

Nothing about us without us!

United Nations Convention on the Rights of Disabled People



Scottish Civil Society Shadow Report March 2022

Abbreviations

ASN	Additional Support Needs
BAME	Black and Minority Ethnic
BSL	British Sign Language
CAMHS	Child and Adolescent Mental Health Services
CMO	Chief Medical Officer
DNR	Do Not Resuscitate
DPO	Disabled People's Organisations
DDP	Deaf and Disabled People
ILFS	Independent Living Fund Scotland
LGBT+	Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Allies, Asexual and Pansexual
NHS	National Health Service
MSP	Member of the Scottish Parliament
SDS	Self-Directed Support
UNCRC	United Nations Convention on the Rights of the Child
UNCRDP	United Nations Convention on the Rights of Disabled People

Co-signatories

The following organisations have co-signed this report:

Inclusion Scotland
Glasgow Disability Alliance
Disability Equality Scotland
British Deaf Association (Scotland)
People First (Scotland)
Coalition for Racial Equality and Rights
Autistic Mutual Aid Society Edinburgh
Human Rights Consortium Scotland
Health and Social Care Alliance Scotland
Equality Network
LGBT Youth
Engender
Close the Gap
BEMIS
The Poverty Alliance
Versus Arthritis
Lead Scotland
Scottish Independent Advocacy Alliance
Cerebral Palsy Scotland
Sight Scotland and Sight Scotland Veterans
MS Society Scotland
Parkinson's UK Scotland
West Dunbartonshire Access Panel
Ability Borders
East Dunbartonshire Access Panel



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Introduction

This report identifies key issues on the implementation of the United Nations Convention on the Rights of Disabled People (UNCRPD) in Scotland. Scotland is a nation within the UK State Party and has a Parliament with legislative powers over a range of policy areas including, the economy, education, health, justice, housing, environment, equal opportunities, some social security benefits, transport and taxation.

This report has been produced by Inclusion Scotland, in collaboration with a steering group of Deaf and Disabled People's Organisations (DPO) and third sector organisations in Scotland: Scottish Independent Living Coalition, People First Scotland, Disability Equality Scotland, Glasgow Disability Alliance, the British Deaf Association (Scotland), Human Rights Consortium Scotland, Autistic Mutual Aid Society Edinburgh (AMASE), and Coalition for Racial Equality and Rights.

How we wrote this report

To gather evidence to inform this report, three online capacity building events took place to tell Deaf and disabled people (DDP) about the UNCRPD, the current review and to gather their input. Separate discussions were held with three seldom-heard groups – Black and minority ethnic (BAME) disabled people, young LGBT+ disabled people and disabled people living in an assessment and treatment unit.

A call for evidence was also launched. This consisted of a mixed-methods, self-selecting online survey for disabled people conducted by Inclusion Scotland which received 127 responses (this data is referenced as 2021 UNCRPD survey throughout this report). There was a separate survey for organisations.

Researchers from the University of Glasgow analysed the data collected from the events and the call for evidence. A themed literature review of over two-hundred reports and articles related to disabled people in Scotland, was also undertaken. A full methodology can be found in Appendix 2 ([download from the Inclusion Scotland website](#)).

The report addresses the UNCRPD articles in order of their appearance in the Convention.

Next steps

This report was submitted to the United Nations Committee on the Rights of Disabled People in March 2022.

The UNCRPD Committee will read this and other shadow reports and come up with a 'List of Issues'. This is a list of things the Committee will ask the UK and Scottish governments about. This report includes suggested questions that the Committee may draw upon to inform their List of Issues.

The UNCRPD Committee is likely to set its List of Issues for the UK at its session in March/April 2023. The UK Government will have one year to write its response to those questions. Their answers will then be examined by the Committee. At that stage DPOs will again have a chance to have a say in response to what the Government has told the Committee.

This report is one of four covering implementation of the UNCRPD by each of the four governments that make up the UK. For submission to the UNCRPD Committee these four reports have been sent as annexes to one single UK-wide report. That UK-wide report contains a set of questions that DPOs suggested the UNCRPD Committee ask the UK governments.

The Covid-19 pandemic

Much of the evidence in this report relates to the impact of the pandemic. The arrival and impact of Covid-19 and the consequences of the ensuing pandemic have revealed the deep-rooted inequalities in Scotland that existed before Covid-19 arrived. These inequalities have widened as economies, households and public services locked down to contain the spread of the virus. The virus and its outcomes did not of themselves create inequalities, but rather they exacerbated the structural inequalities and intersecting oppressions of discrimination and disadvantage faced by disabled people in Scotland today.

Note on terminology

When referring to evidence relating to Deaf British Sign Language (BSL) users we use the term 'Deaf BSL users'. Where we refer to evidence relating to people who experience deafness or are hard of hearing we use the term 'deaf or hard of hearing'.

Where evidence relates to a recommendation made by the Committee in 2017, this is noted in the footnotes and identified by *.

Appendices to this report can be found on the [Inclusion Scotland website](#).

Articles 1-4 – General obligations and principles

Fairer Scotland for Disabled People 2016-2021

- The Scottish Government's 'A Fairer Scotland for Disabled People' delivery plan for the UNCRPD¹ contained 93 actions across 5 key outcomes and ran from 2016-2021. However, many of these actions were output led rather than outcomes. In addition, there was little or no baseline evidence to determine impact.
- The Scottish Government published a final progress report which showcases delivery of new policies but lacks detail of gaps closing between DDP and non-disabled people across many areas.^{2 3}

Involvement of DDP

- DDP say the language of human rights is used often but rarely leads to any real change. Attempts at involving DDP are often seen as tokenism.^{4 5 6}

Human rights and incorporation of the UNCRPD

- The Scottish Government has committed to introducing a new human rights framework which will incorporate various human rights treaties into Scottish law, including the UNCRPD.^{7 8*}

¹ Scottish Government (2016), [A Fairer Scotland for Disabled People: delivery plan](#) – the plan ran from 2016-2021

² Scottish Government (2021), [A Fairer Scotland for disabled people: progress report - gov.scot \(www.gov.scot\)](#)

³ Inclusion Scotland (2020), Disabled People's Views of the Fairer Scotland for Disabled People Delivery Plan – request copy from Inclusion Scotland

⁴ Appendix 3 – Inclusion Scotland UNCRPD events

⁵ Inclusion Scotland (2020), Disabled people's views of the Fairer Scotland for Disabled People Delivery Plan request copy from Inclusion Scotland

⁶ Glasgow DPO Network (2022), [Transforming participation for disabled people in Glasgow beyond Covid-19 - Report and Recommendations from Disability Workstream to Glasgow Social Recovery Taskforce](#)

⁷ Scottish Government (2021), [A Fairer, Greener Scotland: Programme for Government 2021-22](#)

^{8*} 2017 recommendation – paragraph 7(a)

- The UK Government is consulting on changes to the Human Rights Act 1998 which could pave the way for radical modifications.⁹ There is concern that proposed changes will result in lesser protections for DDP and could impact on the Scotland Act 1998 and Scottish plans to incorporate human rights treaties.

Brexit

- There is concern that the UK might not keep pace with ‘progressive, positive developments around equality and rights from the EU¹⁰ and could trigger rights regressions.^{11 12*}
- The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 allows Scottish ministers to keep Scottish law in line with future EU regulations. However, this applies to devolved matters only.

Suggested questions for List of Issues

1. What is the Scottish Government doing to ensure full, genuine and consistent involvement of DDP and their organisations in the design and implementation of strategic policies aimed at implementing the Convention?
2. How will the Scottish Government ensure policies and action plans aimed at implementing the Convention are objective, measurable, financed and monitored?
3. How will the Scottish Government ensure that DPOs are adequately funded to provide a wide range of support (including peer support and capacity building) to disabled people?

⁹ UK Government (2021), [Human Rights Act Reform: A Modern Bill of Rights](#)

¹⁰ Human Rights Consortium Scotland (2021), [Asking some important questions: a collation of Scottish civil society questions for UK and Scottish Governments after UK withdrawal from the European Union](#)

¹¹ Appendix 3 – Inclusion Scotland UNCRPD events; Scottish Government (2020), [Brexit: social and equality impacts](#)

^{12*} 2017 recommendation – paragraph 7(f)

Article 5 – Equality and non-discrimination

Almost all respondents (96%) to the 2021 UNCRPD survey¹³ said there is discrimination and negative attitudes towards DDP in Scotland today.¹⁴

Attitudes towards DDP

- Evidence throughout this report shows negative attitudes and discrimination persist¹⁵ and were perceived to be worsening during pandemic.¹⁶
- In 2021, almost three quarters of discrimination enquiries to the Equality Advisory Service where advisers felt that discrimination is likely to have occurred concerned disability.¹⁷
- Rhetoric of politicians and in the media around who was at risk from the virus and who would be prioritised for ventilation made DDP feel expendable and unwilling to go to hospital.^{18 19 20} Scottish Government guidance for doctors making treatment decisions during the pandemic and based on blanket approaches to age, medical conditions or disability was said to be discriminatory.²¹

¹³ References to the '2021 UNCRPD survey' in this report are references to a self-selecting survey of disabled people conducted by Inclusion Scotland for this report – there were 127 responses.

¹⁴ See Appendix 4 – 2021 UNCRPD survey -quantitative responses

¹⁵ See Appendix 5 – 2021 UNCRPD survey - qualitative responses; Inclusion Scotland (2020), [Services for Who? The experiences of disabled people with other characteristics when accessing services](#); Scottish Government (2020), [Support for Learning: All our Children and All their Potential](#)

¹⁶ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

¹⁷ Equality Advisory Support Service (2021), [Engagement Newsletter July 2021](#) and [Engagement Newsletter November 2021](#)

¹⁸ Social Work 2020-21 (2020), [Covid 19, Disability and the new Eugenics: Implications for social work policy and practice – Social Work 2020-21 under Covid-19](#)

¹⁹ Scottish Government (2021), [Learning/Intellectual Disability and Autism Towards Transformation](#)

²⁰ Healthandcare.scot (2020), [Disabled people still fear treatment denial](#)

²¹ Healthandcare.scot (2020), [Equality watchdog says virus guidance discriminates](#)

Intersectional discrimination

- DDP, including LGBT+ people and those from BAME backgrounds, report experiencing intersectional discrimination.^{22 23}
- However, availability of intersectional data remains limited.

Suggested questions for List of Issues

1. What is the Scottish Government doing to monitor and challenge negative attitudes and discrimination against DDP?
2. What is the Scottish Government doing to raise awareness of and address multiple and intersectional discrimination against DDP?
3. Will the Scottish Government use the review of the Public Sector Equality Duty to place additional duties on public bodies to: a) collect and use intersectional data to advance equality, and b) develop and consistently produce accessible and inclusive communications?

