

# **A Fairer Scotland for Disabled People**

## **Progress Report 2019**

**December 2019**



**Scottish Government**  
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## **Introduction: Disability, Inequality and A Fairer Scotland for Disabled People**

This report provides a progress update on the implementation of [A Fairer Scotland for Disabled People](#) action plan, published by the Scottish Government in 2016. We believe that a fairer Scotland can only be realised when equal rights are enjoyed by everyone. We recognise that effective solutions to the problems and barriers faced by disabled people must be drawn from the lived experience of disabled people and we are committed to working with disabled people to develop policies and the approaches required to solve problems and dismantle barriers.

### *Disabled People in Scotland*

In Scotland, we recognise that whilst our aspirations are to achieve equality, there remain differences in outcomes for disabled people compared to non-disabled people. The Scottish Government's recent [review](#) of the National Performance Framework (NPF) - [Scotland's Wellbeing: national outcomes for disabled people](#) - shows the differences in outcomes between disabled and non-disabled people which helps us understand where our priorities should lie to inform decisions around work going forward. We recognise that effective solutions to the problems and barriers faced by disabled people must be drawn from the lived experience of disabled people and are committed to working with disabled people to develop policies and the approaches required to solve problems and dismantle barriers.

The National Performance Framework report identified some positive outcomes, including:

- Comparable numbers of disabled people and non-disabled people perceived their neighbourhoods as 'very good' place to live.
- There have been increases in the proportion of disabled people entering Modern Apprenticeships and Higher Education.
- Employed disabled people are slightly more likely – at 40% - to be affected by collective bargaining agreements than employed non-disabled people (36%).

At the same time, there are ongoing areas of concern:

- Higher levels of child material deprivation in households containing a disabled person – at 20% - compared to households without a disabled person at 8%.

- Higher rates of food insecurity among disabled people – 18% - compared to 5% among non-disabled people.
- Higher likelihood of living in relative poverty after housing costs with a disabled person in the household, i.e. 24% of families with a disabled member compared to 17% of families with no disabled members.
- Lower educational attainment among disabled people, in a context where 25% of disabled people have low or no qualifications at SCQF level 4, compared to 10% of non-disabled people.

In light of these ongoing challenges, the need for policy development in this area is pressing. The Scottish Government recognises the social model of disability, where people are disabled by barriers in society, not by their impairment or difference. The National Performance Framework review provides Scottish Government with both a baseline of the current statistical position and an evidence base on which to draw when considering and taking current and future policy decisions. It also indicates where these barriers are particularly acute. This needs to be accompanied by evidence showing the lived experience of disabled people.

### *The Policy Context*

In November 2016 the United Nations concluded its inquiry into the UK Government. The inquiry found systematic violations of the Convention on the Rights of Persons with Disabilities: ‘The committee considers that there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been met in the State party....the impact of several measures have disproportionately and adversely affected the rights of persons with disabilities’. Specifically, the UN looked at the UK’s record on three articles: independent living, employment and social protections.

It also acknowledged the different approach the Scottish Government took including the assessment of the welfare cuts on people in Scotland, our mitigation measures, and our continuation of the Independent Living Fund which is vital in supporting the independence of disabled people. The UN committee chair told the UK delegation at the examination in 2017 that “Evidence before us now and in our inquiry procedure

as published in our 2016 report reveals that social cut policies have led to a human catastrophe in your country, totally neglecting the vulnerable situation people with disabilities find themselves in.”

### *A Fairer Scotland for Disabled People*

A Fairer Scotland for Disabled People, launched in 2016, includes 93 actions that seek to reduce these barriers. The actions are organised into five ambitions:

- Support Services that Meet Disabled People’s Needs
- Decent Incomes and Fairer Working Lives
- Places that are Accessible to Everyone
- Protected Rights
- Active Participation

As a baseline was not set in 2016 when A Fairer Scotland for Disabled People was published, this report is intended to act as a stocktake for where we are in 2019. When considered alongside the data included in the National Performance Framework report [Scotland's Wellbeing: national outcomes for disabled people](#), it will support us in evaluating progress in the future and inform the next steps of policy development in this area.

