective. We review each of our policies and practices on a regular basis, seeking the views of equality groups, including the members of our staff networks, as appropriate, and taking any action to address evidence of inequality. Further details are set out below.

Recruitment

4.9 We continue to gather information on disability as part of our recruitment process at the time of entry to the Scottish Government and to collect it through our on-line recruitment package. It is held on a confidential basis and is available only to selected staff for legitimate business purposes. Staff records are updated as individuals join the organisation or through a 'self-service' feature of e-HR, which allows staff to input their own diversity information. Staff are reminded regularly that the self-service feature is available to them to ensure a high quality and quantity of data held. We continue to undertake additional work to enhance our diversity data and to increase our diversity declaration rates.

4.10 We continue to extend an automatic invitation to all disabled candidates who meet the defined minimum criteria for any post, whether internal or external, and reasonable adjustments are made to the recruitment process as required. We promote this in our recruitment literature and the guaranteed interview symbol appears on our press adverts. We also continue to take part in the annual audit of the Office of Civil Service Commissioners (OCSC), which ensures proper arrangements for disabled staff are in place. Any disparate impact of our policies and processes is addressed by appropriate action, for example, revised guidance or targeted development opportunities. We also continue to monitor success rates for disabled applicants at promotion and recruitment exercises.

Retention

4.11 The Diversity Team, together with the Management Information Team, continues to undertake the key reporting role on equal opportunities and diversity issues for the Scottish Government as an employer. Our reporting covers a wide range of staffing issues, including turnover, attendance and progress towards our targets for under-represented groups, including disabled staff at all grades and progress on our Equality and Diversity Delivery Plan. We also continue to provide

an annual submission to Cabinet Office as part of the UK-wide collection of information on civil servants.

4.12 We remain committed to the retention of disabled staff. We are currently monitoring the equality impact of our ongoing early severance exercise. Our Diversity Team and HR Professional Advisers Unit continue to make every effort to make reasonable adjustments to accommodate and retain disabled staff in their posts.

4.13 Following the results of the 2009 Employee Survey, the Diversity Team, along with colleagues in the Office of the Chief Researcher and Corporate Learning Services, undertook research into the lower engagement levels of disabled staff in the organisation, with a report completed in Winter 2010. The exercise focussed on qualitative interviews with staff from our disability-related staff networks. The findings of the report will be taken forward in 2011.

Development

4.14 We continue to record information on staff progress through the organisation in our e-HR database and some of this is evidenced in the progress towards our diversity targets. Each member of staff continues to consider his or her development needs as part of the appraisal process. We have developed our facility to record the type and quantity of training undertaken by staff and this is now done through the Personal Learning Plan option on our e-HR system.

4.15 We continue to make arrangements to ensure that disabled staff can access corporate courses, for example, accessing course materials online using assistive technology or providing 1-2-1 training covering essential business needs (e.g. IT skills) as required. Staff can also arrange loans of equipment and on-line learning materials to allow them to learn in a place and time that suits them. Materials are also made available in accessible formats. Findings from the research into the engagement levels of disabled staff will also be used to enhance the development process.

4.16 We continue to target both internal and external development opportunities to members of our staff Disability Network, including our mentoring initiative. In addition, we have been working with our Corporate Communications and Employee Engagement teams, to ensure the effective communication of diversity messages to all staff and their inclusion in consultation processes and organisational initiatives.

4.17 We now provide an expanded two-day diversity training course and continue to deliver our 'Essentials' management programme with its specific diversity segment. A further, elective diversity module is also now in place and diversity issues also feature regularly on the Corporate Learning Services managers' agenda. The relevant aspects of the new Equality Act have been incorporated into our training provision.

Fairness at Work

4.18 We continue to gather detailed information on an annual basis on every case recorded to enable us to identify and act on any incidents of discrimination or other unacceptable behaviour. In addition, the annual Employee Survey also contains questions on bullying and harassment at work and this information is also disaggregated by equality group and considered by the Diversity Team. Our new *Fairness at Work* policy, launched in Summer 2010, merged our Dignity at Work policy with our policy on general grievances and will continue to monitor, and address, the elimination of unacceptable behaviour across the organisation. We have developed an awareness session on bullying and harassment which is currently being rolled out across the organisation on a priority basis, based on our Employee Survey results.

Performance Management

4.20 The effective operation of the performance management system continues to make an important contribution to meeting our commitment to disability equality by ensuring all staff are valued for their individual contribution and their performance is assessed fairly. All staff have a responsibility to ensure that their participation in the performance management process supports the Scottish Government's diversity agenda and from April 2008, all staff have had to have a mandatory personal diversity objective. We also review all markings given to ensure that the system is free from bias and undertake regular equal pay reviews to ensure that our pay system is transparent and non-discriminatory.

4.21 Our performance appraisal guidance and appraisal form feature a reminder of the importance of ensuring that an individual's disability should not preclude them from achieving an exceptional marking and that such a marking should be awarded where their performance is assessed as exceptional in relation to the objectives which have been agreed with them.

Involving our Disabled Staff

4.22 We continue to consult and involve disabled staff directly on a regular basis, through our Disability Network and other staff networks and other direct communications, which we use where input is required, for example, user acceptance testing of new HR systems. Our annual employee survey also gathers a wide range of information from staff, including a range of equalities information. The Scottish Government is also keen to work closely with all disabled staff to ensure that their needs are met and that we continue to make improvements within the workplace. We also have in place an employee consultation panel, which is a diverse group of staff across the organisation that we can consult for feedback and input to policies and processes. This group had been consulted on various issues, including inclusive access to Scottish Government buildings and on our Employee Assistance Programme.

4.23 We continue to work very closely with the Council of Scottish Government Unions and hold regular meetings with them on diversity and equality issues, as well as discussing ad hoc issues as they arise. The trades unions are also represented

on the Equality and Diversity Programme Board. We also continue to monitor the operation of our staff networks to ensure they are working effectively.

The Work Environment

4.24 We continue to address issues arising from the work environment both through our employee survey, or where they are raised separately, and to provide a wide range of equipment and adjustments, including physical improvements, and IT hardware and software. Individuals are supported by their line manager, HR Professional Advisers and our Welfare Officer, if required. We also continue to work closely with our Information Technology and Procurement colleagues to try to ensure that any new systems are accessible and compatible with our current assistive technology software. Disabled staff can continue to apply to work flexibly and make use of our online flexi-time system. Where access is not possible, for example with particular third-party software products, we continue to make other adjustments. The employee survey showed that staff who had declared a disability were not as positive about learning opportunities in the Scottish Government as other staff. CLS worked with OCR to set up focus groups and additional interviews to investigate why there was a difference. The results of this research were feed back to CLS and in response we making a number of changes to how we both deliver and communicate our learning opportunities.

4.25 The Occupational Health and Safety Branch continues to undertake workstation assessments on request from HR Professional Advisers, to recommend what reasonable adjustments can be implemented. These recommendations can include orthopaedic chairs, ergonomic workstation accessories and other ancillary work equipment.

4.26 Facilities and Estates Services (FES) continues to ensure compliance with our responsibilities in relation to our estate and to complete bespoke work that has an acute effect on individual members of staff as a priority.

Promoting positive attitudes

4.27 All of our diversity information is now easily accessible through our diversity intranet pages and is reviewed and added to on a regular basis. A manager's guide is also available on disability issues, to support managers in the daily task of managing disability. The Diversity Team also retains a hard copy library of a range of information on specific disabilities and guidance from the Employers' Forum on Disability, of which we are a member.

4.28 We continue to hold meetings of our various staff networks, including those on disability, mental health and ME/Chronic Fatigue Syndrome and to share information with, the Civil Service Disability Network on a regular basis. We also continue to use the Disability Network as a sounding board for our HR policies and for user acceptance testing of our systems.

4.31 HR Action Plan - Update, December 2010

Policy	Action	By whom	By when	Outcome
Development of disabled staff	Ensure that disabled staff have access to and undertake the fullest training opportunities.	Line managers and Corporate Learning Services	Ongoing	Disabled staff are able to make the fullest use of training opportunities.
	Target specific opportunities as these arise.		Ongoing	As above.
	Develop cases studies of disabled staff with positive work experiences.	Diversity Team	Ongoing	Raise awareness of career opportunities for disabled staff.
Retention of disabled staff	Monitor the reasons for staff (including disabled staff) leaving the organisation and remedy accordingly.	Diversity Team and HR colleagues	Impact assessments of early severance schemes (including exit interviews where possible) - ongoing	Disabled staff are retained within the organisation and any unfair treatment addressed.
	Research into low engagement levels of disabled staff	Diversity Team, CLS and office of the Chief researcher	Research undertaken in Summer 2010. Report to be published in Winter 2010	Improve the low engagement levels of disabled staff; improve retention levels.
Performance Appraisal	Monitoring of performance markings	HR Employee Relations Diversity and Policy Team	Annually, and ongoing	Ensure fairness in performance management process.
Promotion	Ongoing	HR	Ongoing	A fairer

	monitoring of disabled staff in obtaining promotion and accessing opportunities.	Resourcing/ Diversity Team		promotion process and increased opportunities for disabled staff.
Staff engagement and communications	To continue to gather information on issues facing disabled staff through the staff survey and analyse this to determine actions.	Diversity Team/ Employee Engagement Team/Office of the Chief Researcher.	Annually, and ongoing	Improved organisational understanding of, and response to, disabled staff's views.
Information and guidance	Development of disability pages on the HR intranet site.	Diversity Team	Ongoing	Better access to information and guidance for disabled staff and managers.
	Continued training programme by the Diversity Trainer/s.	Corporate Learning Services	Ongoing	Ongoing improvement to equality and diversity training and information.
HR Policy review process	Disabled staff will continue to be involved in the policy review process through engagement with all relevant staff networks.	HR Employee Relations/ Office of Chief Researcher	Ongoing	Policy outcomes properly reflect the views of disabled staff.
Resourcing policy	Regular review of resourcing policy along with associated processes to ensure they reflect best practice and are legally compliant.	HR Resourcing Centre of Expertise	Ongoing	The SG complies with legal requirements and will be a best practice employer.
Interchange Strategy	We will continue to review Interchange policy and	HR Resourcing Centre of Expertise	Ongoing	We will comply with legal requirements and will be best

	strategy to ensure best practice. In line with wider resourcing policies applications from disabled people are encouraged.			practice employer
Reappointment policy	We will continue to review reappointment policy to ensure best practice. In line with wider resourcing policies applications from disabled people are encouraged.	HR Resourcing Centre of Expertise	Ongoing	We will comply with legal requirements and will be best practice employer.
Public Appointments	We continue to work closely with OCPAS on their work with their Diversity Delivers Strategy. We will ensure by continually reviewing and updating policy, processes etc that we actively encourage applications from disabled people.	HR Resourcing Centre of Expertise	Ongoing.	We will comply with legal requirements to ensure Scotland's public bodies reflect the diversity of Scotland's population.