²² Inclusion Scotland (2020), [Services for Who? The experiences of disabled people with other characteristics when accessing services](#)

²³ Equality Network (2017), [Scottish LGBTI hate crime report 2017](#) - Also see Article 16

Article 6 – Disabled women

70% of respondents to the 2021 UNCRPD survey said that they did not think the rights of disabled women and girls are given enough attention today.²⁴

Covid-19

- UK Disabled women have taken on more responsibility, including caring, since start of pandemic, and have lost formal and informal support.²⁵
- Disabled women more likely than non-disabled women and disabled men to have needed support for their mental health during pandemic.²⁶
- Long Covid is more likely to affect women^{27 28} which may result in increased numbers of disabled women. However, there is a lack of information, support and treatments.²⁹
- Disabled women were more likely to say that they will be in more debt after the crisis and anticipate struggling to make ends meet.³⁰

Health care

- Disabled women are far less likely than non-disabled women to report good or very good general health.³¹

²⁴ See Appendix 4 – 2021 UNCRPD survey - quantitative responses

²⁵ Women's Budget Group et al. (2020), [Disabled women and Covid-19 - Research evidence](#)

²⁶ Close the Gap and Engender (2021) [Joint briefing on the impact of COVID-19 on women's wellbeing, mental health, and financial security](#)

²⁷ The Lancet (2021), [Long COVID risk - a signal to address sex hormones and women's health](#)

²⁸ Close the Gap (2021), [Close the Gap briefing for Members' Business: Long Covid as a Condition of Concern](#) – notes the impact on employment and lack of support

²⁹ The Health and Social Care Alliance (2021), [Health, wellbeing and the Covid-19 pandemic – Scottish experiences and priorities for the future](#)

³⁰ Close the Gap and Engender (2021) [Joint briefing on the impact of COVID-19 on women's wellbeing, mental health, and financial security](#)

³¹ Scottish Government (2020), [Scottish Health Survey 2019: supplementary tables](#) - Part 1: General Health and Wellbeing

- Disabled women struggle to access health care and get concerns taken seriously³² because of discriminatory attitudes, assumptions and symptoms not being taken seriously.³³
- There is a lack of accessible sexual and reproductive health care for disabled women.^{34 35 36*}
- There is a lack of data on sterilisation and abortions amongst disabled women.³⁷

Suggested questions for List of Issues

1. What is the Scottish Government doing to address the impacts of the Covid-19 crisis on disabled women?
2. How does the Scottish Government monitor health inequalities for disabled women and what specific measures are it taking to address these health inequalities?
3. How does the Scottish Government consistently monitor and address the priority issues facing disabled women?

³² Scottish Government (2021), [Women's Health Plan: A plan for 2021-2024](#)

³³ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

³⁴ [Engender, 2018](#)

³⁵ Scottish Government has commissioned a national audit of disability accessibility and inclusiveness in sexual health services - [Engender, 2020](#)

^{36*} 2017 recommendation – paragraph 55(c)

³⁷ Engender (2018), [Our bodies, our rights: Identifying and removing barriers to disabled women's reproductive rights in Scotland](#)

Article 7 – Disabled children

62% of respondents to the 2021 UNCRPD survey said that they did not think children's rights are protected. 22% said they were unsure.³⁸

Covid-19

- Schools were closed for around 5 months during the pandemic.^{39 40} Parents of disabled children felt 'abandoned' during closures because of lack of educational support and cancellation of support services.⁴¹
- Disabled children struggled without vital support e.g., educational psychologists, speech and language therapy, Child and Adolescent Mental Health Services (CAMHS)^{42 43} and experienced increased anxiety which impacted on moods and behaviour.^{44 45}
- Almost 2,000 children with mental health issues had waited over a year or more for support from CAMHS in September 2021. Around a quarter of referrals for treatment were not accepted.⁴⁶

UN Convention on the Rights of the Child^{47*}

- The UNCRC is being incorporated into Scottish law and will enhance protections for disabled children. However, full incorporation of the UNCRPD is needed to ensure that a social model approach is taken to children's rights.

³⁸ See Appendix 4 – 2021 UNCRPD survey -quantitative responses

³⁹ BBC News (2021), [Covid in Scotland: More than 32,000 school pupils absent this week](#)

⁴⁰ Scottish Government (2021), [Summary Statistics For Schools In Scotland 2021](#)

⁴¹ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

⁴² Family Fund (2021), [The impact of COVID-19 - A year in the life of families raising disabled and seriously ill young children Scotland Findings – March 2021](#)

⁴³ BBC News (2021), [Covid in Scotland: Parents of children with special needs 'struggling'](#); Daily Record (2021), [Young disabled Scots left with 'extremely challenging' hardships due to coronavirus pandemic](#)

⁴⁴ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

⁴⁵ Family Fund (2021), [The impact of COVID-19 - A year in the life of families raising disabled and seriously ill young children Scotland Findings – March 2021](#)

⁴⁶ Public Health Scotland (2021), [Child and Adolescent Mental Health Services \(CAMHS\) waiting times Quarter ending 30 September 2021](#)

^{47*} 2017 recommendation – paragraph 21(b)

- Although the Supreme Court recently ruled that certain parts of the UNCRC Bill fall out with the legislative competence of the Scottish Parliament, the Scottish Government has confirmed it remains committed to incorporating the UNCRC to the maximum extent possible.

Bullying^{48*}

- Disabled children experience bullying at school.^{49 50}
- However, Scottish Government does not collate bullying data at a national level.⁵¹

Deaf BSL users

- Little progress has been made to meet commitments to support families, carers and children to learn BSL.⁵²
- For example, the most recent progress report on the BSL plan says in relation to Action 13 (Work with partners to determine the best way of enabling families and carers to learn BSL so that they can communicate effectively with their D/deaf or Deafblind child in the crucial early years (0-8 years)) – that forming a partnership to take this action forward has been challenging and that it intends to ‘identify key partners to progress this action further’. The plan is due to finish in 2023.

^{48*} 2017 recommendation – paragraph 21(c) and (e)

⁴⁹ Scottish Parliament Equalities and Human Rights Committee (2017), [It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools](#)

⁵⁰ Enable Scotland (2017), [#IncludED in the Main?! 22 steps on the journey to inclusion for every pupil who has a learning disability](#)

⁵¹ Scottish Government (2018), [Recording and monitoring of bullying incidents in schools: supplementary guidance](#)

⁵² Scottish Government (2021), [British Sign Language - national plan: progress report](#)

BAME Children

- BAME children are more likely than white children to have missing or incomplete information in their development review.⁵³
- Development reviews are carried out by health visitors when children are between 27-30 months. Health visitors assess the following eight domains of children's development during these reviews: speech, language and communication, gross motor, fine motor, problem solving, personal/social, emotional/behavioural, vision, and hearing. Health visitors record whether there are any concerns for each domain.
- As BAME children are consistently less likely to have 'no concerns' in their development reviews, any gaps in information could mean that support needs of these children are not being identified.⁵⁴

Restraint and seclusion

- An investigation by the Children and Young People's Commissioner for Scotland found that restraint and seclusion appear to be used more frequently on disabled children in schools.⁵⁵

Accessible childcare^{56*}

- People paying for childcare for a disabled child were more likely to find it unaffordable. Parents of disabled children may be less likely to access formal childcare, but there is a lack of up-to-date evidence.⁵⁷
- Parents of disabled children who do not use formal childcare have concerns around staff training and capacity and lack of choice. Others said there was no availability in their area or were unaware of what is

⁵³ Coalition for Racial Equality and Rights (2020), [Scotland's National Performance Framework: Measuring outcomes for minority ethnic communities](#)

⁵⁴ Coalition for Racial Equality and Rights (2020), [Scotland's National Performance Framework: Measuring outcomes for minority ethnic communities](#)

⁵⁵ Children and Young People's Commissioner for Scotland (2020), [No Safe Place: Restraint and Seclusion in Scotland's Schools](#)

^{56*} 2017 recommendation – paragraph 21(d)

⁵⁷ Scottish Government (2021), [Tackling Child Poverty Delivery Plan Third Year Progress Report \(2020-21\) Annex B: Child Poverty in Families with a Disabled Adult or Child](#)

available. Some said it was too expensive or too infrequent to be of use.⁵⁸

Suggested questions for List of Issues

1. What is the Scottish Government doing to ensure Deaf and disabled children who lost out on support during the pandemic have their support reinstated and increased if required?
2. How does the Scottish Government monitor bullying of Deaf and disabled children at a national level and what steps are the Scottish Government taking to tackle bullying of Deaf and disabled children in schools?
3. What is the Scottish Government doing, beyond raising awareness, to enable children, families and carers to learn BSL?
4. What actions are the Scottish Government taking to address the high levels of restraint and seclusion used against Deaf and disabled children in schools?

⁵⁸ Scottish Government (2021), [Tackling Child Poverty Delivery Plan Third Year Progress Report \(2020-21\)](#)
[Annex B: Child Poverty in Families with a Disabled Adult or Child](#)

Article 8 – Awareness-raising

- DDP have called for more human rights awareness and education amongst government, policymakers, the NHS, service providers and DDP themselves.⁵⁹ Lack of awareness of DDP's needs was evidenced during the pandemic.^{60 61}
- Scottish Government's 2017 'Get past the awkward' campaign highlighted the barriers to inclusion that DDP face in employment. However, no evaluation or follow-up appears to have been done.

Suggested questions for List of Issues

1. What evaluation has the Scottish Government done of awareness raising campaigns 'Get past the awkward' and 'Different minds' and how does it use these evaluations to inform subsequent campaigns and maintain messaging?
2. What awareness-raising campaigns and evaluations has the Scottish Government undertaken and is planning to undertake which aim to eliminate negative stereotypes and prejudice against DDP?