### *This Report*

This report offers an overview of the policy developments that have followed the development of the action plan. This overview is primarily descriptive rather than evaluative. A number of these policies have their own dedicated frameworks for evaluation, many of which are already planned and we did not seek to duplicate these efforts. However, we believe that an overview of this nature provides a useful, ‘at a glance’ account of the wide range of policy developments that have followed the publication of the *A Fairer Scotland for Disabled People* Action Plan. The report provides a quick overview of some key policy developments since 2016 and then explores each of the five ambitions in turn.

### *Next Steps*

We envisage that this paper will form the basis of our report to the Scottish Parliament in early 2021. At that time we will also publish a more detailed account of the progress on each of the 93 actions in A Fairer Scotland for Disabled People. We will explore options for supplementing this work with additional questions to disabled people, created in conjunction with Disabled People's Organisations.

Ministers have announced the creation of a new National Taskforce for Human Rights Leadership, to be co-chaired by Professor Alan Miller and the Cabinet Secretary for Social Security and Older People. Further details, including membership and remit will be announced in due course.

The Taskforce is expected to commence work in the Autumn and will take forward recommendations made last December by the First Minister's Advisory Group on Human Rights Leadership. In particular, it will develop proposals for a new statutory human rights framework for Scotland to be delivered by a future Act of the Scottish Parliament.

The proposed new legislation will incorporate the rights and duties set out in United Nations and other international human rights treaties into domestic Law, in a form which ensures that these rights and duties are fully justiciable in the Scottish courts. The Taskforce will be asked to consider all UN treaties that the UK is party to, including the UNCRPD.

The structure of the report is as follows: first, we provide a timeline of the key policy developments in Scotland in relation to disability. Second, the five ambitions underpinning the Action Plan are repeated from the Plan and analysed in turn, with available evidence provided and further information linked to.

## **Ambition 1: Support Services that Meet Disabled People's Needs**

The first ambition of the Action Plan is for Support Services that Meet Disabled People's Needs. Specifically, this means that support services are designed and delivered to support disabled people to live the life they choose, to have control, to make informed choices and to have support to communicate this when needed at every stage of their lives. In the Scotland we want:

- Disabled people to be able to participate as active citizens in all aspects of daily and public life.
- Support for independent living for disabled people of all ages, with increased say over how that support will be managed and provided.
- Delivery of high quality health, social care and third sector services, with services working together to remove the barriers faced by disabled people of all ages.
- Increased opportunities for disabled people to be fully involved in the design and delivery of services.

### **Self-directed Support**

Self-directed support was introduced by the Social Care (Self-directed Support) (Scotland) Act 2013, legislation that was developed in close collaboration with the Independent Living Movement. The purpose of introducing self-directed support is to ensure that anyone receiving social care is fully involved in decisions about that support. This Act makes provisions requiring local authorities to actively involve those receiving social care support in the planning and delivery of their support, and enables people who want to, to take full control of their support.

Progress so far has been reviewed by both Audit Scotland (2014, 2017)<sup>1</sup> and the Care Inspectorate<sup>2</sup>. Work is currently underway by Self Directed Support Scotland (SDSS) and the Health and Social Care Alliance Scotland to repeat work from 2016

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<sup>1</sup> Audit Scotland (2017) Self-directed support: 2017 progress report. Available [here](#). Audit Scotland (2014) Self-directed support. Available [here](#).