Appendix 3 Measuring progress on disability equality

National indicators are disaggregated by equality strand where possible. However, the final report of the Equality Review in 2007 concluded that 'poor measurement and a lack of transparency have contributed to society and government being unable to track persistent inequalities and their causes'. We recognise that there is a need for better and more consistent information and the Scottish Government continues to work with the Equality and Human Rights Commission and Government Equalities Office at Westminster on the new Equalities Measurement Framework. The Equalities Measurement Framework will help us to better understand not only inequality of outcome for a diverse range of communities and in this context disabled people, but also inequalities in process and in the choices that people can make about their lives.

In addition to work on developing the framework, we are working to develop questions around disability which allow us to analyse information better by the type of disability or impairment and by reframing the questions within a social barrier context.

The information presented in this chapter was collected from a number of sources including sample surveys and administrative data sources. Each of the sources asks a different question to collect information on disability, not all of which are consistent with the Disability Discrimination Act (1995) definition. The questions from each survey are at Annex A* at the end of this chapter.

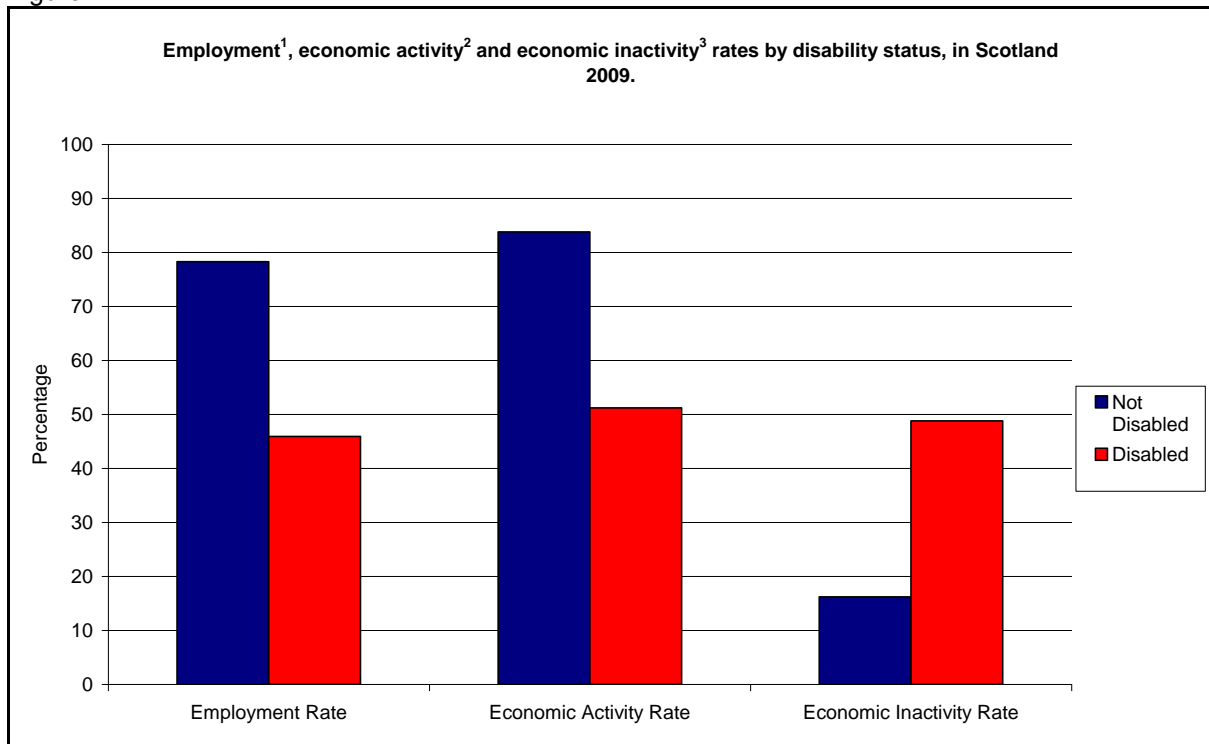
* All differences between categories which are noted are statistically significant at the 95% confidence level, although it has not been possible to check the significance of the data from the FRS. Totals may not sum due to rounding.

The information presented in this chapter was collected from a number of sources including sample surveys and administrative data sources. Each of the sources asks a different question to collect information on disability, not all of which are consistent with the Disability Discrimination Act (1995) definition. The questions from each survey can be seen in Annex A.

1. Measures: Employment

The employment rate of people who have a disability (45.9%) is lower than that of people who do not have a disability (78.3%) (Figure 1.1). The economic inactivity rate is higher for people with a disability (48.8%) than those who do not (16.2%) (Figure 1.1). There is variation regarding employment rates between Local Authorities. The Orkney Islands has the highest employment rate for people with a disability (79.3%) and Glasgow City has the lowest (29.2%) (Table 1.1). Economic inactivity rates for those with a disability show that the Highlands has the lowest (36.1%) and Glasgow City has the highest rate (64.3%) (Table 1.2).

Figure 1.1



Source: Annual Population Survey, Jan – Dec Notes:

1. Employment rate is the number of people aged 16-64 in employment expressed as a percentage of the population aged 16-64.
2. Economic activity rate is the number of people either in employment or unemployed as a percentage of the population aged 16-64.
3. Economic inactivity rate is the number of people aged 16-64 neither in employment nor unemployed as a percentage of the population aged 16-64.
4. Disability includes those who are either work limiting disabled or disability discrimination act disabled.
5. The LFS questions on health and disability reflect the provisions of the Disability Discrimination Act (DDA) 1995. The LFS broadly classifies disabled into three categories records: DDA disabled (current disabled) only; Work-limiting disabled only, and those with both DDA disabled and work-limiting disabled.
6. Data are for those people aged 16-64.

Table 1.1 Employment rates by disability status for each Local Authority, Scotland 2009.

Local Authority	Disabled	Non-disabled	All
Aberdeen City	58.4%	83.3%	78.5%
Aberdeenshire	54.5%	85.6%	80.3%
Angus	47.0%	81.2%	74.3%
Argyll and Bute	49.9%	78.6%	73.4%
Scot Borders, The	56.6%	79.2%	74.9%
Clackmannanshire	41.3%	76.7%	69.6%
West Dunbartonshire	39.6%	75.1%	67.4%
Dumfries and Galloway	54.9%	79.4%	74.3%
Dundee City	43.1%	74.7%	68.4%
East Ayrshire	38.7%	75.5%	67.0%
East Dunbartonshire	50.5%	79.1%	74.7%
East Lothian	52.7%	81.6%	74.8%
East Renfrewshire	43.9%	78.3%	72.6%
Edinburgh, City of	48.1%	76.7%	72.3%
Falkirk	44.8%	79.1%	72.7%
Fife	53.3%	76.3%	71.0%
Glasgow City	29.2%	72.0%	62.4%
Highland	58.8%	86.1%	81.8%
Inverclyde	39.2%	76.2%	66.7%
Midlothian	56.1%	80.7%	75.3%
Moray	54.3%	81.7%	77.8%
North Ayrshire	42.1%	72.6%	65.0%
North Lanarkshire	45.5%	80.3%	72.3%
Orkney Islands	79.3%	86.0%	85.1%
Perth and Kinross	55.2%	78.7%	74.9%
Renfrewshire	40.0%	80.2%	71.9%
Shetland Islands	68.0%	87.8%	84.8%
South Ayrshire	42.3%	76.8%	70.6%
South Lanarkshire	40.3%	78.8%	71.5%
Stirling	53.4%	77.1%	73.0%
West Lothian	48.2%	79.6%	72.6%
Eilean Siar (Western Isles)	54.4%	74.2%	71.2%
Scotland	45.9%	78.3%	71.9%

Source: Annual Population Survey

1. Jan-Dec 2009.

2. Data for those people aged 16-64.

Table 1.2 Economic inactivity rates by disability status for each Local Authority, Scotland 2009.

Local Authority	Disabled	Non-disabled	All
Aberdeen City	39.5%	14.4%	19.2%
Aberdeenshire	43.4%	12.0%	17.4%
Angus	45.8%	14.8%	21.2%
Argyll and Bute	42.3%	17.0%	21.6%
Scot Borders, The	36.5%	15.2%	19.2%
Clackmannanshire	57.4%	17.2%	25.3%
West Dunbartonshire	56.4%	17.6%	26.0%
Dumfries and Galloway	41.8%	16.2%	21.5%
Dundee City	50.4%	19.4%	25.6%
East Ayrshire	54.1%	16.0%	24.7%
East Dunbartonshire	41.1%	16.4%	20.2%
East Lothian	43.9%	14.7%	21.6%
East Renfrewshire	51.5%	17.4%	23.0%
Edinburgh, City of	48.2%	18.0%	22.6%
Falkirk	51.8%	15.3%	22.0%
Fife	40.5%	16.0%	21.6%
Glasgow City	64.3%	20.8%	30.5%
Highland	36.1%	12.1%	15.9%
Inverclyde	51.6%	17.3%	26.1%
Midlothian	37.9%	11.6%	17.5%
Moray	38.2%	14.6%	18.0%
North Ayrshire	53.8%	17.5%	26.5%
North Lanarkshire	48.1%	13.2%	21.2%
Orkney Islands	*	11.4%	12.3%
Perth and Kinross	39.8%	18.3%	21.8%
Renfrewshire	55.3%	13.1%	21.9%
Shetland Islands	*	9.0%	11.9%
South Ayrshire	51.5%	16.9%	23.1%
South Lanarkshire	54.9%	15.6%	23.0%
Stirling	40.6%	16.2%	20.4%
West Lothian	47.0%	15.3%	22.4%
Eilean Siar (Western Isles)	*	19.6%	21.5%
Scotland	48.8%	16.2%	22.6%

Source: Annual Population Survey

1. Jan-Dec 2009

2. Data for those people aged 16-64.

There is wide variation in employment rates of disabled people when broken down into different main impairment types (Table 1.3). The highest employment rate occurs for people with diabetes (67.9%), the lowest employment rates occur for those people with severe or specific learning difficulties (mental handicap) (23.8%) and those with depression, bad nerves or anxiety (25.4%) (Table 1.3).

Table 1.3. Employment rates of disabled people by main impairment type in Scotland 2009.