⁵⁹ Appendix 4 – Inclusion Scotland UNCRPD events

⁶⁰ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

⁶¹ Glasgow Disability Alliance (2020), [Supercharged: A Human Catastrophe Inequalities, Participation and Human Rights before, during and beyond COVID19](#)

Article 9 – Accessibility

Three quarters (76%) of respondents to the UNCRPD survey said that buildings, housing, transport and information are still not accessible for DDP today in Scotland.⁶²

Internet access

- The pandemic accelerated moves to online services, but DDP are still less likely to use the internet,⁶³ and are still excluded because of lack of technology, connectivity and confidence, and alternatives to digital.⁶⁴
- The Connecting Scotland programme was set up during the pandemic to provide support and equipment for digitally excluded people. By 2021, it had supported 40,000 households.⁶⁵
- Older Deaf BSL user women and deaf and hard of hearing women in particular struggle to access appropriate support to get online.⁶⁶
- Increased online working and activities has benefited many DDP. People are worried these gains will be lost.^{67, 68}

Public spaces

- Schemes like ‘Spaces for People’ and ‘Low Emission Zones’ have meant that many DDP have been increasingly excluded from public spaces with some finding it impossible or difficult to (safely) navigate town and city centres.⁶⁹

⁶² Appendix 4 – 2021 UNCRPD survey -quantitative responses

⁶³ Scottish Government (2020), [Scottish household survey 2019](#)

⁶⁴ Glasgow Disability Alliance (2020), [Supercharged: A Human Catastrophe Inequalities, Participation and Human Rights before, during and beyond COVID19](#)

⁶⁵ Connecting Scotland (2021), [Connecting Scotland – A year in view](#)

⁶⁶ deafscotland (2020), [First Minister’s National Advisory Council on Women and Girls: Deaf Women Circle Report](#)

⁶⁷ Appendix 3 – Inclusion Scotland UNCRPD events

⁶⁸ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

⁶⁹ See - Appendix 5 – 2021 UNCRPD survey - qualitative responses; Disability Equality Scotland (2021), [Weekly Poll – Street Clutter](#); Disability Equality Scotland (2020), [Weekly Poll – COVID-19: Spaces for People](#)

- ‘Spaces for People’ was set up during the pandemic so that it was safer for people to walk, cycle or wheel. But some disabled people have said it makes it unsafe for them. For example, some pavements have been changed which don’t have dropped kerbs.
- ‘Low Emission Zones’ set an environmental limit on certain road spaces, restricting access for the most polluting vehicles to improve air quality.⁷⁰
- One-way systems and use of inaccessible spaces during pandemic did not consider the needs of DDP.^{71 72}

Climate change

- Active travel that emphasises walking/cycling, car-free zones, low-emission zones, integrated transport could discriminate against DDP who rely on cars.⁷³
- There is widespread lack of consultation with DDP on measures to tackle climate change, for example ‘Spaces for People’ and ‘Low Emission Zones’^{74 75 76}, plastic straw ban⁷⁷, Scottish Government’s ‘just transition’⁷⁸ to net-zero.⁷⁹

Public transport

- Issues with wheelchair access on buses persist – people cannot book wheelchair spaces and confidently plan journeys.^{80 81}

⁷⁰ See [Low Emission Zones Scotland website](#) for more information

⁷¹ Appendix 3 – Inclusion Scotland UNCRPD events

⁷² Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

⁷³ Inclusion Scotland (2021), [It’s our planet too: Climate change, disabled people and climate action in Scotland](#)

⁷⁴ BBC News (2022), [New street layout in Glasgow is dangerous, say blind people](#); Edinburgh News (2021), [Disability charities demand rethink on Edinburgh’s Spaces for People scheme](#)

⁷⁵ Disability Equality Scotland (2020), [Weekly Poll – COVID-19: Spaces for People](#)

⁷⁶ Disability Equality Scotland (2021), [Weekly Poll – Low Emission Zones Exemptions](#)

⁷⁷ Third Force News (2018), [Disabled campaigners fear plastic straw ban](#)

⁷⁸ Scottish Government (2021), [Just Transition – A Fairer, Greener Scotland: Scottish Government response](#) - The Scottish Government has committed to a ‘just transition’ which means achieving net-zero emissions in a way that also tackles inequality and promotes fair work.

⁷⁹ Inclusion Scotland (2021), [It’s our planet too: Climate change, disabled people and climate action in Scotland](#)

⁸⁰ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

⁸¹ Mobility and Access Committee for Scotland (2019), [Report: Transport to Health and Social Care](#)

- Almost half (45%) of train stations are inaccessible (meaning there is no step free access).⁸²
- From 2021, ScotRail's passenger assist booking time changed from two to one hour.⁸³ There is also a 'turn up and go' option. However, other train operators across the UK, including from and to Scotland, require assistance to be booked six hours in advance.⁸⁴
- Plans for more unstaffed train stations⁸⁵ could make the 'turn up and go' option unavailable to many people.
- Accessible transport is particularly lacking in rural areas, which impacts on DDP's participation and access to services.^{86 87 88 89}
- There is inconsistent provision of audible and visible information in stations and on-board local bus and coach services across the UK and Scotland.⁹⁰
- Safety issues, hate crime reports⁹¹ and alterations during the pandemic impacted DDP's use of public transport.^{92 93} Alterations included reduced timetables, distancing on transport and service cancellations
- There was a lack of engagement with DDP around interim public transport and passenger assistance plans during pandemic.⁹⁴

⁸² Leonard Cheshire (2020), [Get on Board 2020: Making the economic case for "levelling up" inclusive transport](#)

⁸³ Transport Scotland (2020), [Scotland's Accessible Travel Framework 2019 – 2020 Delivery Plan Progress Report](#)

⁸⁴ Transport Scotland (2020), [Scotland's Accessible Travel Framework 2019 – 2020 Delivery Plan Progress Report](#)

⁸⁵ ScotRail (2022), [Ticket office consultation](#)

⁸⁶ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

⁸⁷ Mobility and Access Committee for Scotland (2019), [Report: Transport to Health and Social Care](#)

⁸⁸ Transport Scotland (2021), [Scotland's Accessible Travel Framework Annual Delivery Plan 2021-22](#)

⁸⁹ Scottish Government (2021), [Inclusive Participation in Rural Scotland: A Preliminary Exploration](#)

⁹⁰ Transport Scotland (2021), [Vision and Priorities for 2021-2022](#)

⁹¹ Disability Equality Scotland (2020), [Weekly Poll Results – COVID-19: Physical Distancing](#)

⁹² Appendix 3 – Inclusion Scotland UNCRPD events

⁹³ Research Institute for Disabled Consumers (2020), [Covid-19: public transport and disabled passengers](#)

⁹⁴ Mobility and Access Committee for Scotland (2021), [Annual Report 2020-2021](#)

Accessible buildings and toilets

- There is failure to consistently utilise and integrate recommendations of Access Panels.⁹⁵ Lack of involvement of DDP leads to adaptations being inadequate, poorly thought out and mismanaged.⁹⁶
- Difficulties locating and accessing public toilets, and a lack of information about accessibility of public places, prevents DDP from travelling.^{97 98}
- Scottish Government has introduced a requirement for Changing Places toilets to be installed in large new non-domestic buildings.

Housing

- DDP and older DDP are still living in inaccessible housing.⁹⁹ In 2019, 15% of households with a disabled member said their house was not fully accessible. For people living in local authority housing, this was almost a quarter (24%).¹⁰⁰
- There is a chronic shortage of accessible and adapted housing.¹⁰¹ Research showed that 17,226 wheelchair users were living in unsuitable homes and this unmet need is set to increase by 80% by 2024, based on current health trends which project a sharp rise in the number of wheelchair users.¹⁰²
- Attempts have been made to provide barrier-free design for all new homes (social housing and private housing), however the standards used still need to be updated. There is no national quota for accessible homes, but Local Authorities should have a target for wheelchair accessible homes that they are to be working towards.

⁹⁵ Appendix 5 – 2021 UNCRPD survey - qualitative responses; Scottish Government (2021), [Inclusive Participation in Rural Scotland: A Preliminary Exploration](#)

⁹⁶ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

⁹⁷ University of Edinburgh et al (2019), [A public inconvenience – Better toilets for inclusive travel](#)

⁹⁸ See Appendix 5 – 2021 UNCRPD survey - qualitative responses

⁹⁹ Age Scotland (2020), [National Housing Survey - Report](#)

¹⁰⁰ Scottish Government (2020), [Scottish Household Survey 2019](#)

¹⁰¹ Equality and Human Rights Commission (2018), [Housing and disabled people: Scotland's hidden crisis](#)

¹⁰² Horizon Housing et al (2018), [Still minding the step? A new estimation of the housing needs of wheelchair users in Scotland](#)

- Scottish Government has committed to creating a new cross tenure accessibility standard for all new homes by 2025/26.¹⁰³
- A high proportion of homeless applicants have health and social care needs.¹⁰⁴

Suggested questions for List of Issues

1. What accessible support is the Scottish Government putting in place to ensure DDP with a range of impairment types have affordable access to the technology and skills needed to use the internet?
2. What is the Scottish Government doing to evaluate the impact of digital by default policies on DDP and adopt appropriate mitigations?
3. What is the Scottish Government doing to ensure schemes like 'Spaces for People' and 'Low Emission Zones' fully take account of the needs and views of DDP prior to and throughout implementation?
4. How is the Scottish Government ensuring DDP are involved in the 'just transition' agenda?

¹⁰³ Scottish Government (2021), [Housing to 2040](#)

¹⁰⁴ Crisis (2021), [Preventing Homelessness in Scotland](#)

Article 10 - Right to Life

Covid-19 pandemic

- 6 in 10 people who died with Covid-19 between March 2020 and January 2021 were disabled. It is stated that this is probably an underestimate.¹⁰⁵
- Between March 2020 and March 2021, over 3,200 Scottish care home residents died from Covid-19.¹⁰⁶
- Infection and death rates were higher for people with learning disabilities.¹⁰⁷
- BAME people and people living in deprived areas were more likely to die with Covid-19,¹⁰⁸ but there is a lack of intersectional data.

People with learning disabilities

- Before the pandemic children and young people with learning disabilities were 12 times more likely to die prematurely.¹⁰⁹

Do Not Resuscitate (DNR) orders^{110*}

- There is evidence that DDP and older people may have been targeted for DNR orders during the pandemic, including people with dementia and people with learning disabilities.¹¹¹ There is an absence of official data on numbers of DNR orders made.¹¹²

¹⁰⁵ National Records of Scotland (2021), [Deaths involving coronavirus \(COVID-19\) in Scotland](#)

¹⁰⁶ BBC News (2021), [The full picture of Covid-linked deaths in Scotland's care homes](#)

¹⁰⁷ Scottish Learning Disabilities Observatory (2021), [The impact of COVID -19 on people with learning/intellectual disabilities in Scotland](#)

¹⁰⁸ Public Health Scotland (2021), [COVID-19 Statistical Report As at 1 March 2021](#)

¹⁰⁹ Scottish Learning Disabilities Observatory (2020), [Mortality rates for children and young people with learning disabilities](#)

^{110*} 2017 recommendation – paragraph 27 and 55(d)

¹¹¹ Appendix 3 – Inclusion Scotland UNCRPD events

¹¹² See – Daily Record (2020), [Scots mum 'gobsmacked' after medics ask if daughter, 12, with cancer should be resuscitated](#); The Courier (2020), [Coronavirus: Family anger after Dundee doctor asks 86-year-old to accept 'do not resuscitate' request](#); Herald Scotland (2020), [Coronavirus in Scotland: Health board denies 'do not](#)

- Independent inquiry into Covid-19 pandemic in Scotland will investigate use of DNRs.¹¹³

Assisted suicide

- A consultation is taking place on proposals for an Assisted Dying for Terminally Ill Adults (Scotland) Bill.¹¹⁴ It would allow terminally ill people to request assistance from a registered medical practitioner to end their life.
- In the context of the pandemic, loss of support and increasing negative attitudes and discrimination, DPOs are very concerned about the introduction of legally assisted suicide but have few resources to robustly challenge campaigns for assisted suicide.