<sup>2</sup> Care Inspectorate (2019) Thematic review of self-directed support in Scotland: Transforming lives. Available [here](#).

to assess people's experiences of self-directed support with user surveys. The Audit Scotland Self-directed Support 2017 Progress Report<sup>3</sup> made a number of recommendations for Authorities, the Scottish Government, COSLA and partners to support the implementation of SDS, recognising that 'despite many examples of positive progress, SDS has not yet been fully implemented' (p5). The recent Care Inspectorate Thematic Review of self-directed support in Scotland: Transforming Lives<sup>4</sup> made further recommendations for partnerships, as well as outlining four broad themes around SDS that require wider debate across Scotland:

- The shared challenge of making SDS accessible to all
- How to reconcile the tension that arises when staff try to work in an outcome-focussed manner within systems that are not aligned to that
- A shared way forward in how partnerships can meaningfully record and use information on personal outcomes at every level
- Leadership and integration

These themes and recommendations are being addressed through the programme of reform of adult social care support that Scottish Government and COSLA have co-designed with people who use social care support.

The Information Services Division of NHS National Services Scotland reported the following main findings, among others:

- An estimated 1 in 24 people of all ages in Scotland received social care support and services during 2017/18.
- Of the total number of people receiving social care services/support in 2017/18, an estimated 75% were involved in choosing and controlling their support through self-direct support options.
- The number of people choosing a direct payment (self-directed support option 1) to purchase the services/support they require continues to increase with an estimated 8,880 people in 2017/18 compared to 8,290 in 2016/17, an increase of 7%.<sup>5</sup>

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<sup>3</sup> <https://www.audit-scotland.gov.uk/report/self-directed-support-2017-progress-report>

<sup>4</sup> <https://hub.careinspectorate.com/media/3676/thematic-review-of-self-directed-support-in-scotland-transforming-lives.pdf>

<sup>5</sup> ISD (2019) Insights into Social Care in Scotland: Support provided or funded by health and social care partnerships in Scotland 2017/18. Available [here](#).



The Scottish Government continues to fund independent support and advice for people navigating social care through Support in the Right Direction funding. Thirty voluntary sector organisations covering 31 authority areas will receive a total of £2.9 million per year until March 2021 to offer face-to-face advice, advocacy and other forms of support, including for people not currently eligible for formal support.<sup>6</sup>

However, work remains to be done to fully implement self-directed support in line with the original policy intent. Recognition of this lies at the heart of the new programme of reform to adult social care<sup>7</sup>, which was co-produced with people using social care support and carers, and launched in June 2019. The programme includes 9 work streams, all of which will consider self-directed support. Scottish Government published a self-directed support implementation plan 2019-2021 drawing together the planned activity. This document sets out a guide for the local planning and delivery of social care support services (the Change Map) which requires the views and experiences of supported people to inform and underpin all of the necessary changes. It also sets out the actions that national public and voluntary sector organisations will take to support authorities to build on their progress towards more flexible and responsive social care support, co-produced with communities and supported people.<sup>8</sup>

### **Free personal care for under 65s**

The entitlement to free personal care for those under 65 came into force on 1 April 2019. This builds on the long-established entitlement to free personal care for people aged of 65 and older in Scotland. Legislation was brought into effect on the 1 April 2019 to ensure free personal care is available to any person who is found eligible by their local authority as needing personal care will receive these services free of charge. Since 2002, free personal care has been available to those aged 65 and over. This is the first year of the extension of free personal care to under 65s. The

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<sup>6</sup> Scottish Government (2019) Self-directed support strategy 2010-2020: implementation plan 2019-2021. Available [here](#).

<sup>7</sup> For more details of the ongoing reform of adult social care, see [here](#).

<sup>8</sup> Scottish Government (2019) Self-directed support strategy 2010-2020: implementation plan 2019-2021. Available [here](#).

Scottish Government is working closely with Health and Social Care Partnerships and COSLA to monitor the costs and funding.

### **Active and Independent Living**

The Active and Independent Programme<sup>9</sup> was launched in 2017, detailing six ambitions to drive significant culture change in how people can access and receive Allied Health Professional<sup>10</sup> (AHP) support for self-management, prevention, early intervention, rehabilitation, and enablement services. The programme received £3 million between 2015 and 2018.