Impairment Type	(%)
Problems or disabilities connected with arms or hands	45.3
Problems or disabilities connected with legs or feet	46.8
Problems or disabilities connected with back or neck	41.2
Difficulty in seeing (while wearing spectacles or contact lenses)	47.5
Difficulty in hearing	58.9
Speech impediment	*
Severe disfigurement, skin conditions, allergies	62.6
Chest or breathing problems, asthma, bronchitis	58.1
Heart, blood pressure or blood circulation problems	52.3
Stomach, liver, kidney or digestive problems	57.8
Diabetes	67.9
Depression, bad nerves or anxiety	25.4
Epilepsy	38.9
Severe or specific learning difficulties (mental handicap)	23.8
Mental illness, or suffer from phobia, panics or other nervous disorders	*
Progressive illness not included elsewhere (e.g. cancer, multiple sclerosis, ..)	42.2
Other health problems or disabilities	53.8
All people with a disability	45.9

Source: Annual Population Survey 2009 (Jan-Dec).

Note: 1. Data for those people aged 16-64.

2. * data suppressed as estimates below reliable threshold.

People with a disability are less likely to be employed in professional occupations, in associate professional and technical posts, as managers and senior officials and in sales and customer service occupations than people who do not have a disability. People with a disability are also more likely to be employed in elementary occupations, in administrative and secretarial positions, in personal service occupations and as process, plant and machine operators. Those with a disability have similar rates of employment within skilled trade occupations to those who do not have a disability (Table 1.4).

Table 1.4. Employment by occupation type for disabled people and people who are not disabled in Scotland 2009.

Occupation Type	Disabled (%)	Not Disabled (%)	All (%)
Managers and Senior Officials	12.3	13.2	13.1
Professional occupations	10.4	13.4	13
Associate Professional and Technical	14	14.4	14.4
Administrative and Secretarial	12.5	11	11.2
Skilled Trades Occupations	10	11	10.9
Personal Service Occupations	10.9	8.9	9.2
Sales and Customer Service Occupations	7.6	8.1	8
Process, Plant and Machine Operatives	7.9	6.8	7
Elementary Occupations	13.1	11.6	11.8
All	311,900	2,174,000	2,485,900

Source: Annual Population Survey 2009 (Jan-Dec).

Notes: 1. 16+ population.

2. Data excludes those who did not state their occupational group.

The percentage of working age people (16-64) in work who would like to work more hours at basic pay rates is similar for people with a disability (8.9%) when compared to people who do not have a disability (8.5%), the percentage for the whole of Scotland is 8.5% (Source: Annual Population Survey (Jan-Dec 2009)).

People with a disability earn less per hour (£9.30) compared to people who do not have a disability (£10.00) (Source: Annual Population Survey Jan-Dec 2009 - working age population, 16-64).

The percentage of the working age population (16-64) in Scotland (2009) with at least Level 2 qualifications or equivalent is lower for people with a disability (62.7%) when compared to those who do not have a disability (81%). The overall percentage for Scotland is 77.4% (Source: Annual Population Survey 2009 Jan-Dec).

2. Measures: Independent Living

2.1 Transport

It appears that a higher percentage of people who answered yes to having a long-term illness/health problem or disability or both an illness/health problem and disability have difficulty using a bus (19%) compared to a train (13%) car (7%) or taxi (6%) (Source: Scottish Household Survey 2009).

2.2 Volunteering

People who answered yes to having either a long term illness/health problem or disability or both are less likely to volunteer than those who answered no (Table 2.2.1).

Table 2.2.1 The percentage of people who do / do not volunteer to provide unpaid help to any clubs, charities, campaigns or organisations by disability status, in Scotland 2009.

Volunteer	Yes Disability	Yes Illness / Health Problem	Yes Disability and Illness / Health Problem	No Disability or Illness / Health problem	All Scotland
No	82	81	81	76	77
Yes	18	19	19	24	23

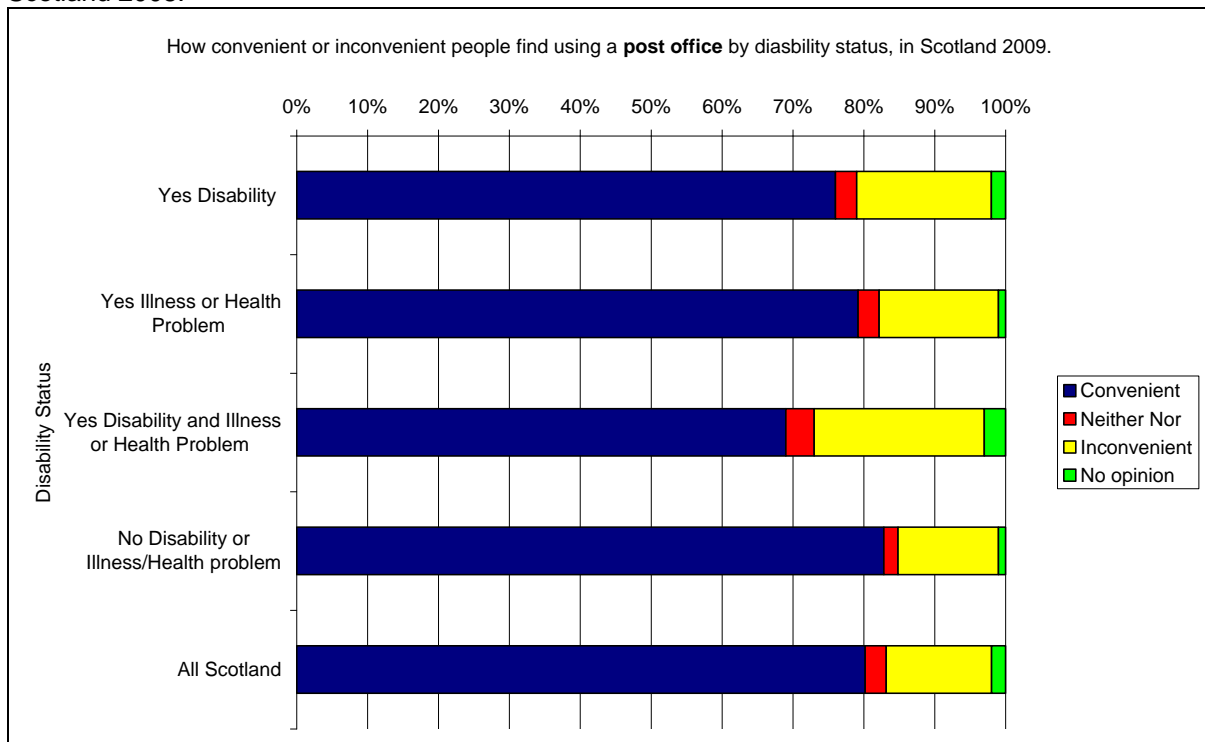
Source: Scottish Household Survey 2009.

Note 1. People with a disability, illness/health problem or both disability illness/health problem are those people that answered yes to the question 'Could I just check do you have any long-standing illness, health problem or disability that limits your daily activities or the kind of work that you can do?'.
.

2.3 Public services

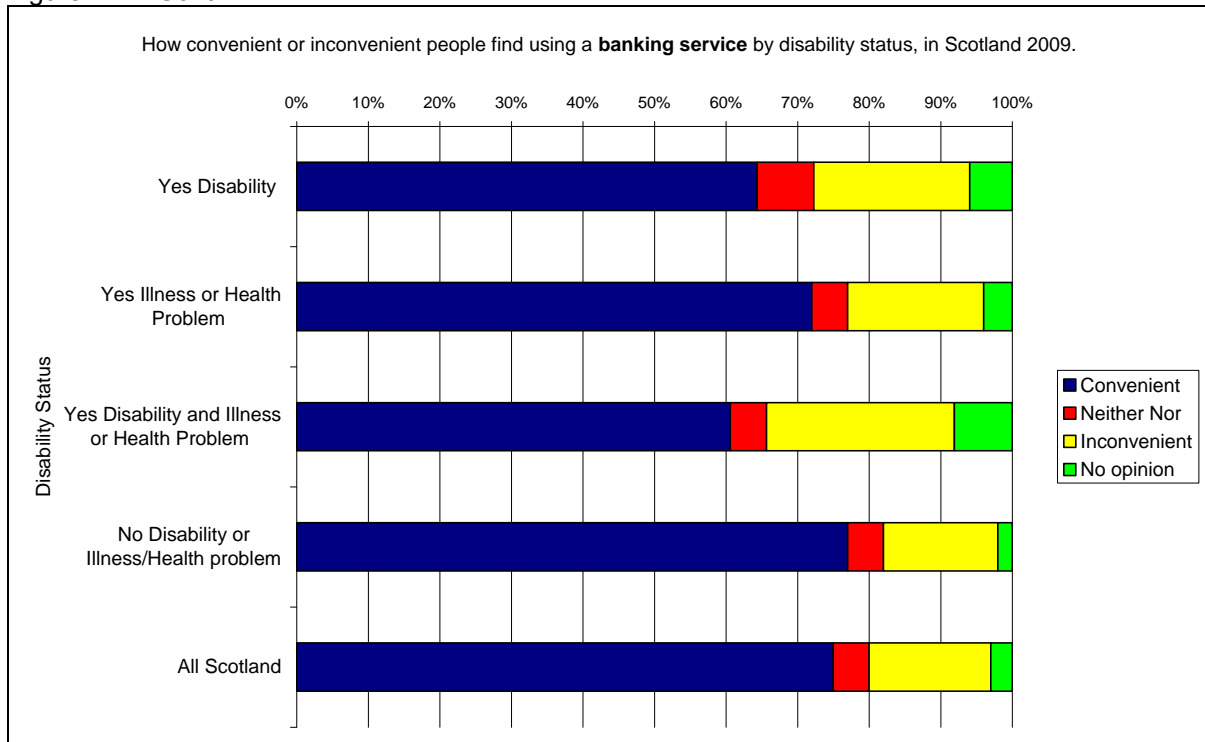
Whilst the majority of all people find a range of services convenient, a larger percentage of people who answered that they have both a long term illness/health problems and disability find services inconvenient when compared to people with either a long term illness/health problem or disability or neither of these (Figure 2.3.1 a-i). The service with the lowest percentage of people who find it convenient is hospital outpatient departments (figure 2.3.1 h).

Figure 2.3.1. How convenient or inconvenient people find a range of services by disability status, in Scotland 2008.