Suggested questions for List of Issues

1. What is the Scottish Government doing to determine how many DDP died during the pandemic, both as a result of Covid-19 and for other reasons such as loss of social care support?
2. What steps are Scottish Government taking to identify how many DDP who died during the pandemic had a voluntary or involuntary DNR notice?

[resuscitate' policy on Covid-19 patients](#); Deaf Action (2021), [Deaf man given DNR order without his consent](#); Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

¹¹³ Scottish Government (2021), [Covid-19 Inquiry](#)

¹¹⁴ Scottish Parliament (2021) [Liam McArthur MSP, Assisted Dying for Terminally Ill Adults \(Scotland\) Bill](#)

Article 11 - Situations of risk and humanitarian emergencies

87% of respondents to the UNCRPD survey said that there was not enough planning in place to protect DDP during the pandemic.¹¹⁵

Covid-19 pandemic

- The UK and Scottish Governments were underprepared for the pandemic.^{116 117} Limited plans were in place to protect people at risk and to ensure essential services could continue to operate.^{118*}
- The Third sector was vitally important in providing material and emotional support and bringing attention to the impact of pandemic responses on the groups they represent.¹¹⁹

Suggested question for List of Issues

1. How will the Scottish Government ensure that the specific needs and circumstances of DDP are adequately addressed, and that DDP and their representative organisations are meaningfully consulted and involved, in planning for disasters and responding to emergencies?

¹¹⁵ Appendix 4 – 2021 UNCRPD survey -quantitative responses

¹¹⁶ Audit Scotland (2021), [Lessons to be learned from pandemic response](#)

¹¹⁷ National Audit Office (2021), [The government's preparedness for the COVID-19 pandemic: lessons for government on risk management](#)

^{118*} 2017 recommendation – paragraph 29

¹¹⁹ University of Glasgow (2020), [Scotland in lockdown](#)

Article 12 – Equal recognition before the law

56% of respondents to the UNCRPD survey felt that DDP's right to make their own decisions is not protected. A large minority were not sure (30%).¹²⁰

Guardianship^{121*}

- There is a tendency for guardianship applications for people with learning disabilities to be uniformly granted.¹²²
- Lack of resources for regulatory body means monitoring of guardianships is compromised.¹²³
- There is no mechanism for people to reject appointed guardians.¹²⁴
- The number of people subject to a guardianship order increased by 60 between 2019/20 and 2020/21.¹²⁵
- The Coronavirus (Scotland) Act 2020 introduced 'stop the clock provisions' to delay the expiry of guardianship orders during the pandemic, extending orders in force during this time by 176 days.¹²⁶

Independent reviews

- The Rome Review concluded that learning disability and autism should no longer be seen as a 'mental disorder' under mental health law. But the review also left room for some people with autism and/or learning disability to be detained even if they don't have a mental illness.¹²⁷

¹²⁰ Appendix 4 – 2021 UNCRPD survey -quantitative responses

^{121*} 2017 recommendation – paragraph 31

¹²² People First (Scotland) et al (2017), [Does it matter? Decision-making by people with learning disabilities](#)

¹²³ People First (Scotland) et al (2017), [Does it matter? Decision-making by people with learning disabilities](#)

¹²⁴ People First (Scotland) et al (2017), [Does it matter? Decision-making by people with learning disabilities](#)

¹²⁵ Mental Welfare Commission for Scotland (2021), [Adults with Incapacity Act monitoring report 2020-21](#)

¹²⁶ People First (Scotland) (2020), [Law and Human Rights Group statement](#)

¹²⁷ The Independent Review of learning disability and autism in the mental health act (2019), [Final report](#)

- Scottish Mental Health Law Review is reviewing developments in mental health law and practice since the Mental Health (Care and Treatment) (Scotland) Act 2003 came into force.¹²⁸
- Learning Disabled People's Organisations report that adults with learning disabilities are not being included in the Review's discussions on supported decision-making.¹²⁹

Suggested question for List of Issues

1. How long after publication of the Mental Health Law Review in September 2022, will the Scottish Government introduce amendments to abolish substituted decision-making under mental health and capacity law and introduce supported decision-making regimes?

¹²⁸ Scottish Mental Health Law Review (2020), [Interim report](#) – Final report due September 2022

¹²⁹ People First (Scotland) (2020), [People First Alternative Summary on the Scottish Mental Health Law Review](#)

Article 13 – Access to justice

73% of respondents to the 2021 UNCRPD survey felt that DDP find it hard to get support if they have a legal problem. A quarter were not sure.¹³⁰

Criminal justice system

- There is a lack of support for DDP in the justice system. When information is known about an accused person's impairment, this is not always passed to others in the system, meaning adjustments are made inconsistently.¹³¹
- Little evidence that adjustment provisions for 'vulnerable witnesses' are being used.¹³²
- There is no compulsory training of Scottish judiciary in relation to disability.^{133 134*}
- Increased adoption of audio-visual technology and remote trials in the criminal justice system acts as a barrier to understanding and communication for DDP.¹³⁵

Accessing legal advice

- DDP are more likely to say they have experienced a civil law problem.¹³⁶ But there are still barriers to getting advice, for example, lack of availability, inaccessible information and buildings, not being listened to, costs, lack of legal aid and discriminatory attitudes.¹³⁷

¹³⁰ Appendix 4 – 2021 UNCRPD survey -quantitative responses

¹³¹ Equality and Human Rights Commission (2020), [Inclusive justice: a system designed for all](#)

¹³² Equality and Human Rights Commission (2020), [Inclusive justice: a system designed for all](#)

¹³³ Equality and Human Rights Commission (2020), [Inclusive justice: a system designed for all](#)

^{134*} 2017 recommendation – paragraph 33(a)

¹³⁵ Equality and Human Rights Commission (2020), [How coronavirus has affected equality and human rights](#)

¹³⁶ Scottish Government (2021), [Scottish Crime and Justice survey 2019/20](#)

¹³⁷ Inclusion Scotland (2021), Disability discrimination and access to advice survey results (unpublished)

- Costs associated with reasonable adjustments are not met by legal aid.¹³⁸ For example, BSL users requiring the use of interpreters when dealing with lawyers.

Deaf BSL users

- Deaf BSL users are still not allowed to serve on juries.^{139*}
- Lack of available high quality BSL/English interpreters in courts and police stations.¹⁴⁰

Suggested questions for List of Issues

1. What assessment has the Scottish Government done to assess the actual and potential impact on DDP of the adoption of audio-visual technology and remote trials in the justice system?
2. What is the Scottish Government doing to ensure all people working in the justice system understand disability, the social model and reasonable adjustments?
3. What is the Scottish Government doing to ensure DDP are able to fully access legal advice and representation?
4. When will the Scottish Government change the law so that Deaf BSL users are able to serve on juries?
5. What is the Scottish Government doing to ensure DDP requiring reasonable adjustments when getting any legal advice are eligible for legal aid for these adjustments?

¹³⁸ Scottish Government (2020), [Legal Aid Reform in Scotland Consultation - Scottish Government Analysis](#)

^{139*} 2017 recommendation – paragraph 33(d) and paragraph 35(a)

¹⁴⁰ Heriot-Watt University, [Justice and Deaf Sign Language](#)

Article 14 – Liberty and security of person

Detentions under the Mental Health Act^{141*}

- During the pandemic (2020-2021):
 - Detentions increased by 10.5% from 2019-20 - compared to five-year average increase of 4.5% year on year.¹⁴²
 - Consent of a Mental Health Officer in emergency detentions was present in less than half of cases – 42.5% - lowest for 10 years.¹⁴³
 - Preparation of Social Circumstances Reports was down from previous years.¹⁴⁴ A Social Circumstances Report is a report that sets out the social circumstances of the person and should be prepared by their Mental Health Officer.
 - Higher number of detentions of BAME people compared to population levels.¹⁴⁵
 - 2,031 certificates were issued authorising treatment to people considered incapable of consenting.^{146 147*}
- During the pandemic people's participation in decisions about their care and treatment and access to independent advocacy was limited.¹⁴⁸

^{141*} 2017 recommendation – paragraph 31

¹⁴² Mental Welfare Commission for Scotland (2021), [Mental Health Act monitoring report 2020-21](#)

¹⁴³ Mental Welfare Commission for Scotland (2021), [Mental Health Act monitoring report 2020-21](#)

¹⁴⁴ Mental Welfare Commission for Scotland (2021), [Mental Health Act monitoring report 2020-21](#)

¹⁴⁵ Mental Welfare Commission for Scotland (2021), [Mental Health Act monitoring report 2020-21](#)

¹⁴⁶ Mental Welfare Commission for Scotland (2021), [Mental Health Act monitoring report 2020-21](#) - Includes medication, electroconvulsive therapy and artificial nutrition.

^{147*} 2017 recommendation – paragraph 35(a)

¹⁴⁸ Scottish Independent Advocacy Alliance (2020), [SIAA Submission of Evidence – Impact of Covid on equalities and human rights](#)

Institutions^{149*}

- People with learning disabilities are still being detained inappropriately in assessment and treatment units.
- In 2018, 705 people were in out-of-area placements. ‘Out-of-area’ was defined as living within a placement not within the individual’s funding authority. This could include living in either an NHS or a private hospital. Nearly half (45%) of people in out-of-area placements had been there for more than 10 years.¹⁵⁰
- In 2018, 67 people were on delayed discharge. A delayed discharge is a hospital inpatient who is clinically ready for discharge from inpatient hospital care and who continues to occupy a hospital bed beyond the ready for discharge date. Around a fifth of delayed discharges (22%) had been in hospital for more than 10 years).¹⁵¹
- No updated official statistics have been published and people continue to live in inappropriate placements.^{152 153}
- On 21 February 2022, the Scottish Government published an implementation plan which includes measures to reduce delayed discharge and provide care closer to home for people with learning disabilities and complex needs.¹⁵⁴
- A Scottish Government report states that Positive Behavioural Support should be provided for autistic people with challenging behaviour.¹⁵⁵ The use of Positive Behavioural Therapy has been criticised by autistic people’s organisations as being a form of Applied Behaviour Analysis.¹⁵⁶
- People living in assessment and treatment units said that they would like to live in the community, and that additional restrictions during lockdown impacted their wellbeing.¹⁵⁷

^{149*} 2017 recommendation – paragraph 45(c) and (d)

¹⁵⁰ Scottish Government (2018), [Coming home: complex care needs and out of area placements 2018](#)

¹⁵¹ Scottish Government (2018), [Coming home: complex care needs and out of area placements 2018](#)

¹⁵² BBC News (2022), [Mothers speak out over sons locked in psychiatric units](#)

¹⁵³ Enable Scotland (2022), [My own front door](#)

¹⁵⁴ Scottish Government (2022) [Coming Home Implementation report](#)

¹⁵⁵ Scottish Government (2022) [Coming Home Implementation report](#)

¹⁵⁶ For example, AMASE (2021), [On ‘Positive Behaviour Support’](#)

¹⁵⁷ Appendix 3 – Inclusion Scotland UNCRPD events

- There is concern about the use of psychotropic medication and restraint on autistic people, and ‘very long delays’ in discharging autistic people from hospital.¹⁵⁸

Covid-19 and discharges to care homes

- Research found that ‘unlawful’ discharges had taken place and that people working in hospital discharge lacked full awareness of powers held by attorneys and guardians. Although the issues raised were not exclusively the result of the pandemic.¹⁵⁹

Suggested questions for List of Issues

1. What is the Scottish Government doing to address the rise in detentions under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the low rate of compliance with safeguards such as Mental Health Officer consent and Social Circumstances Reports?
2. What is the Scottish Government doing to ensure people detained inappropriately in assessment and treatment units and out of area placements are moved to appropriate housing in a community of their choice?

