Nothing about us without us!

What’s happened to disabled people's rights since 2017?

Inclusion Scotland
Disabled People’s Organisation

Our voices - Our choices

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Things have changed a lot since the Committee on the Rights of Disabled People last reviewed the UK in 2017. Most significantly, we have been dealing with the Covid-19 pandemic which has had a devastating impact on disabled people. Other things have also changed which have had or could have consequences for disabled people. These include:

**1. Some social security powers have been devolved to Scotland**

In 2018, the Scottish Government opened Social Security Scotland to deliver devolved benefits, including disability benefits, which are gradually being rolled out.

- Child Disability Payment is replacing Disability Living Allowance for children. Social Security Scotland started taking applications for Child Disability Payment in July 2021 in three local authority areas. Anyone making a new claim can apply from Autumn 2021. Families currently getting Disability Living Allowance for Children do not have to take any action as their claims will be transferred automatically.

- Adult Disability Payment will replace Personal Independence Payment. There will be a pilot of this in spring 2022 and it will be rolled out in summer 2022.
• Pension Age Disability Payment will replace Attendance Allowance. No date has been announced yet for when applications for this will open.

Social Security Scotland have said that the new social security system is based on the principles of fairness, dignity and respect. The Social Security Scotland Charter sets out what people should expect from the new social security system, and how it will take a human rights-based approach.

The Scottish Government has prioritised a ‘safe and secure’ transition from the old benefits to the new benefits. This means those who are entitled to the UK benefits will be entitled to the Scottish benefits.

2. Elections for the UK and Scottish parliaments

In December 2019, there was a UK general election. The Conservative party won the election with a majority of seats. In its manifesto, the Conservative party pledged to update the Human Rights Act. In 2020, the UK government set up an independent review of the Human Rights Act.

Scottish parliament elections were held in May 2021. The Scottish National Party (SNP) won the most seats but did not gain a majority. The SNP’s manifesto pledged to make a new human rights law for Scotland (for more information see number 4 below).
3. Brexit

The UK left the European Union in 2020, with the transition period coming to an end in 2021. The transition period was the time when the UK was no longer a member of the EU but continued to be a member of the single market and customs union and had to follow EU rules.

There is still uncertainty around what the consequences of Brexit will be for the UK but some impacts on disabled people have been identified:

- There is a shortage of staff working in social care in Scotland. Before the UK left the EU over 5% of staff in adult social care and childcare in Scotland were from other countries in the EU. There is a concern about less EU staff availability now that the UK has left the EU.
- It’s not clear if disabled people who move to the UK from the EU or disabled people from the UK who move to an EU country will be able to access social security benefits.
- The UK Blue Badge parking permit scheme used to be valid across the EU but is no longer recognised in several countries.
- The EU had introduced laws to improve accessibility of products and services like smartphones, banking services and self-service machines. If the UK doesn’t adopt the same
or better rules, disabled people in the UK will be at a disadvantage compared to disabled people in the EU.

4. Incorporation of the Convention on the Rights of Disabled People

In 2021, the Scottish Government said it would introduce a new Human Rights Bill for Scotland. The Bill would incorporate 4 United Nations human rights treaties into Scots law, including the Convention on the Rights of Disabled People.

Find out more about incorporation by clicking the links:

What is incorporation? Infographic
What is incorporation? Easy Read
Different models of incorporation – Infographic

5. The Covid-19 pandemic

The Covid-19 pandemic started in March 2020 and has had a devastating impact on disabled people. We know that many disabled people lost their social care support and access to health services during lockdown. The pandemic and responses to it also had an impact on disabled people’s work, caring responsibilities, access to food, and mental health. Six out of 10 people who died with Covid-19 in Scotland were disabled people.
Disabled people are still dealing with the consequences of the pandemic and are likely to be doing so for some time to come.
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