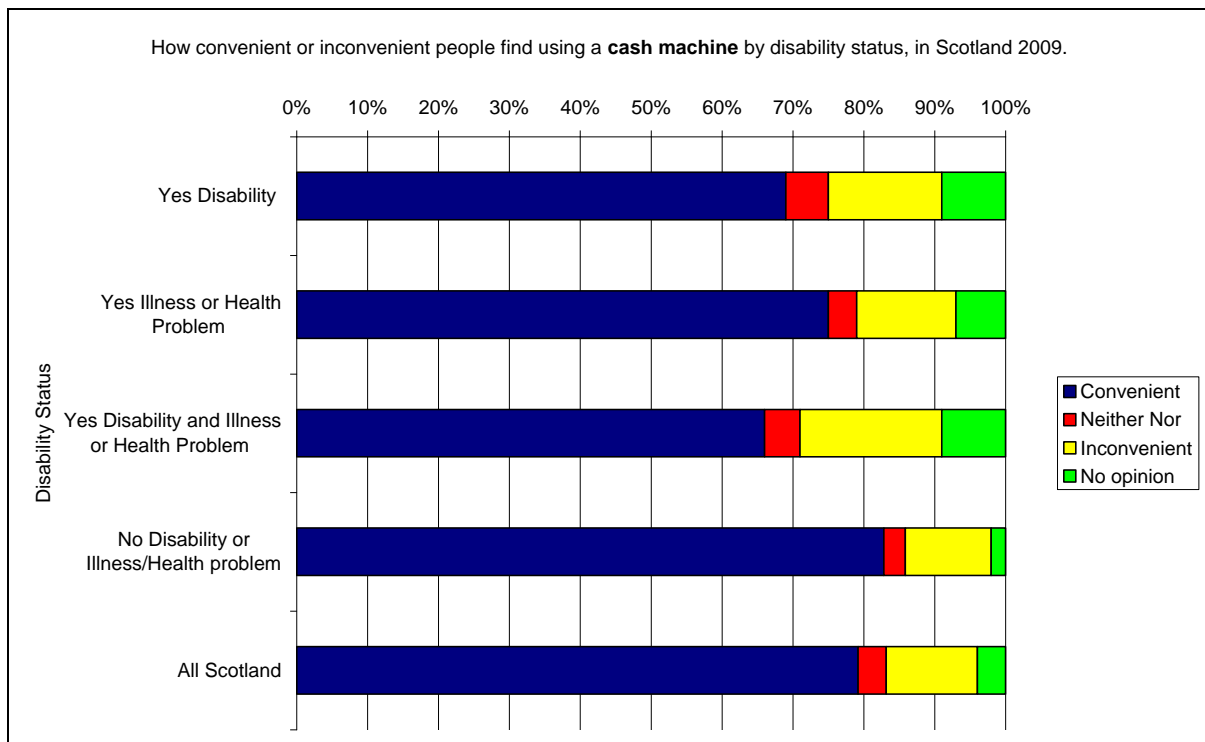


(a)

Figure 2.4.1 Cont...

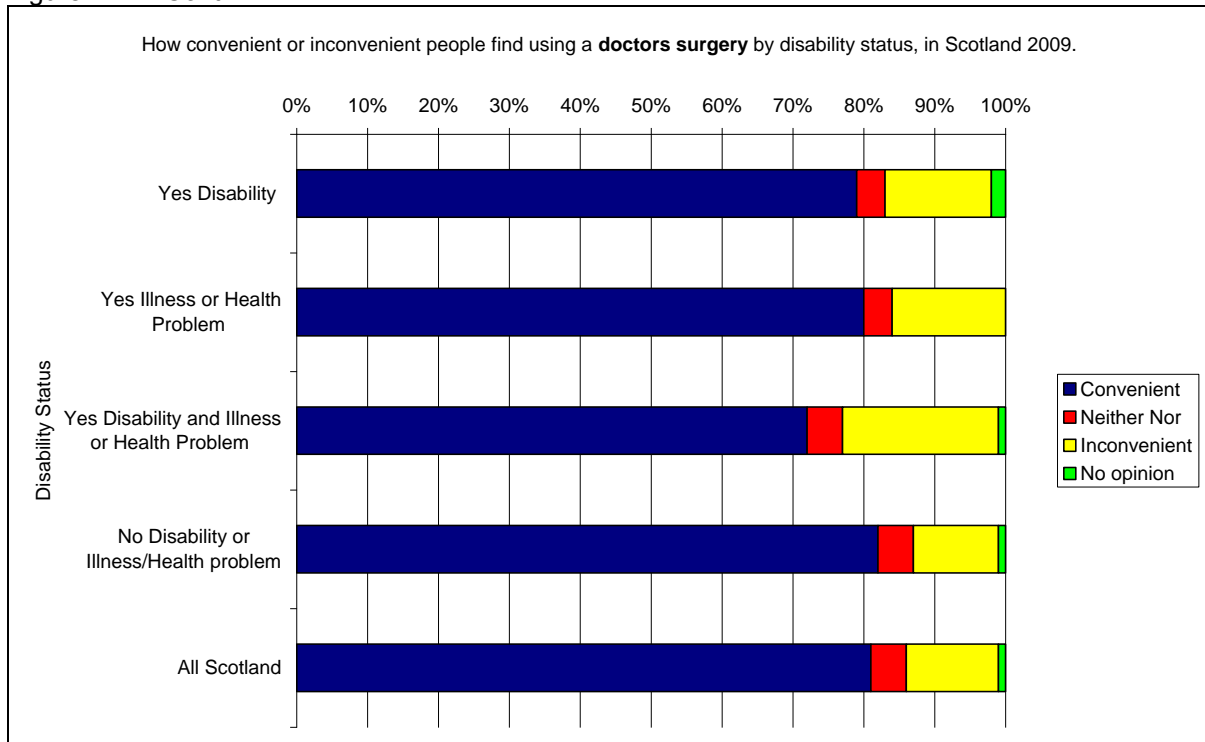


(b)

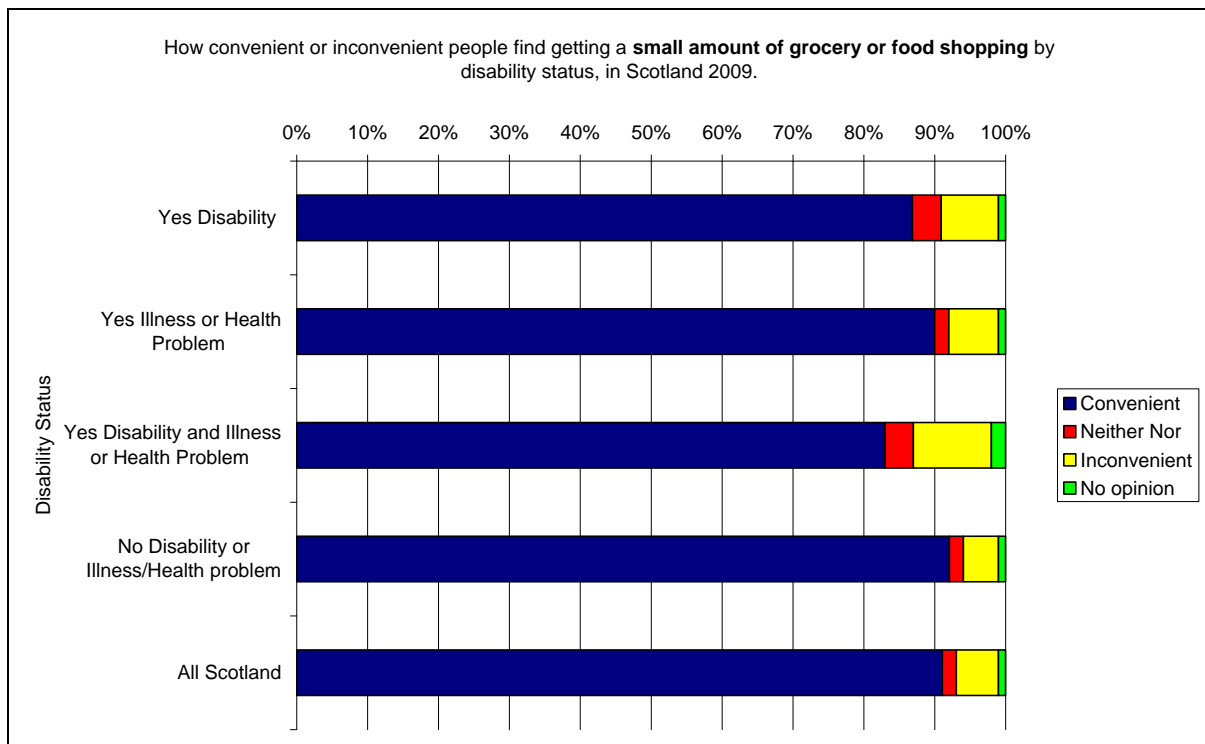


(c)

Figure 2.4.1. Cont...

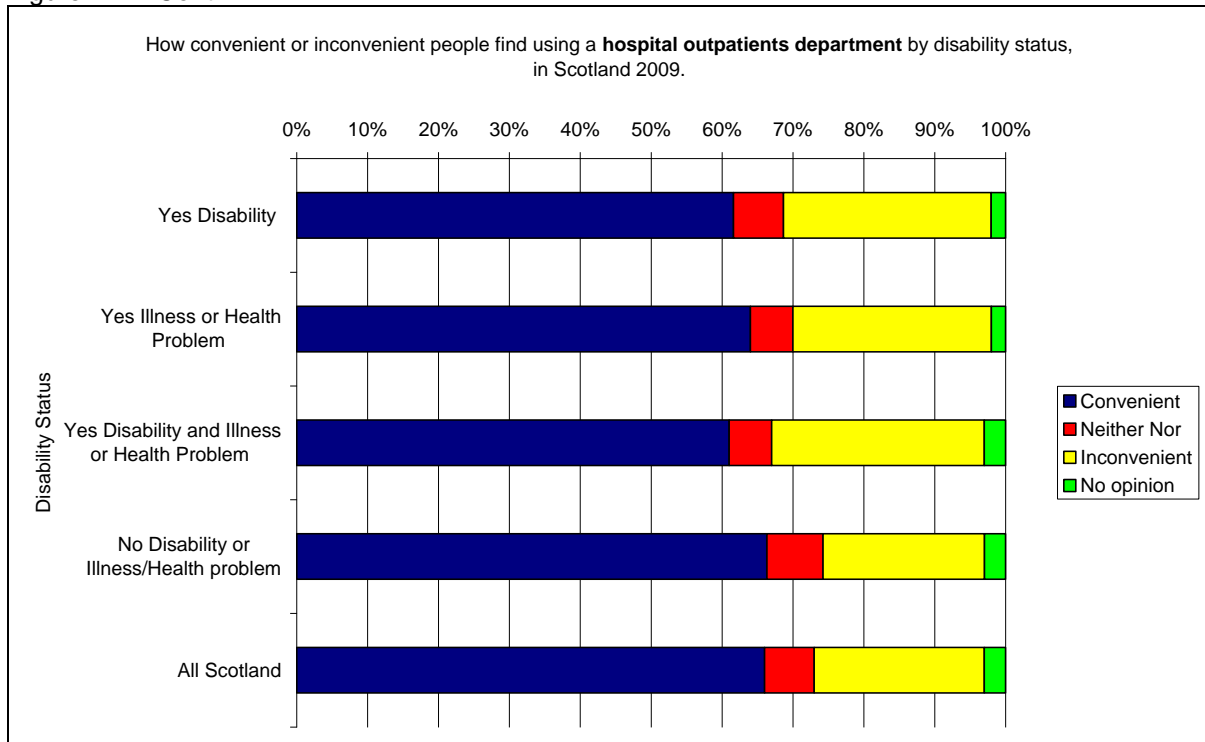


(d)