¹⁵⁸ Mental Welfare Commission for Scotland (2019), [Autism and complex care needs](#)

¹⁵⁹ Mental Welfare Commission for Scotland (2021), [Authority to discharge: Report into decision-making for people in hospital who lack capacity](#)

Article 16 - Freedom from exploitation, violence and abuse

Hate crime^{160*}

- There was a 14% increase in the number of disability hate crime charges between 2019/20 and 2020/21.¹⁶¹ This is the highest number of charges reported since this aggravation came into force in 2010.
- Evidence suggests that disabled LGBT+ people are more likely to experience a hate crime than non-disabled LGBT+ people.¹⁶² However, there is a lack of intersectional data on hate crime.
- Once in force, the Hate Crime and Public Order (Scotland) Act 2021, will consolidate, modernise and extend existing hate crime law and create new offences of stirring up hatred which will apply to disability. However, it is unclear how intersectional hate crime could be reported which may lead to under-reporting of intersectional discrimination, and a lack of data and evidence on the specific marginalisation that these groups face.^{163*}
- During the pandemic there have been reports of hate crimes against DDP.¹⁶⁴

Domestic abuse

- There are higher rates of domestic abuse for DDP than non-disabled people,¹⁶⁵ however there is a serious lack of intersectional data and research on the issue. A source often cited is a small-scale survey conducted in 2015.¹⁶⁶

^{160*} 2017 recommendations – paragraph 38(b)

¹⁶¹ Crown Office and Procurator Fiscal Service (2021), [Hate Crime in Scotland, 2020-21](#)

¹⁶² Equality Network (2017), [Scottish LGBTI hate crime report 2017](#)

^{163*} 2017 recommendation – paragraph 15

¹⁶⁴ Disability Equality Scotland (2020), [Weekly Poll Results – COVID-19: Face Coverings](#)

¹⁶⁵ Scottish Government (2021), [Scottish Crime and Justice Survey 2019/20](#)

¹⁶⁶ Wise Women (2015), [Violence Against Disabled Women Survey](#)

- Violence against disabled women must also be considered in the context of a general increase in domestic violence and abuse during the pandemic.¹⁶⁷
- Support available to women experiencing domestic abuse who are Deaf BSL users or hard of hearing is limited. More data is needed to ensure the right support is available.¹⁶⁸

Suggested questions for List of Issues

1. What is the Scottish Government doing to tackle the increasing number of hate crimes against DDP?
2. What is the Scottish Government doing to record and publish data on intersectional hate crime?
3. What is the Scottish Government doing to tackle domestic violence against disabled women and to understand the extent of the issue and support needs of disabled women?

¹⁶⁷ Scottish Government (2020), [Coronavirus \(COVID-19\): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map \(22 May to 11 August 2020\)](#)

¹⁶⁸ deafscotland (2020), [First Minister's National Advisory Council on Women and Girls: Deaf Women Circle Report](#)

Article 18 – Liberty of movement¹⁶⁹

Brexit

- Brexit agreements include almost no devolved Scottish social security payments – impacting portability and how people meet residence requirements to claim benefits.¹⁷⁰
- The alternative to the European Health Insurance Card is not valid in some countries.¹⁷¹
- UK Blue Badge parking permit scheme is no longer recognised in some EU countries.¹⁷²

Care packages

- The lack of portability of care packages/plans makes it difficult for DDP to move to different local authority areas.¹⁷³

Suggested questions for List of Issues

1. What is the Scottish Government doing to address the impact of Brexit on DDPs right to liberty of movement (within its competence)?
2. What is the Scottish Government doing to make it remove the barriers so that DDP can move their care packages/plans when they move to another local authority area?

¹⁶⁹ The UK Government currently has a reservation under this Article.

¹⁷⁰ Human Rights Consortium Scotland (2021), [Asking some important questions: a collation of Scottish civil society questions for UK and Scottish Governments after UK withdrawal from the European Union](#)

¹⁷¹ Human Rights Consortium Scotland (2021), [Asking some important questions: a collation of Scottish civil society questions for UK and Scottish Governments after UK withdrawal from the European Union](#)

¹⁷² Human Rights Consortium Scotland (2021), [Asking some important questions: a collation of Scottish civil society questions for UK and Scottish Governments after UK withdrawal from the European Union](#)

¹⁷³ Scottish Government (2021), [A National Care Service for Scotland: consultation](#)

Article 19 – Living independently and being included in the community

71% of participants in the 2021 UNCRPD survey said DDP are still not given the support they need to live independently.¹⁷⁴

Social care support

- 1 in 20 people in Scotland were receiving social care support during 2018/19. Over half were women.¹⁷⁵

Self-directed support

- SDS was introduced in 2014. The Self-direct Support Act 2013 gives people receiving social care support the choice, control and flexibility to meet their personal outcomes. People must be offered a range of choices on how they receive their support.
- Of the people receiving support in 2018/19, 79% were involved in choosing and controlling their support through SDS options.¹⁷⁶
- Increased demand and limited budgets have put pressure on local authorities' ability to provide adequate SDS.¹⁷⁷
- People in receipt of SDS face an 'inconsistent and unpredictable' complaint process when challenging decisions.¹⁷⁸
- When effectively implemented, SDS has positive outcomes but there is a lack of consistency in SDS provision.^{179 180}

¹⁷⁴ Appendix 4 – 2021 UNCRPD survey -quantitative responses

¹⁷⁵ Public Health Scotland (2020), [Insights in social care: statistics for Scotland Support provided or funded by health and social care partnerships in Scotland 2018/19](#)

¹⁷⁶ Public Health Scotland (2020), [Insights in social care: statistics for Scotland Support provided or funded by health and social care partnerships in Scotland 2018/19](#)

¹⁷⁷ Audit Scotland (2017), [Self-directed support: 2017 progress report](#)

¹⁷⁸ University of Strathclyde and In Control Scotland (2022), [Accountability and the Implementation of Self-Directed Support: Complaints, redress, and human rights principles in practice](#)

¹⁷⁹ Care Inspectorate (2019), [Thematic review of self-directed support in Scotland: Transforming lives](#)

¹⁸⁰ The ALLIANCE and Self-Directed Support Scotland (2020), [My Support, My Choice: User Experiences of Self-directed Support in Scotland](#)

- More than a quarter of people said their SDS option had been chosen for them by a social worker – women and BAME DDP were more likely to say this.¹⁸¹

Impact of Covid-19

- DDP lost social care support during the pandemic and were left in desperate situations as a result.¹⁸² Some people still have not had their support fully reinstated.¹⁸³ We do not know how many people who lost support died in the period when their support was stopped or reduced.
- Some people continued to pay for care they didn't receive.¹⁸⁴
- Visually impaired people, Deafblind people and people with learning disabilities experienced particular impacts because of loss of support.¹⁸⁵
- Guidance setting out that people on SDS could use their budgets flexibly during the pandemic was not well publicised.¹⁸⁶ Despite the guidance some people were prevented from doing so by local authorities.
- There are concerns that people are having unspent SDS money reclaimed.¹⁸⁷

¹⁸¹ The ALLIANCE and Self-Directed Support Scotland (2020), [My Support, My Choice: User Experiences of Self-directed Support in Scotland](#); The ALLIANCE and Self-Directed Support Scotland (2020), [My Support My Choice: Women's Experiences of Self-directed Support and Social Care](#); The ALLIANCE and Self-Directed Support Scotland (2020), [My Support My Choice: Black and Minority Ethnic People's Experiences of Self-directed Support and Social Care](#)

¹⁸² Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#); Glasgow Disability Alliance (2020), [Supercharged: A Human Catastrophe Inequalities, Participation and Human Rights before, during and beyond COVID19](#); Scottish Human Rights Commission (2020), [COVID-19, Social Care and Human Rights: Impact Monitoring Report](#); Appendix 3 – Inclusion Scotland UNCRPD events; Appendix 5 – 2021 UNCRPD survey - qualitative responses.

¹⁸³ Appendix 3 – Inclusion Scotland UNCRPD events

¹⁸⁴ Inclusion Scotland (2021), [“We’ve been completely abandoned”: Experiences of social care support during the 2020 lockdown](#)

¹⁸⁵ Sight Scotland (2020), [Royal Blind and Scottish War Blinded response to COVID-19 Committee Call for Evidence](#); deafscotland (2021), [Covid-19 Report – The move back to ordinary](#); Scottish Commission for Learning Disability (2020), [The impact of Coronavirus on people with learning disabilities and their parents, carers and supporters](#)

¹⁸⁶ Coalition of Carers in Scotland and Self-Directed Support Collective (2020), [SDS during the pandemic: experiences of unpaid carers in 2021](#)

¹⁸⁷ Self-Directed Support Collective (2020), [Concerns about “clawing back” SDS underspends](#)

National care service

- The Scottish Government has committed to bringing forward the National Care Service Bill, following the recommendations of the Independent Review of Adult Social Care.¹⁸⁸
- The review¹⁸⁹ recommended the re-opening of the Independent Living Fund Scotland (ILFS) to new applicants. An additional investment of £32 million was suggested. A re-opened ILFS would provide welcome and early progress pending the longer-term development of a National Care Service. Despite apparent support for this from Scottish Government, no progress has been made.

Carers and supporters

- Number of unpaid carers increased to over 1 million during the pandemic. Over half are in paid employment and the majority are women.¹⁹⁰
- Pandemic has increased DDP's reliance on family members and others to provide informal care. People had no choice but to take on (increased) caring roles.^{191 192}
- Changes to caring/support arrangements had emotional, financial and practical impacts.¹⁹³

Brexit

- DDP have experienced disruption to support due to Brexit.¹⁹⁴

¹⁸⁸ Scottish Government (2021), [A Fairer, Greener Scotland: Programme for Government 2021-22](#)

¹⁸⁹ Scottish Government (2021), [Independent Review of Adult Social Care in Scotland](#)

¹⁹⁰ Carers UK (2020), [Covid-19 pandemic: 392,000 become unpaid carers in Scotland in a matter of weeks](#)

¹⁹¹ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

¹⁹² Appendix 3 – Inclusion Scotland UNCRPD events

¹⁹³ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

¹⁹⁴ Scottish Government (2020), [Coronavirus \(COVID-19\): impact on equality](#)

- Before Brexit, over 5% social care support and childcare staff were from EU countries and there were already high levels of vacancies.¹⁹⁵
196
- As recently as October 2021 people have received letters advising them that their care packages have been cut due to staff shortages.¹⁹⁷ People are also being prevented from leaving hospital as appropriate support services are not available for them to be able to live independently.¹⁹⁸

Suggested questions for List of Issues

1. What is the Scottish Government doing to address the issues with implementation of Self-Directed Support identified by Audit Scotland and others?
2. What is the Scottish Government doing to ensure that all social care support lost during the pandemic is fully reinstated and that DDP whose support needs have changed are able to access additional support?
3. Given that the UNCRPD will be incorporated into Scottish Law, how will the proposed National Care Service ensure DDPs Article 19 rights are met?

¹⁹⁵ Which appear to be worsening - Human Rights Consortium Scotland (2021), [Asking some important questions: a collation of Scottish civil society questions for UK and Scottish Governments after UK withdrawal from the European Union](#); Scottish Government (2022), [Migration Advisory Committee Call for evidence - impact of ending freedom of movement on the adult social care sector: Scottish Government response](#)

¹⁹⁶ Engender (2021), [Submission to the Scottish Government on equality and socio-economic impacts of EU Exit \('Brexit'\)](#)

¹⁹⁷ BBC News (2021), [Thousands miss out on care due to staff shortages](#)

¹⁹⁸ The National (2021), [Brexit pushing Scottish healthcare sectors to crisis point](#)

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

Information

- Social Security (Scotland) Act 2018 requires Scottish Ministers to have regard to the importance of providing accessible information when promoting benefits take up.
- Various consultations on issues affecting DDP have been published without accessible versions.¹⁹⁹
- Measures like distancing, face masks and online services impacted on deaf and hard of hearing people's ability to communicate with and access services.²⁰⁰

Access to information during pandemic

- There was a general lack of accessible information during pandemic.²⁰¹ Third sector organisations had to step in to provide in accessible information and support.²⁰²
- UK government briefings were inaccessible to BSL users and this was found to be a breach of the Equality Act 2010.²⁰³ Scottish Government briefings provided BSL interpreters.
- There is no consistent approach by public bodies to producing BSL information.²⁰⁴

¹⁹⁹ For example – Scottish Government (2021), [Low Income Winter Heating Assistance \(LIWHA\): consultation](#)

²⁰⁰ Ideas for Ears (2020), [Coronavirus & the unequal impact on people who have hearing loss or deafness](#)

²⁰¹ House of Commons Women and Equalities Committee (2020), [Unequal impact? Coronavirus, disability and access to services: full Report](#)

²⁰² Glasgow Disability Alliance, [Our disabled people-led COVID response](#); People First (Scotland), [What's new?](#); National Emergencies Trust (2021) [People living with disabilities, Blog series – perspectives on the pandemic](#)

²⁰³ The Guardian (2021), [Downing Street Covid briefings excluded deaf BSL users, judge finds](#)

²⁰⁴ deafscotland (2021), [Covid-19 Report – The move back to ordinary](#)

Suggested question for List of Issues

1. What is the Scottish Government doing to ensure that all of its consultations are fully accessible and accessible formats are available from the outset of the consultation period?

Article 23 – Respect for privacy and the family

Disabled women

- Disabled women (particularly those with learning disability) with children experience greater intervention from social services.²⁰⁵
- A new programme adopted by one Scottish local authority, provides support to women who have had, or are at risk of having, children removed from their care on condition that they use long-lasting contraception.²⁰⁶ The programme is run by the charity 'Pause' which aims to “encourage women to take responsibility for their actions”.

Suggested question for List of Issues

1. What steps is the Scottish Government taking to protect disabled women's rights to private and family life?

²⁰⁵ Engender (2018), [Our bodies, our rights: Identifying and removing barriers to disabled women's reproductive rights in Scotland](#)

²⁰⁶ See criticisms of programme – The National (2019), [Warning over Pause project that only supports women using contraception](#); The National (2020), [Controversial Pause project 'supporting' vulnerable women to expand](#)

Article 24 – Education

Around 60% of respondents to the 2021 UNCRPD survey said that disabled adults and children are not fully able to take part in education in Scotland today.²⁰⁷

The UK Government currently has a reservation under this Article which states that disabled children can still be educated in special schools.

Attainment and exclusions

- Most children with additional support needs are educated in mainstream schools but the number of pupils being educated in special schools has been rising since 2018. In 2021, there were 7,599 pupils in special schools. There is not always a clear distinction between special schools and special units or classes within a mainstream school.²⁰⁸
- The Additional Support for Learning (Scotland) Act 2004 places duties on local authorities to identify, meet and review the needs of children and young people who have additional support needs (ASN), which includes disabled children. It gives children and young people, parents and carers a number of rights, including rights to ask for additional support needs to be identified and planned for; to receive advice and information about their or their child's additional support needs.
- However, disabled children still less likely to achieve Curriculum for Excellence levels and leave school with qualifications.²⁰⁹
- A review of the implementation of additional support for learning found that 'Additional Support for Learning is not visible or equally

²⁰⁷ Appendix 4 – 2021 UNCRPD survey -quantitative responses

²⁰⁸ Scottish Government (2021), [Summary Statistics For Schools In Scotland 2021](#)

²⁰⁹ Scottish Government (2021), [Achievement of Curriculum for Excellence \(CfE\) Levels 2020-21](#); Scottish Government (2021), [Summary Statistics for Attainment and Initial Leaver Destinations, No. 3: 2021 Edition](#)

valued within Scotland's Education system'.²¹⁰ An action plan to address the findings of the review was published in 2020.²¹¹

- Disabled children are considerably more likely to be excluded – the rate is almost double that of non-disabled children.²¹²
- Autistic children are missing school due to formal and unlawful exclusions. Some children are put on a part-time timetable to manage their behaviour.²¹³

Covid-19 pandemic

- There were particular issues for parents of disabled children who were trying to teach their children at home. Many did not have the specialist resources or skills to teach.²¹⁴
- Disabled children's education and development has been negatively impacted because of the disruption.^{215 216}
- Move to online learning was not accessible for some autistic children, children with learning disabilities, Deaf BSL user children and visually impaired children.²¹⁷ Poverty was also a factor in households with a disabled member not having the necessary technology for online learning.
- There is concern that the education attainment gap will increase for disabled young people because of long-term impact of school closures.²¹⁸

²¹⁰ Scottish Government (2020), [Support for Learning: All our Children and All their Potential](#)

²¹¹ Scottish Government (2020), [Additional support for learning: action plan](#)

²¹² Scottish Government (2020), [School exclusion statistics 2018-19](#)

²¹³ Children in Scotland (2018), [Not included, not engaged, not involved: A report on the experiences of autistic children missing school](#)

²¹⁴ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

²¹⁵ Family Fund (2021), [The impact of COVID-19 - A year in the life of families raising disabled and seriously ill young children Scotland Findings – March 2021](#)

²¹⁶ F. Couper-Kenney (2021), [The impact of COVID-19 on children with additional support needs and disabilities in Scotland](#)

²¹⁷ Appendix 3 – Inclusion Scotland UNCRPD events; deafscotland (2020), [Covid-19 – the communication virus](#); Economic Observatory (2020), [How has lockdown affected children with special educational needs?](#); Scottish Government (2021), [Learning/Intellectual Disability and Autism Towards Transformation](#)

²¹⁸ Scottish Government (2020), [Scotland's Wellbeing: The Impact of COVID-19 - Chapter 5: Children, Education](#)

Transitions to adult services

- Concerns around transition planning have been exacerbated since pandemic.²¹⁹
- Parents and carers anxious about young people's transitions and the impact of health and well-being, with 9 in 10 research respondents reporting that their young person didn't have a plan in place.²²⁰
- A Transitions Bill has been introduced in the Scottish Parliament which would require transitions support to stay in place for longer.²²¹
- Demand for the ILF Scotland Transition Fund has grown significantly during the pandemic, reflecting challenges in statutory transition planning for young DDP.²²²

BSL users^{223*}

- The Scottish Qualifications Authority has introduced BSL qualifications.
- A new university course is in development to train primary school teachers with enhanced BSL skills. Currently there are not enough teachers with BSL skills in mainstream schools, which impacts on Deaf BSL user children's attainment.^{224, 225}
- Deaf asylum seekers/refugee's need for support for learning BSL is not recognised. People have entitlement to English classes but there is no equivalent for Deaf asylum seekers.

²¹⁹ ARC Scotland (2020), [Impact of COVID-19 on transition planning for young people with additional support needs: views of parents and carers](#)

²²⁰ ARC Scotland (2020), [Impact of COVID-19 on transition planning for young people with additional support needs: views of parents and carers](#)

²²¹ Third Force News (2021), [Overwhelming support from MSPs for disabled transitions bill](#)

²²² Independent Living Fund Scotland (2020), [Annual Report and Accounts Year ended 31 March 2020](#)

^{223*} 2017 recommendation – paragraph 47(c)

²²⁴ National Deaf Children's Society (2019), [1 in 10 deaf children in Scotland leave school with nothing](#)

²²⁵ British Deaf Association (2017), [A Governance Review Empowering Teachers and Communities to Achieve Excellence and Equity in Education](#)

Suggested questions for List of Issues

1. What is the Scottish Government doing to address the high levels of school exclusions amongst Deaf and disabled children?
2. What is the Scottish Government doing to prevent the education attainment gap between disabled and non-disabled children increasing?
3. What is the Scottish Government doing to monitor and improve attainment of Deaf BSL users?
4. What is the Scottish Government doing to ensure further and higher education and other forms of post-school adult education are accessible to disabled people?