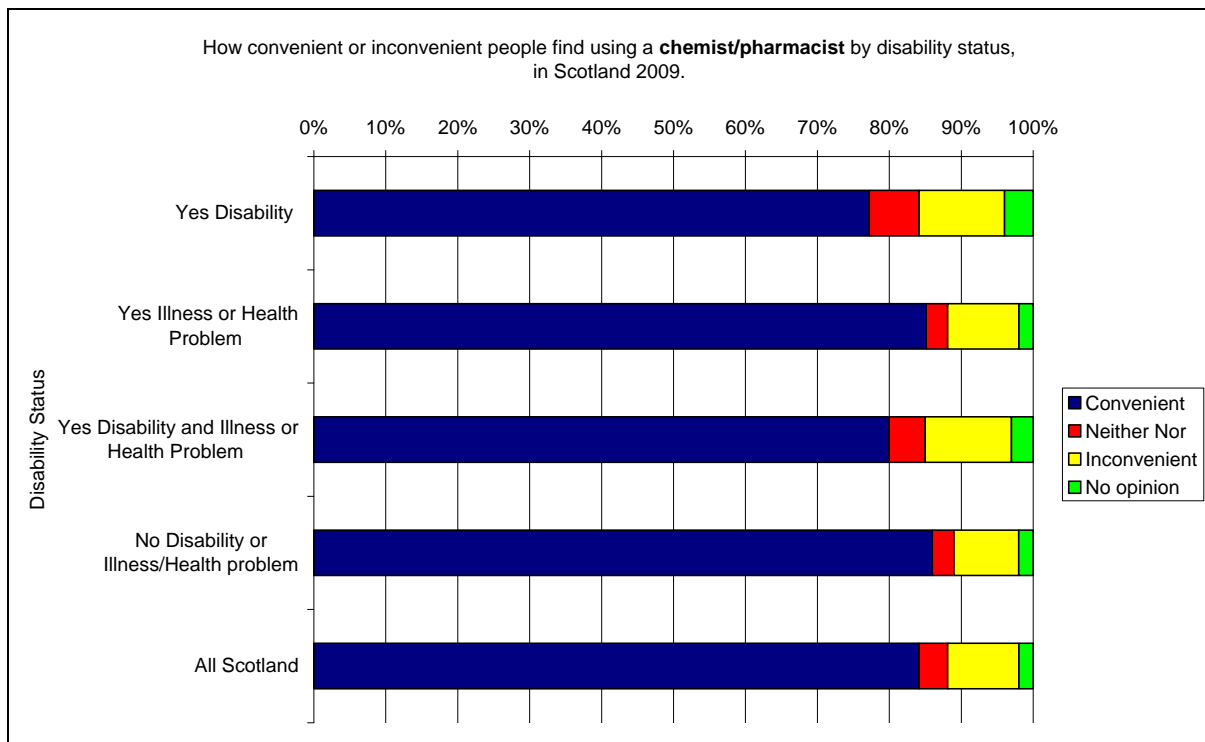


(e)

Figure 2.4.1 Cont..

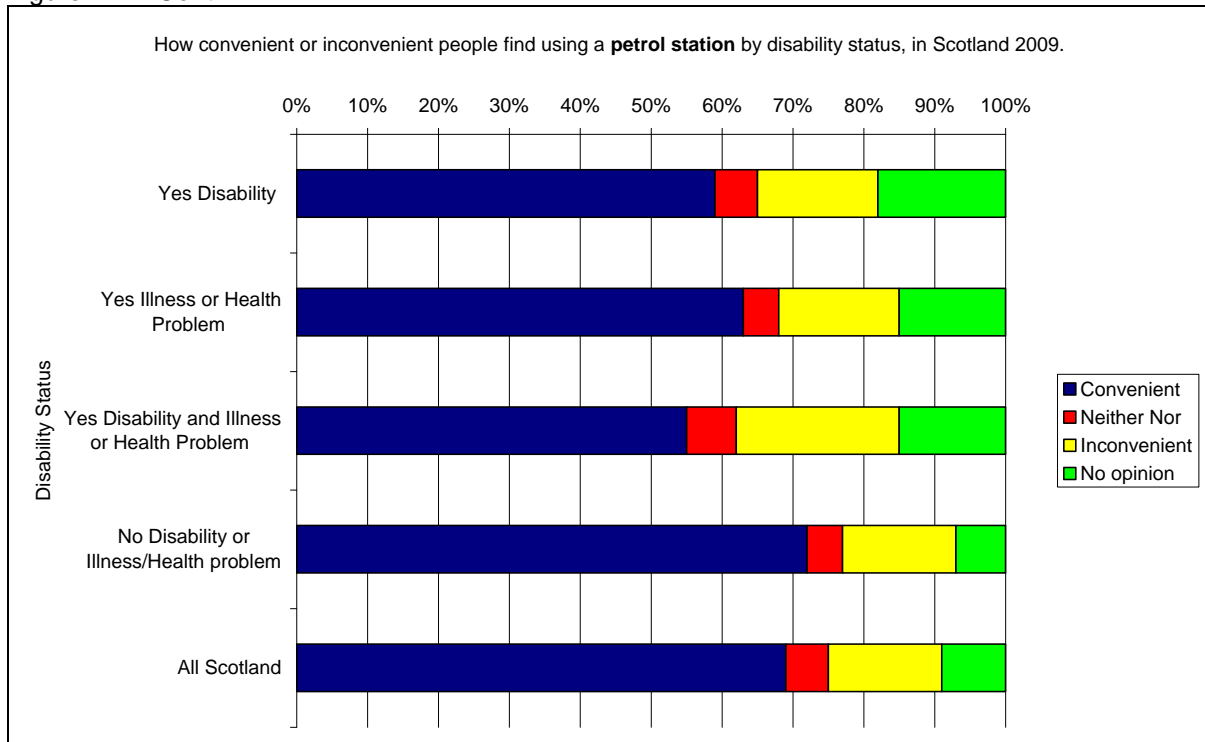


(f)

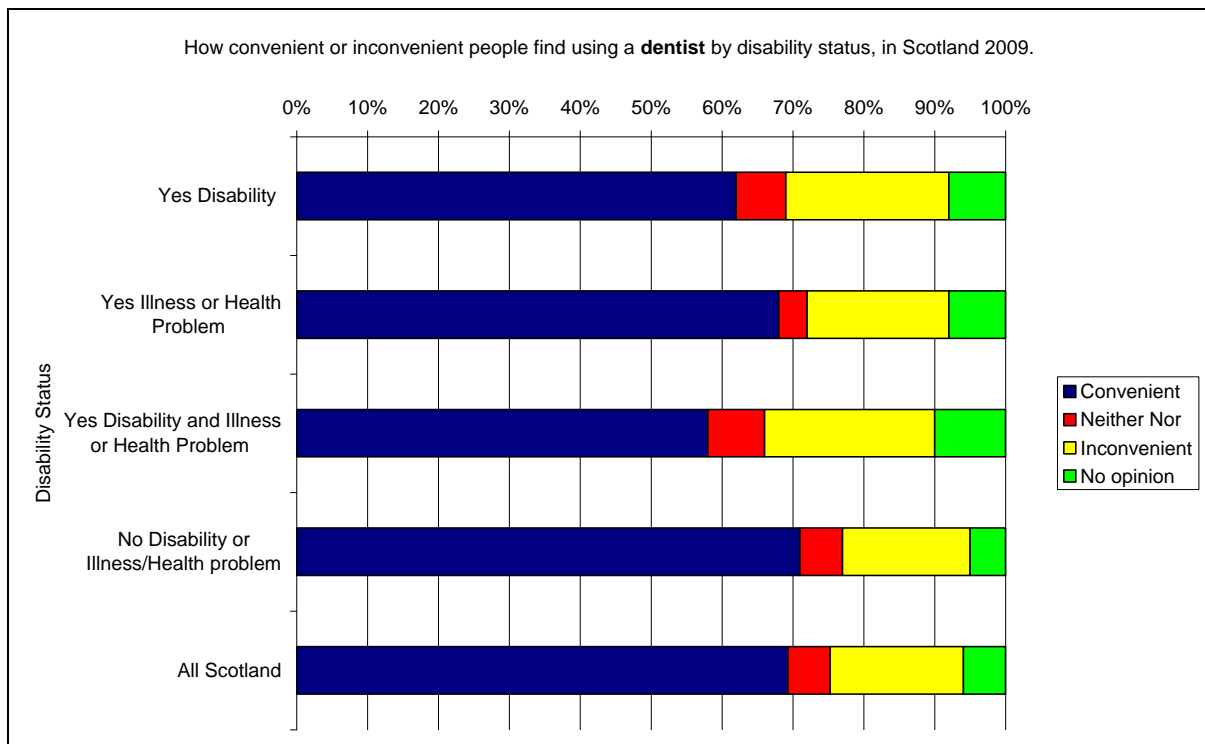


(g)

Figure 2.4.1 Cont..



(h)



(i)

Source: Scottish Household Survey 2009.

Notes 1. Fairly convenient and very convenient were aggregated and fairly inconvenient and very inconvenient were aggregated.

2.4 Internet

A lower percentage of households containing someone with an illness/health problem or disability have internet at home when compared to households that do not contain someone with a long term illness/health problem or disability (Table 2.4.1).

Table 2.4.1. Percentage of households that have access to the internet at home in Scotland in 2009.