Article 25 – Health

82% of respondents to the 2021 UNCRPD survey felt DDP still struggle to access the health care they need.²²⁶

Covid-19 and health

- DDP lost access to health services during pandemic and there is concern about deteriorating health with people in Scotland and across the UK reporting their health has got worse.²²⁷ Treatment backlogs due to services being suspended or reduced makes it likely that people will be waiting a long time to get the treatment they need.^{228, 229}
- Families with disabled children said they had missed reviews, health assessments, hospital and GP appointments.²³⁰

Shielding

- From March until August 2020, the Scottish Government ran a shielding programme which was intended to protect people who were at high risk if they contracted Covid-19. People who were identified as being at high risk received a letter from the Chief Medical Officer (CMO) advising them to stay at home. The Scottish Government provided these people with guidance to help them protect themselves and offered practical support such as delivery of food and medicine.

²²⁶ Appendix 4 – 2021 UNCRPD survey -quantitative responses

²²⁷ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#); Glasgow Disability Alliance (2020), [Supercharged: A Human Catastrophe Inequalities, Participation and Human Rights before, during and beyond COVID19](#); Office for National Statistics (2020), [Coronavirus and the social impacts on disabled people in Great Britain: September 2020](#); Office for National Statistics (2021), [Coronavirus and the social impacts on disabled people in Great Britain: February 2021](#)

²²⁸ Scottish Government (2021), [NHS Recovery Plan 2021-2026](#)

²²⁹ Public Health Scotland (2021), [NHS waiting times - stage of treatment](#)

²³⁰ Family Fund (2021), [The impact of COVID-19 - A year in the life of families raising disabled and seriously ill young children Scotland Findings – March 2021](#)

- People who shielded without a CMO letter were doing so because of knowledge of their own medical conditions, with some being advised by medical professionals to do so.²³¹
- Shielding impacted on people's physical and mental health due to lack of exercise and isolation.²³²
- 4 in 10 people who were shielding said the condition they were shielding for had got worse.²³³

Mental health

- Support for people experiencing poor mental health was impacted by systematic changes to how mental health care and treatment has been delivered during pandemic, particularly the loss of face-to-face meetings.^{234 235}
- Across the UK there was an increase in suicidal thoughts and depression – disabled adults are more likely to have experienced an increase in moderate to severe symptoms of depression.^{236 237}
- The mental health of people with sensory impairments has been disproportionately impacted during the pandemic.²³⁸

Mental health, learning disability and autism

- Autistic people and people with learning disabilities have disproportionately high rates of mental health issues.²³⁹
- Difficulties accessing mental health services due to waiting times and lack of understanding of autism.^{240 241}

²³¹ Inclusion Scotland (2020), [Disabled people's lived experience of shielding: key survey results](#)

²³² Inclusion Scotland (2020), [Disabled people's lived experience of shielding: key survey results](#)

²³³ Public Health Scotland (2020), [COVID-19 Shielding Programme \(Scotland\) Impact and Experience Survey](#)

²³⁴ SAMH (2021), [Forgotten? Mental Health Care and Treatment During the Coronavirus Pandemic](#)

²³⁵ Voices of Experience Scotland (2020), [Coronavirus and You - VOX Members Survey](#)

²³⁶ Mental Health Foundation (2021), [Pandemic one year on: landmark mental health study reveals mixed picture](#)

²³⁷ Office for National Statistics (2020), [Coronavirus and depression in adults, Great Britain: June 2020](#)

²³⁸ deafscotland et al (2021), [Mental Health Scotland Transition and Recovery Report](#)

²³⁹ AMASE (2018), ['Too complicated to treat'? Autistic people seeking mental health support in Scotland](#)

²⁴⁰ AMASE (2018), ['Too complicated to treat'? Autistic people seeking mental health support in Scotland](#)

²⁴¹ Mental Welfare Commission for Scotland (2019), [Autism and complex care needs](#)

- Children and young people with learning disability and/or autism have been sent to England or treated in inappropriate settings because there are no dedicated NHS mental health inpatient units in Scotland.²⁴²

Rural access

- DDP living in rural areas experience barriers to accessing health care because of a lack of accessible and affordable) public transport.²⁴³

Attitudes of health care professionals

- Staff don't have the time to address the healthcare issues – people feel 'fobbed off' and like expertise of own condition is not valued.²⁴⁴
- DDP with other characteristics said attitudes of health care staff was a barrier to accessing treatment.²⁴⁵
- Despite a greater proportion of LGB²⁴⁶ people being disabled²⁴⁷ (around 35%), there is a lack of understanding within health and other services of the needs of this group. LGBT+ young people said there was a tendency for doctors to attribute any health issues to age or LGBT+ status.²⁴⁸

Deaf BSL users

- Lack of choice in interpreters in health care settings.^{249 250}
- People not informed of changes or updates in health care.^{251 252}

²⁴² Scottish Government (2017), [Child and Adolescent Mental Health Services: inpatient report](#)

²⁴³ Mobility and Access Committee for Scotland (2019), [Report: Transport to Health and Social Care](#)

²⁴⁴ Appendix 5 – 2021 UNCRPD survey - qualitative responses

²⁴⁵ Inclusion Scotland (2020), [Services for Who? The experiences of disabled people with other characteristics when accessing services](#)

²⁴⁶ The data set has two categories – 'heterosexual' and 'LGB and other'

²⁴⁷ Scottish Government (2021), [Scottish Surveys Core Questions 2019 – supplementary tables](#)

²⁴⁸ Appendix 3 – Inclusion Scotland UNCRPD events

²⁴⁹ Appendix 5 – 2021 UNCRPD survey - qualitative responses

²⁵⁰ British Deaf Association (2014), [Report on Health Services Provision to BSL Users in Scotland](#)

²⁵¹ Appendix 5 – 2021 UNCRPD survey - qualitative responses

²⁵² British Deaf Association (2014), [Report on Health Services Provision to BSL Users in Scotland](#)

- Older Deaf BSL users with conditions like dementia need more appropriate support, including accessible equipment and services.²⁵³ Care homes are not accessible for older Deaf BSL users and Deaf BSL users with dementia.²⁵⁴

Visually impaired people

- People with significant sight loss are not having their rights to accessible information met by NHS Boards resulting in patient confidentiality being breached due to individuals relying on others to read appointment letters on their behalf.²⁵⁵

Asylum seekers

- Disabled asylum seekers struggle to access specialist health services because of limited information and staff not knowing what they are eligible for.²⁵⁶

Suggested questions for List of Issues

1. What measures are the Scottish Government putting in place to ensure DDP who lost out of health care during the pandemic are not left further behind?
2. How is the Scottish Government monitoring the impact of the pandemic on DDPs health?
3. What is the Scottish Government doing to ensure mental health services are accessible to DDP with different impairment types?

²⁵³ Appendix 5 – 2021 UNCRPD survey - qualitative responses

²⁵⁴ British Deaf Association (2022), Care homes research (forthcoming)

²⁵⁵ RNIB (2019), [Communication Failure? Review of the accessibility of health information for blind and partially sighted people in Scotland](#)

²⁵⁶ Equality and Human Rights Commission (2018), [The lived experiences of access to healthcare for people seeking and refused asylum](#); The Ferret (2018), [Asylum seekers in Scotland deprived of health care](#)

Article 27 – Work and employment

The majority of respondents (88%) to the 2021 UNCRPD survey said that DDP still find it difficult to find and keep a job in Scotland.²⁵⁷

Employment rate^{258*}

- In 2020/21 the employment rate for disabled people was 47.4% and for non-disabled people was 80.2%. The disability employment gap remains significant at around 32.8 percentage points. In 2009 the employment gap was 32.4 percentage points.²⁵⁹
- In 2018, Scottish Government committed to halving the employment gap by 2038.²⁶⁰

Disability pay gap^{261*}

- In 2019, for every £1 that a non-disabled employee earned, a disabled employee earned £0.83 on average.²⁶²

Intersectional DDP^{263*}

- Young DDP still less likely to be in employment than non-disabled peers and in 2019 it was just one percentage point higher than it was in 2017 (42.0%).²⁶⁴ Young DDP could be impacted disproportionately by lockdown and its aftermath, as sectors most badly affected by lockdown have a disproportionate number of young, low paid workers employed in them.²⁶⁵

²⁵⁷ Appendix 4 – 2021 UNCRPD survey -quantitative responses

^{258*} 2017 recommendation – paragraph 57(a)

²⁵⁹ Scottish Government (2021), [Scotland's Labour Market: People, Places and Regions - Statistics from the Annual Population Survey 2020/21](#) – (April 2020-March 2021).

²⁶⁰ Scottish Government (2018), [Fairer Scotland for Disabled People: Employment action plan](#)

^{261*} 2017 recommendation – paragraph 57(a)

²⁶² A gap of 16.5% - Scottish Government (2021), [Disabled people in the labour market](#)

^{263*} 2017 recommendation – paragraph 57(a)

²⁶⁴ Scottish Government (2021), [Fairer Scotland for Disabled People: Employment action plan progress report, year 2](#)

²⁶⁵ - Institute for Fiscal Studies (2020), [Sector shutdowns during the coronavirus crisis: which workers are most exposed?](#)

- BAME DDP are less likely to be in employment (39.8%) than white DDP (49.4%).²⁶⁶ There is a lack of evidence on the employment experiences of BAME DDP.

Covid-19 and employment

- In the first year of the pandemic DDP's employment rate fell.²⁶⁷ Although the full impact of the pandemic on employment is yet to become clear, evidence shows:
 - DDP are more likely to have worked in sectors hardest hit by the pandemic.²⁶⁸
 - 40% of UK DDP reported being furloughed.²⁶⁹ UK DDP reported feeling at greater risk of redundancy.²⁷⁰
 - Stigma and discrimination towards disabled workers appear to have increased during the pandemic.²⁷¹
- The move to working from home has benefited many DDP who have been asking for such adjustments for many years.²⁷²

Suggested questions for List of Issues

1. What measures are the Scottish Government taking to address the disability employment gap and the disability pay gap?
2. What is the Scottish Government doing to ensure the disability employment gap does not increase as a result of the pandemic?

²⁶⁶ Scottish Government (2021), [Disabled people in the labour market](#)

²⁶⁷ Scottish Government (2021), [Scotland's Labour Market: People, Places and Regions - Statistics from the Annual Population Survey 2020/21](#) – (April 2020-March 2021).