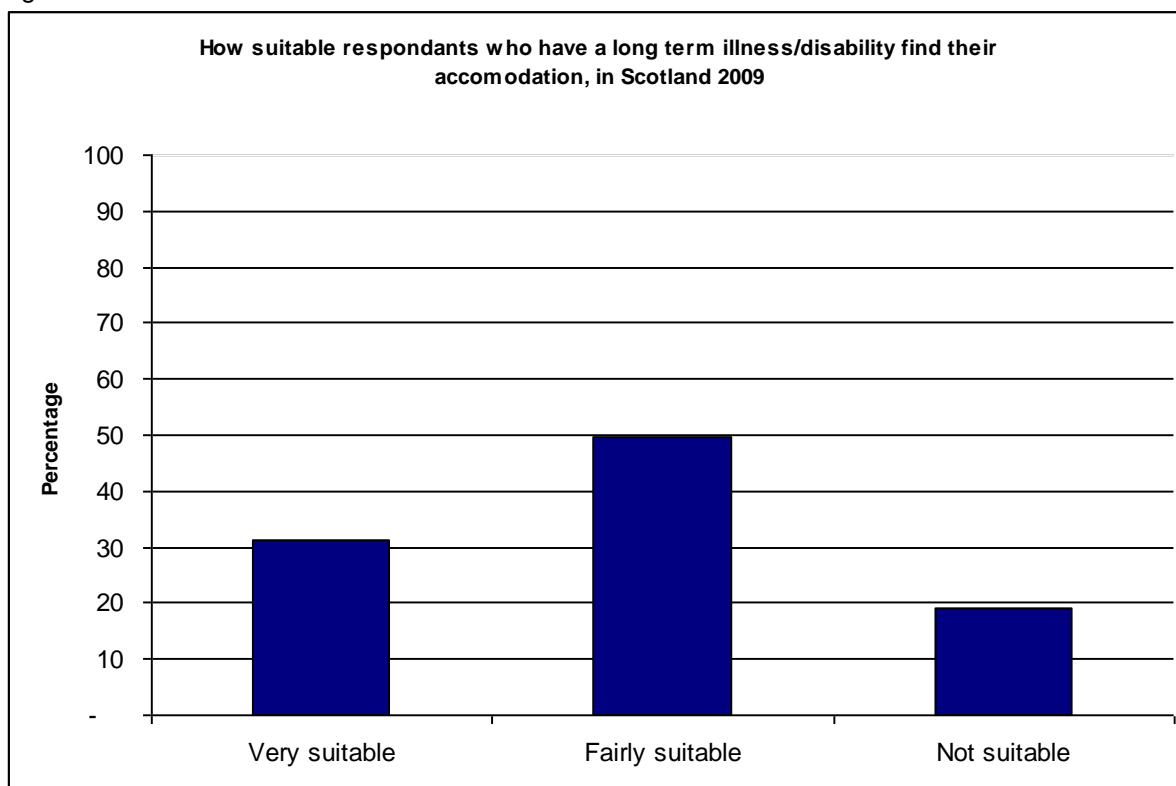
Whether household has internet access	Whether anyone in the household has a long-term illness, health problem or disability (%)		All (%)
	Yes	No	
Yes	48	73	65
No	52	27	35

Source: Scottish Household Survey 2009.

2.5 Accommodation

In 2009 the majority of people with a long term illness/health problem/disability found their accommodation fairly suitable (50%) or very suitable (31%). 19% found their accommodation to be unsuitable (Figure 2.5.1). Less than one fifth of houses that contain a member who has a long term illness/health problem/disability need adaptations to their homes (19%) (Figure 2.5.2).

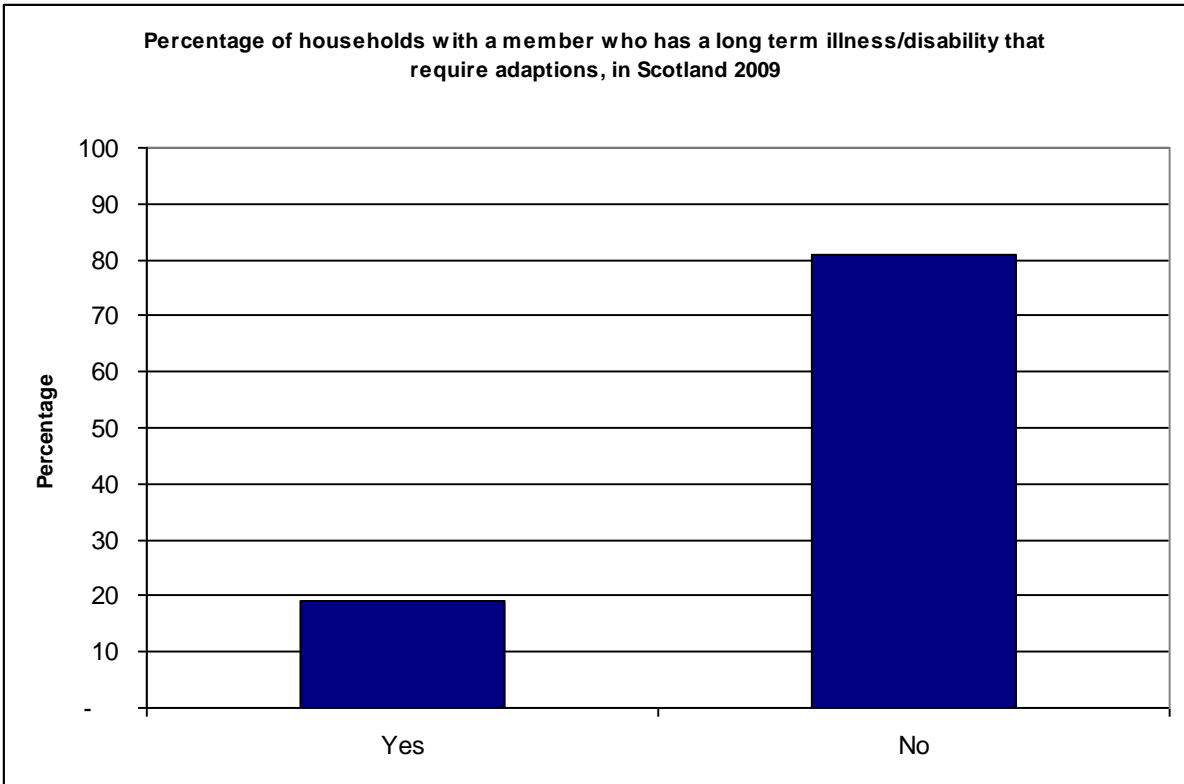
Figure 2.5.1.



Source: Scottish House Condition Survey 2009.

Note 1. These questions are only asked of households that contain someone with a long term illness/health problem/disability.

Figure 2.5.2.



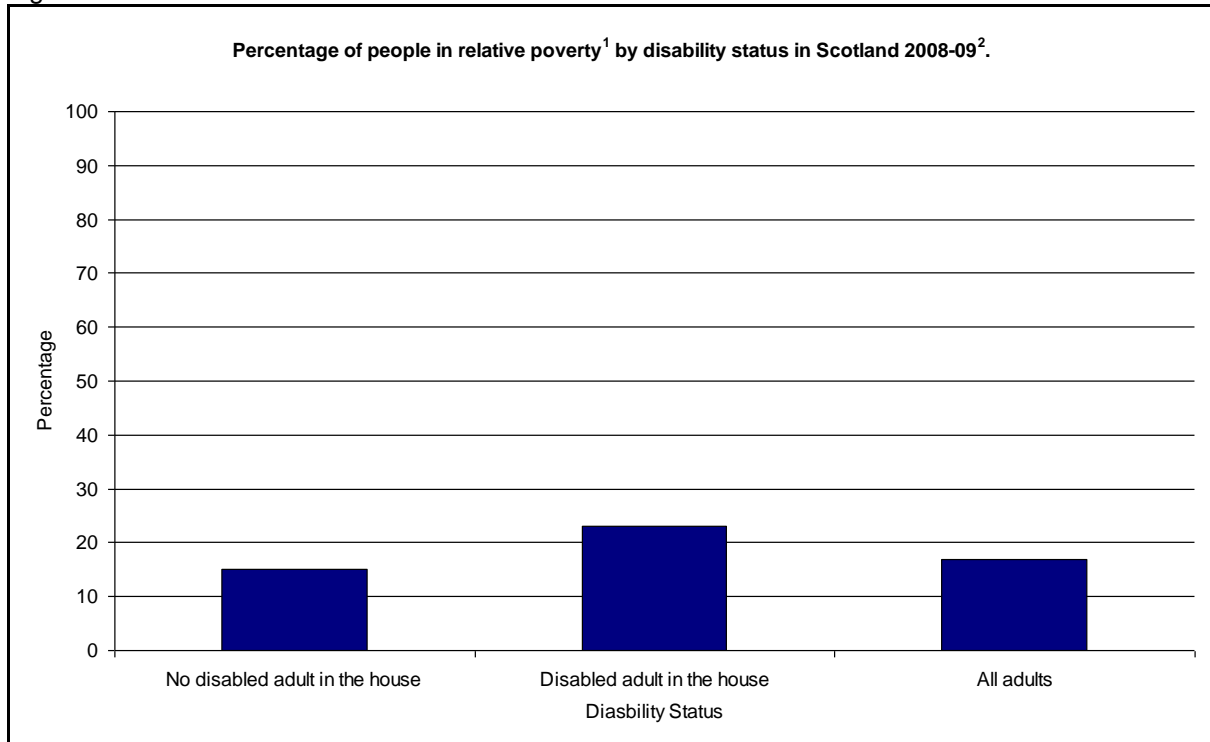
Source: Scottish House Condition Survey 2009.

Note 1. These questions are only asked of households that contain someone with a long term illness / health problem / disability.

2.6 Income

A higher percentage of people are in relative poverty (before housing costs) if there is a disabled adult in the family (23%) than if there is not (15%) (Figure 2.6.1).

Figure 2.6.1.



Source: Family Resource Survey 2008-09, financial year.