²⁶⁸ Scottish Government (2020), [Disabled people in the labour market in Scotland](#); House of Commons Library (2022), [Coronavirus, impact on the labour market](#)

²⁶⁹ Leonard Cheshire (2020), [Locked out of the labour market The impact of Covid-19 on disabled adults in accessing good work – now and into the future](#)

²⁷⁰ Citizens Advice (2020), [An unequal crisis](#)

²⁷¹ Leonard Cheshire (2020), [Locked out of the labour market The impact of Covid-19 on disabled adults in accessing good work – now and into the future](#)

²⁷² Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#)

Article 28 – Adequate standard of living and social protection

Almost three quarters (73%) of 2021 UNCRPD survey respondents said DDP do not have enough money to have a decent life.²⁷³

Poverty

- Poverty rates remain higher for DDP. In 2017-20, 23% of households with a DDP were in poverty, compared to 17% in a household without disabled members.²⁷⁴
- The poverty rate for DDP increases to 29% when disability related benefits are not included in household income.²⁷⁵
- Poverty is being exacerbated by social care support charges and ILF “available income” charges.²⁷⁶

Child poverty^{277*}

- In 2017-2020, 24% of all children were living in relative poverty²⁷⁸ and 18% in severe poverty²⁷⁹. Where there was a disabled person in the household this increased to 29% of children living in relative poverty, and 22% in severe poverty.²⁸⁰
- Scottish Government has made little progress in reducing poverty in the last decade and is not on track to meet its child poverty targets.²⁸¹

²⁷³ Appendix 4 – 2021 UNCRPD survey -quantitative responses

²⁷⁴ Scottish Government (2021), [Poverty and Income Inequality in Scotland 2017-20](#) - poverty rate after housing costs

²⁷⁵ Scottish Government (2021), [Poverty and Income Inequality in Scotland 2017-20](#) - poverty rate after housing costs

²⁷⁶ Independent Living Fund Scotland (2021), [Policy 4 Available Income – Scotland](#)

^{277*} 2017 Recommendation – paragraph 21(a)

²⁷⁸ Individuals living in households whose equivalised income is below 60 percent of median income in the same year.

²⁷⁹ Individuals who have household incomes below 50 per cent of the UK median income.

²⁸⁰ Scottish Government (2021), [Poverty and Income Inequality in Scotland 2017-20](#) - poverty rate after housing costs

²⁸¹ JRF (2021), [Poverty in Scotland 2021](#)

- Scottish Child Payment will be doubled to £20 per week per child from April 2022. The payment is made to people who are getting certain benefits and are looking after a child under 6 years old.

Covid-19 and poverty

- There is growing evidence that the Covid-19 crisis has pushed more families into poverty.²⁸²
- DDP were more likely to say their finances had been negatively impacted and were worried about accumulating more debt.²⁸³

Energy costs

- Energy costs are disproportionately high for DDP. Many are already struggling because of the pandemic and are being disproportionately impacted by rising energy costs.^{284 285}

Social security^{286*}

- Scottish Government delayed introduction of devolved social security benefits because of the pandemic.
- Scottish Government has prioritised a 'safe and secure' transition of benefits including retaining rules such as the 50% rule and 20-metre walking test which are strongly opposed by DDP.²⁸⁷
- The 50% rule says that to qualify for the benefit you must be impacted by your condition, to the extent set out in the descriptors (for

²⁸² See for example: Child Poverty Action Group (2020), [Poverty in the pandemic: The impact of coronavirus on low-income families and children](#); IPPR (2020), [Covid-19: How are families with children faring so far?](#); JRF (2020), [Poverty in Scotland 2020](#)

²⁸³ Scottish Government (2020), [Coronavirus \(COVID-19\): impact on wellbeing](#); Family Fund (2021), [The impact of COVID-19 - A year in the life of families raising disabled and seriously ill young children Scotland Findings – March 2021](#)

²⁸⁴ Scope (2022), [Disabled people hit hardest in the biggest cost-of-living crisis in a generation](#)
– note this is England Wales research

²⁸⁵ Citizens Advice Scotland (2021), [1 in 3 people find energy bills 'unaffordable'](#)

^{286*} 2017 recommendation – paragraph 59(a)

²⁸⁷ Inclusion Scotland (2021), [Disabled people's views on the draft Adult Disability Payment regulations](#); Scottish Campaign on Rights to Social Security (2021), [Beyond a safe and secure transition – a long term vision for disability assistance in Scotland](#)

example be unable to prepare and cook a meal or to get dressed) on at least half the days (50%) in every month.

- The 20 metre walking rule states that if you can walk more than 20 metres, aided or unaided, then you do not get the points you need for Enhanced Mobility component.
- The Scottish Government has, however, committed to a wide-ranging independent review of Adult Disability Payment in 2023.²⁸⁸

Reserved social security

- Since the transition from Disability Living Allowance to Personal Independence Payment, 25% of people undergoing reassessment lost support. Over half of new claims were rejected.²⁸⁹
- Universal Credit has had a negative impact on the mental health of people subject to the policy.²⁹⁰
- Increasing evidence that sanctions have a negative impact on mental health.²⁹¹

Covid-19 and social security

- Across the UK many DDP were left out of emergency measures implemented to help social security claimants during the pandemic. People on legacy benefits did not get the £20 per week uplift applied to Universal Credit.²⁹²
- In October 2021, the UK government removed the uplift despite high profile campaigns to retain it and evidence showing withdrawal would have a significant impact on claimants.²⁹³

²⁸⁸ Scottish Government (2021), [Adult Disability Payment: consultation response](#)

²⁸⁹ Scottish Government (2020), [Welfare reform: impact report on benefits for disabled people](#)

²⁹⁰ S. Wickham et al (2020), [Effects on mental health of a UK welfare reform, Universal Credit: a longitudinal controlled study](#) - Research done in England, Wales and Scotland

²⁹¹ University of Glasgow (2020), [Mental health, welfare conditionality & employment support: Policy recommendations & key findings](#) - Research done in England, Wales and Scotland

²⁹² The Guardian (2020), [Benefit changes leave disabled people facing poverty, charities warn](#); Disability Benefits Consortium (2021), [Pandemic poverty – stark choices facing disabled people on legacy benefits](#)

²⁹³ IPR (2021), [Complexities for claimants: The reality of the £20 weekly uplift to Universal Credit](#)

- DDP have struggled to get advice and advocacy support to submit benefit applications or make appeals.²⁹⁴
- Telephone assessments and appeal hearings were not accessible for some claimants.²⁹⁵

Food insecurity

- DDP have been unable to access food and medicine during the pandemic for a range of reasons:²⁹⁶
 - Some groups of DDP were not formally prioritised for supermarket deliveries
 - Emergency food provision was not always accessible;
 - There was lack of support for people who relied on assistance from staff to shop;
 - There were delays, hurdles and gaps in accessibility status for shielding support/delivery priority shots;
 - People shielding without a CMO letter were not entitled to the same support as people officially shielding;
 - Some people were not able to queue to get into shops or follow social distancing measures;
 - People had difficulties obtaining food for special diets;
 - Minimum spend barriers when ordering online impacted people on low incomes;
 - No access to shops or accessible transport to get to shops for people in rural areas, particularly those self-shielding.

²⁹⁴ Healthandcare.scot (2020), [Most at-risk struggle to access benefits during covid](#); Child Poverty Action Group (2020), [Impact of Covid-19 on people with disabilities and their carers](#)

²⁹⁵ Child Poverty Action Group (2020), [Impact of Covid-19 on people with disabilities and their carers](#)

²⁹⁶ Inclusion Scotland (2020), [Rights at risk – Covid-19, disabled people and emergency planning in Scotland](#); Glasgow Disability Alliance (2020), [Supercharged: A Human Catastrophe Inequalities, Participation and Human Rights before, during and beyond COVID19](#); Inclusion Scotland (2020), [Disabled people's lived experience of shielding: key survey results](#)

- DDP were at higher risk of food insecurity prior to pandemic²⁹⁷ – research suggests the pandemic has worsened this.²⁹⁸
- Pre-covid UK research found half of households using foodbanks included a disabled person.²⁹⁹ Reliance on foodbanks increased during the pandemic.^{300 301}

Suggested questions for List of Issues

1. What targeted measures are the Scottish Government taking to address the disproportionately high levels of poverty and child poverty in households with a DDP?
2. What is the Scottish Government doing to address the disproportionately high levels of food insecurity amongst DDP?
3. What is the Scottish Government doing to address the impact of rising costs of energy on DDP?
4. Will the Scottish Government abolish social care support charges and ILF “available income” charges?

²⁹⁷ Scottish Government (2020), [Scottish Health Survey 2019 - supplementary tables](#)

²⁹⁸ Scottish Government (2020), [Coronavirus \(COVID-19\): impact on wellbeing](#)

²⁹⁹ Trussell Trust (2017), [Financial insecurity, food insecurity, and disability: The profile of people receiving emergency food assistance from The Trussell Trust Foodbank Network in Britain](#)

³⁰⁰ Trussell Trust (2020), [Lockdown, lifelines and the long haul ahead: The impact of Covid-19 on food banks in the Trussell Trust network](#)

³⁰¹ Independent Food Aid Network (2020), [IFAN data since the outbreak of Covid-19v](#)

Article 29 – Participation in political and public life

51% of respondents to the 2021 UNCRPD survey said that DDP still have problems voting in elections and taking part in politics.³⁰²

Politics

- Election of first wheelchair user to Scottish Parliament in 2021.
- Barriers experienced by disabled politicians and candidates were highlighted when the MSP was unable to access the counting hall.³⁰³
- There is still a lack of data about disabled politicians across the UK and Scotland.^{304 305} Section 106 of the Equality Act 2010 requiring political parties to publish information about the protected characteristics of candidates in elections, has not been brought into force.

Public life

- In 2019/20, 7.2% of public board members were DDP, a small increase from 6.9% in 2018/19 but still down from 9.2% in 2016/17.³⁰⁶

Suggested questions for List of Issues

1. What is the Scottish Government doing to remove barriers for disabled to be fully included in our democratic processes including running for elected office?

³⁰² Appendix 4 – 2021 UNCRPD survey - quantitative responses

³⁰³ The Scotsman (2021), [Scottish Election 2021: Pam Duncan-Glancy, Scottish Labour candidate who uses wheelchair stuck outside Glasgow Emirates Arena counting hall for 45 minutes](#)

³⁰⁴ UK Government Equalities Office (2021), [Barriers to elected office for disabled people](#)

³⁰⁵ Equality and Human Rights Commission (2019), [Barriers to participation in standing for election to local government in Scotland](#)

³⁰⁶ Ethical Standards Commissioner (2020), [Public Appointments Annual Report 2019-20](#)

2. Will the Scottish Government commit to continuation of the Access to Elected Office Fund that removes some of the financial related barriers to running for elected office?
3. What is being done to ensure that the role of elected members is accessible and open to all disabled people and to ensure that all reasonable adjustments in carrying out these roles are met?

Article 31 – Statistics and data collection

Suggested question for List of Issues

1. How does the Scottish Government identify data gaps in relation to disability and what is the Scottish Government doing to contribute to filling these gaps?



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