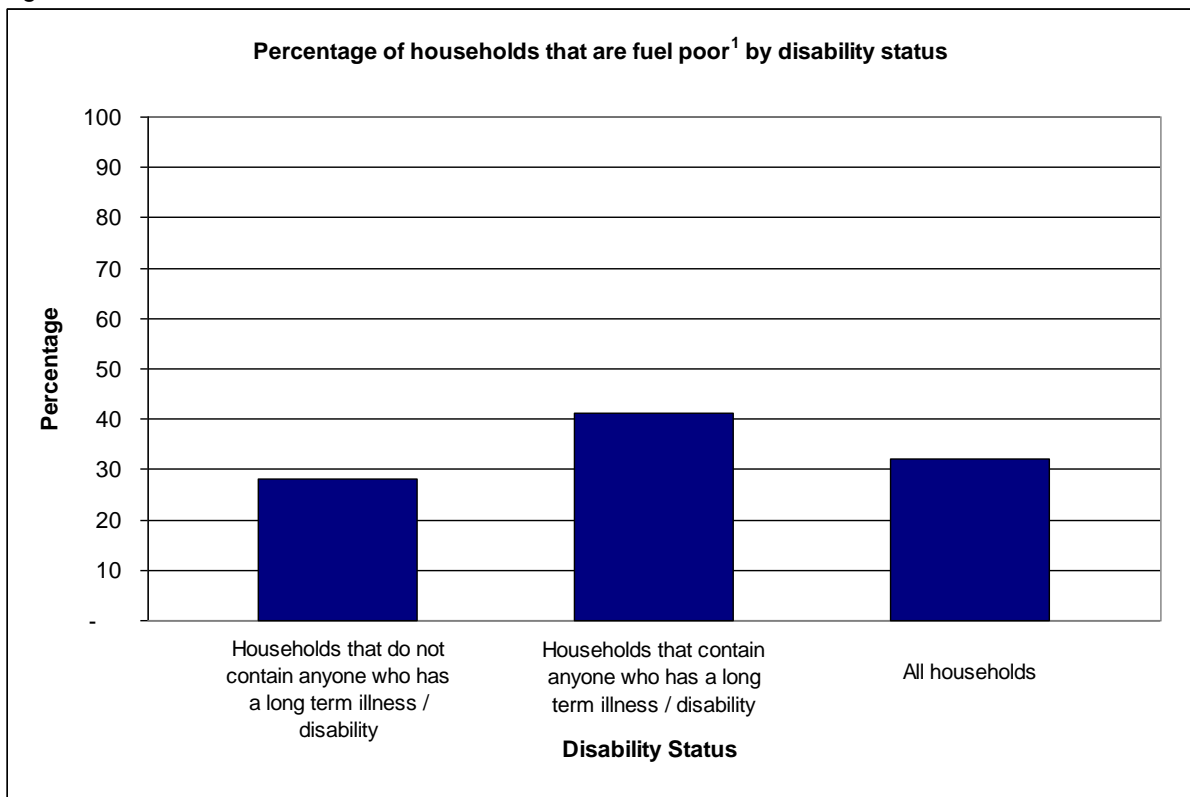
Note 1. Relative poverty is defined as individuals living in households whose equivalised income is below 60% of the UK median income in the same year. The OECD equivalence scale was used.

2. This information is based on income Before Housing Costs.

3. It has not been possible to check the significance of this data.

In 2009, households that contained someone with a long term illness/health problem/disability were more likely to be fuel poor (41%) than households that did not contain someone with a illness/disability (28%) (Figure 2.6.2).

Figure 2.6.2



Source: Scottish House Condition Survey 2009.

Notes 1. The term 'fuel poverty' refers to the situation where a household can not afford to heat their home to an adequate level. The Scottish Government uses the following definition of fuel poverty as set out in the Scottish Government Fuel Poverty Strategy (FPS) published in 2002: 'A household is in fuel poverty if it would be required to spend more than 10% of its income (including housing benefit income support for mortgage interest) on all household fuel use'.

2.7 Cultural and Sport Participation

Table 2.7.1. Percentage of people who participate in a range of cultural activities by disability status, in Scotland 2009.

Cultural Activity	Yes Disability (%)	Yes Illness or Health Problem (%)	Yes Disability and Illness or Health Problem (%)	No Neither (%)	All (%)
Film at cinema or other venue	74	70	74	40	48
	26	30	26	60	52
Exhibition or collection of art, photography or sculpture	91	88	92	81	83
	9	12	8	19	17
Craft exhibition	92	91	93	88	89
	8	9	7	12	11
Event connected with books or writing	97	96	98	95	95
	3	4	2	5	5
Street arts or circus (not animals)	95	93	95	88	90
	5	7	5	12	10
Culturally specific festival (mela / Feis)	97	96	96	93	94
	3	4	4	7	6
Play, drama other theatrical performance (musical / pantomime)	83	81	82	70	73
	17	19	18	30	27
Opera / operetta / classical music performance	94	96	96	93	94
	6	4	4	7	6
Other live music event e.g. jazz	88	84	86	69	73
	12	16	14	31	27
Ballet / contemporary dance / other live dance event e.g. multicultural	97	98	96	95	95
	3	2	4	5	5
Library (any type of library, e.g. public, mobile, online)	80	76	80	70	72
	20	24	20	30	28
Archive or records office	98	98	99	97	98
	2	2	1	3	2
Museum	82	82	84	71	74
	18	18	16	29	26
Gallery	91	89	90	82	83
	9	11	10	18	17
Place of historical or archaeological interest	90	87	88	78	80
	10	13	12	22	20
None	55	58	49	80	74
	45	42	51	20	26

Source: Scottish Household Survey 2009.

Generally, a smaller percentage of people who have both long term illness/health problems and disabilities take part in a range of cultural and sporting activities than people with either a long term illness/health problem or disability or neither (Tables 2.7.1 and 2.7.2).

Table 2.7.2. Percentage of people who participate in a range of sporting activities by disability status, in Scotland 2009.

Sporting Activity	Yes Disability (%)	Yes Illness or Health Problem (%)	Yes Disability and Illness or Health Problem (%)	No Neither (%)	All (%)
Walking (at least 30 minutes for recreational purposes)	72	55	75	41	46
	28	45	25	59	54
Swimming	94	90	92	80	82
	6	10	8	20	18
Football	98	98	97	90	91
	2	2	3	10	9
Cycling (at least 30 minutes for recreational, health, training or competition purposes)	97	95	96	89	91
	3	5	4	11	9
Keep fit / Aerobics	94	93	94	86	88
	6	7	6	14	12
Multigym use / Weight training	96	96	95	87	89
	4	4	5	13	11
Golf	97	97	98	91	92
	3	3	2	9	8
Running / Jogging	100	98	97	87	90
	0	2	3	13	10
Snooker / Billiards / Pool	94	97	95	91	92
	6	3	5	9	8
Dancing	95	94	95	88	89
	5	6	5	12	11
Bowls	97	97	97	97	97
	3	3	3	3	3
Other sporting activities	100	100	100	99	99
	-	0	0	1	1
None of these	43	55	35	79	72
	57	45	65	21	28

Source: Scottish Household Survey 2009.

3. Measures: Disabled children and young people

3.1 Attendance and Absence

Absences are slightly higher for children who have been declared and / or assessed as having a disability (7.8%) than for children not assessed or declared as having a disability (6.5%) (Table 3.1.1). The lowest attendance rate occurred for children who had social emotional and behavioural difficulty (87.2%), they also had the highest absence rate (11.7%) (Table 3.1.2). Children with language or speech disorders had the highest attendance rates (93.8%) and lowest absence rate along with autistic spectrum disorder (6.2%) (Table 3.1.2). Pupils with social emotional and behavioural difficulty had the highest average number of half days absence (48.7), pupils with language or speech disorders had the lowest (23.6) (Table 3.1.2).

Table 3.1.1. Percentage attendance and absence of pupils declared¹ or assessed² as having a disability in Scotland 2008/2009³.

Disability Status	Attendance (%)	Absence (authorised and unauthorised)	Absence due to temporary exclusion	Average number of half days absence
Total assessed and/or declared as having a disability	92.1	7.8	0.1	30.1
Assessed as having a disability	92.1	7.7	0.1	29.9
Declared as having a disability but not assessed	91.9	8.0	0.1	30.8
Not assessed or declared as having a disability	93.4	6.5	0.1	25.1

Source: Attendance and absence in Scottish Schools 2008/09.

Notes 1. The pupil or parent has declared that the pupil is disabled, irrespective of whether the pupil has been confirmed by a professional assessment.

2. The pupil has been assessed as disabled by a qualified professional irrespective of whether the pupil or parent has declared them disabled. A qualified professional for these purposes could be an appropriate health professional, educational psychologist or similar. In certain cases e.g. where a pupil uses a wheel chair, the school can acknowledge that the pupil has a disability on the judgement of the head teacher.

3. School year.

Table 3.1.2. Attendance and absence of pupils with additional support needs¹, in primary and secondary schools² in Scotland in 2008/2009³.

Disability / Impairment	Attendance (%)	Absence (authorised and unauthorised) (%)	Absence due to temporary exclusion	Average number of half days absence
Hearing impairment	92.5	7.3	0.1	28.4
Visual impairment	92.0	7.9	0.1	30.5
Physical or motor impairment	91.6	8.4	0.1	32.0
Language or speech disorder	93.8	6.2	0.1	23.6
Autistic spectrum disorder	93.7	6.2	0.1	23.9
Social emotional and behavioural difficulty	87.2	11.7	1.1	48.7
Specific learning difficulties (including dyslexia)	91.1	8.7	0.3	33.9
Learning disability	90.7	9.1	0.3	35.5
Moderate learning difficulty	91.1	8.7	0.2	33.8
Dual sensory impairment	92.9	7.1	-	27.1
Complex or multiple impairments – moderate learning difficulties and significant additional impairments or disorders ⁴	##	##	##	##
Other	89.2	10.6	0.3	41.2

Source: Attendance and Absence in Scottish Schools 2008/2009.

Notes 1. During the transition period of the Additional Support for Learning Act pupils may be recorded under the previous "main difficult of learning" or the new "reasons for support" categories. The categories in this table have been made by combining the two sets. As the categories do not always match exactly the data are indicative only. This information will be affected by differing reporting practices across local authorities. See

<http://www.scotland.gov.uk/Publications/2007/12/11160723/40> for how details of how the two sets of categories were linked.

2. Including S6.

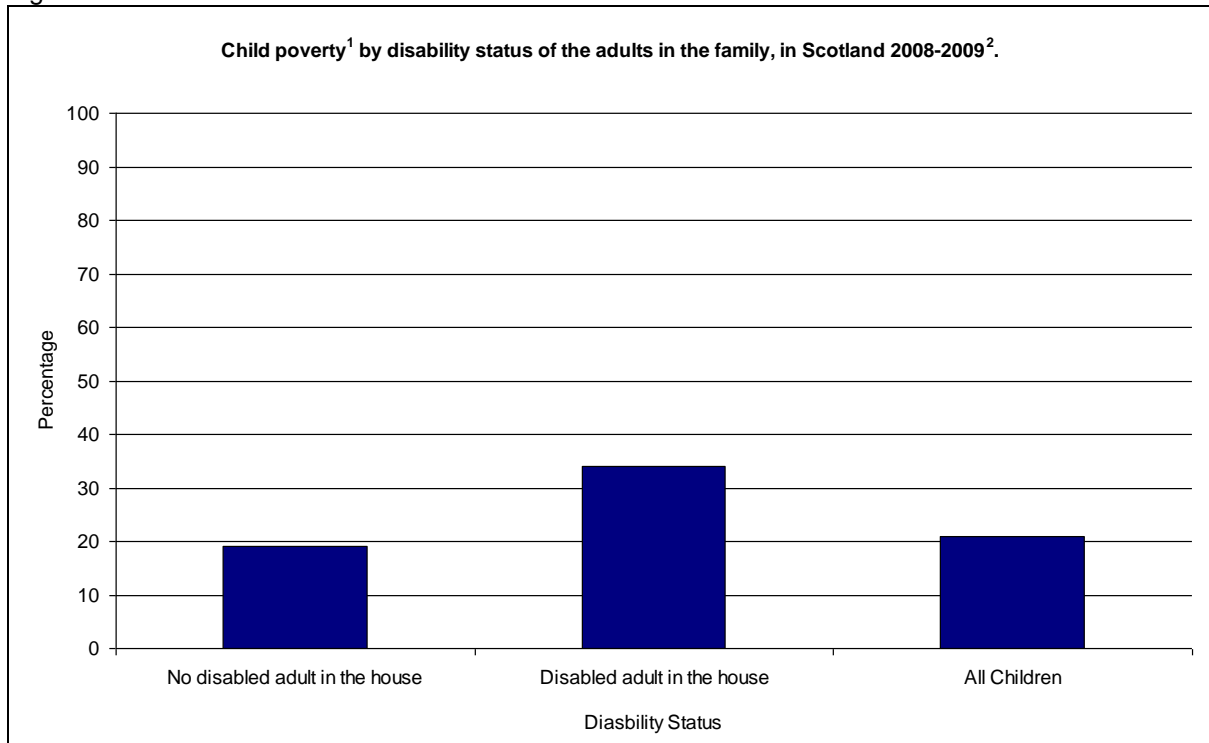
3. School year.

4. This category no longer exists in the A&A 2008/09 data.

3.2 Child Poverty

Children who live in a household that has a disabled adult in it are more likely to be in relative poverty (34%) than children who do not (19%) (Figure 3.2.1). They are also more likely to be in low income and material deprivation (35%) than children who do not live in a household with a disabled adult (12%) (Figure 3.2.2).

Figure 3.2.1



Source: Family Resource Survey 2009, financial year.

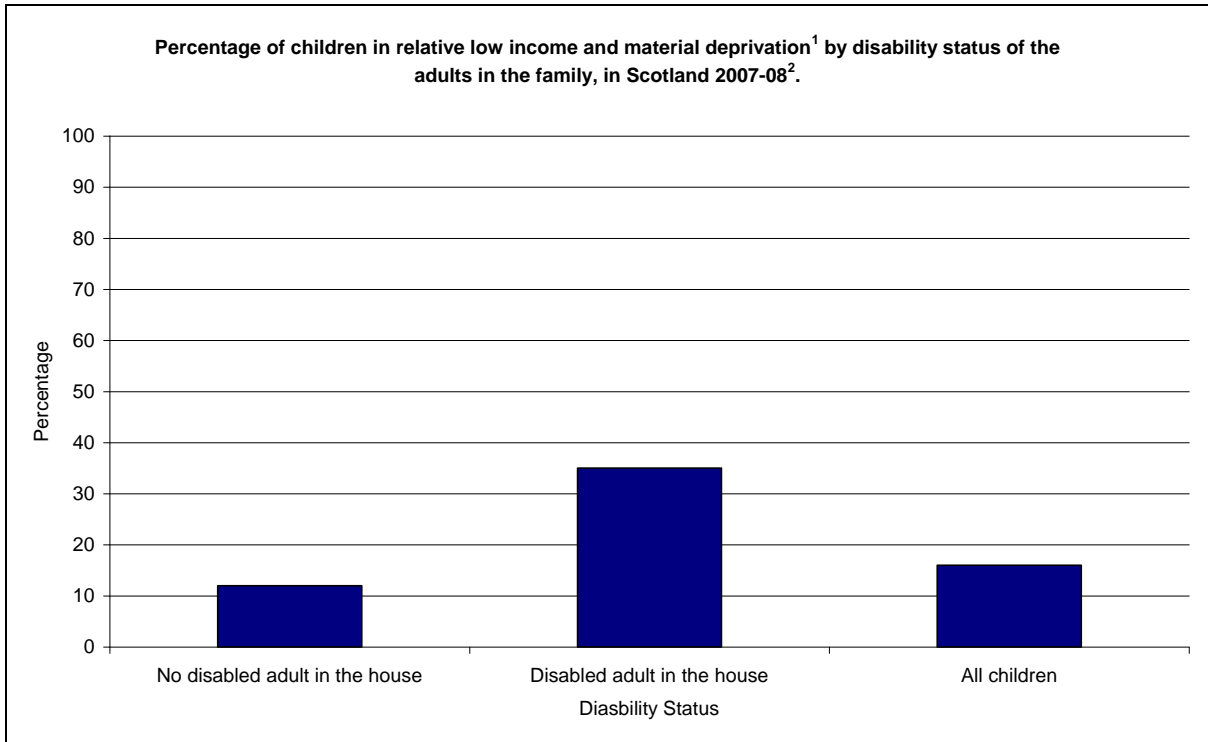
Note 1. Relative poverty is defined as individuals living in households whose equivalised income is below 60% of the UK median income in the same year. The OECD equivalence scale was used.

2. Financial year 2009.

3. This information is based on income Before Housing Costs.

4. It has not been possible to check the significance of this data.

Figure 3.2.2.



Source: Family Resource Survey 2008-09.

Note 1. Relative low income (below 60% of the UK median income in the same year) and material deprivation. For further definitions please see <http://www.scotland.gov.uk/Publications/2008/06/09143258/0>

2. Financial year 2008-2009.

3. This information is based on income Before Housing Costs.

4. It has not been possible to check the significance of this data.

Annex A

Labour Force Survey:

Do you have any health problems or disabilities that you expect will last for more than a year?

- Yes
- No

Do these health problems or disabilities, when taken singly or together, substantially limit your ability to carry out normal day to day activities? If you are receiving medication or treatment, please consider what the situation would be without the medication or treatment

- Yes
- No

Do you have...

1. problems or disabilities (including arthritis or rheumatism) connected with your arms or hands?
2. legs or feet?
3. back or neck?
4. do you have difficulty in seeing (while wearing spectacles or contact lenses)?
5. difficulty in hearing?
7. a speech impediment?
8. chest or breathing problems, asthma, bronchitis?
9. heart, blood pressure or blood circulation problems?
10. stomach, liver, kidney or digestive problems?
11. diabetes?
12. depression, bad nerves or anxiety?
13. epilepsy?
14. severe or specific learning difficulties (mental handicap)?
15. mental illness or suffer from phobias, panics or other nervous disorders?
16. progressive illness not included elsewhere (e.g. cancer not included elsewhere, multiple sclerosis, symptomatic HIV, Parkinson's disease, muscular dystrophy)?
17. other health problems or disabilities?

Does this health problem affect the kind of paid work that you might do?

- Yes
- No

Does this health problem affect the amount of paid work that you might do?

- Yes
- No

Scottish Household Survey:

Household Section:

Could you tell me whether each of the people in the household has a any long-standing illness, health problem or disability that limits your/their daily activity or the kind of work that you/they do?

By disability as opposed to ill-health I mean a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.

- Disability
- Long-term illness
- Both
- Neither
- Refused

Could I just check do you have any long-standing illness, health problem or disability that limits your daily activities or the kind of work that you can do? By disability as opposed to ill-health I mean a physical or mental impairment, which has a substantial and long-term adverse effect on your ability to carry out normal day to day activities.

- Yes, disability
- Yes illness or health problem
- Yes, both disability and illness or health problem
- No, Neither

Scottish House Condition Survey:

Who, if anyone, in your household has any long-standing health problem or disability? By longstanding I mean anything that affects how you live your life over an extended period of time or that is likely to affect you over an extended period of time. By disability as opposed to ill-health, I mean a physical or mental impairment which has a substantial and long-term adverse affect on their ability to carry out normal day to day activities?

Attendance and Absence In Scottish Schools:

A person is disabled if he/she has a physical or mental impairment which has a substantial and long-term (i.e. lasts more than a year) adverse effect on his/her ability to carry out normal day-to-day activities.

Family Resource Survey:

Do you have any long-standing illness, disability or infirmity? By 'long-standing' I mean anything that has troubled you over a period of at least 12 months or that is likely to affect you over a period of at least 12 months

Yes

No

Does this / Do these health problem(s) or disability(ies) mean that you have substantial difficulties with any of these areas of your life? Please read out the numbers from the card next to the ones which apply to you.

1. Mobility (moving about)
2. Lifting, carrying or moving objects
3. Manual dexterity (using your hands to carry everyday tasks)
4. Continence (bladder and bowel control)
5. Communication (speech, hearing or eyesight)
6. Memory or ability to concentrate, learn or understand
7. Recognising when you are in physical danger
8. Your physical co-ordination (eg: balance)
9. Other health problem or disability
10. None of these

Can I just check, do you receive medication or treatment without which your health problems (when taken together), would substantially affect your life in the areas we have been discussing?

Yes

No

Student Awards Agency for Scotland (SAAS) (Administrative data source):

Disability information is collected when a student applies for disabled student's allowance (DSA) from SAAS. The classifications we use for reporting are as follows: No disability, Dyslexia, Blind/Partially Sighted, Deaf/Partial Hearing, Wheelchair/Mobility, Mental Health/Personal Care, Unseen Disability, Multiple Disabilities, Other Disability. If you are applying for the DSA for the first time, you must send supporting evidence of your disability, or specific learning difficulty. What disability or specific learning difficulty do you have? I am dyslexic, I have a visual impairment, I have a hearing impairment, I use a wheelchair or have difficulties getting around, I need personal-care support, I have mental-health difficulties, I have an unseen disability (e.g. diabetes, autistic spectrum disorder, epilepsy or asthma), I have two or more of the disabilities or special needs above, (Please give the details below.), I have a disability or specific learning difficulty that is not listed above, (Please give the details below.), if you want to give us more information about your disability or specific learning difficulty, please do so here.

If you require this publication in an alternative format and/or language please contact the Scottish Government Equality Unit by any of the following methods:

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