### **Improving Standards of Care and Support**

A range of new standards for and improvements to health and social care services have been developed by the Scottish Government since 2017. In June 2017, the Scottish Government published new Health and Social Care Standards (HSCS), which came into force in April 2018. The HSCS place the experience of the person receiving care and support at the centre, with the underlying principles emphasising dignity and respect, compassion, responsive care and support, inclusion and wellbeing.<sup>11</sup>

The Care Inspectorate continue to update their inspection methodologies to reflect the Standards. Three new Quality Frameworks have been published: Care Homes for Older People (July 2018)<sup>12</sup>, Care Homes for Adults (May 2019)<sup>13</sup>, and Care Homes for Children and young people, and School Care Accommodation (June 2019)<sup>14</sup>. Other frameworks will follow in due course. In November 2018, the Scottish Government published 'Coming home: complex care needs and out of area

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<sup>9</sup> Scottish Government (2017) The active and independent living programme 2016-2020. Available [here](#).

<sup>10</sup> This term refers to health professions distinct from nursing, medicine and pharmacy, and range from audiologists to occupational therapists, paramedic, speech and language pathologist, and wide range of others.

<sup>11</sup> Scottish Government (2017) Health and Social Care Standards – my support, my life. Available [here](#).

<sup>12</sup> Care Inspectorate (2018) A quality framework for care homes for older people. Available [here](#).

<sup>13</sup> Care Inspectorate (2019) A quality framework for care homes for adults. Available [here](#).

<sup>14</sup> Care Inspectorate (2019) A quality framework for care homes for children and young people, and school care accommodation. Available [here](#).

placements 2018'. This provided recommendations on improving the process for the hospital discharge for people with complex needs and learning difficulties.<sup>15</sup>

### **Supporting Young People at Transitional Points**

The Scottish Government is committed to equality for disabled children and young people in Scotland and to ensuring that all children can achieve their potential. We recognise that effective solutions to the problems and barriers faced by disabled people must be drawn from the lived experience of disabled people. An important priority for including young disabled people is ensuring that they are supported at transitional points in their lives.

This has led to the development of a [website to support young people making transitions into young adulthood](#). A consultation on the content of the website ended on 5 September 2018. A total of 110 responses were received and were analysed and published on the Scottish Government website on 24 April 2019.<sup>16</sup> An engagement event tour of Scotland took in 11 areas of Scotland. Presentations on the content, along with discussions during the consultation period, helped reinforce the need for the resource as well as highlight potential gaps. Young disabled people attended some of these events. Developing additional content at the request of respondents and those who attended the engagement events will ensure that the resource is a valuable information tool for young disabled people and their families/caregivers. The writing of content included the Disabled Children and Young People Advisory Group, parent groups and the Young Disabled People's Forum. In addition, some young disabled people agreed to share their lived experiences which feature on the website<sup>17</sup>.

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<sup>15</sup> Scottish Government (2018) Coming home: complex care needs and out of area placements 2018. Available [here](#).

<sup>16</sup> Scottish Government (2019) Supporting disabled children, young people and their families: consultation analysis. Available [here](#).

<sup>17</sup> Across 4,594 sessions that the publication has had to date, the pages of the publication have been viewed a total of 5,952 times. Traffic came mainly from social media (45%) and search (33%). 53% of traffic is from desktop, 40% from mobile. External links have been followed 869 times.

### *The Transition Fund*

Another development to support transitions has been the Transition Fund. The Independent Living Fund Scotland, sponsored by Scottish Government, opened a Transition Fund in December 2017 designed to support young disabled people during significant transition moments in their life. Young people aged between 16 and 21 may apply for up to £7,500 in funding for one year.<sup>18</sup> As of August 2019, the Transition Fund has supported more than 1000 young people since opening. The most common grants made are for driving lessons, computer equipment, gym membership, sports activities/clubs and music lessons. The Transition Fund was designed in co-production with disabled people, including young people. In addition, the Scottish Government continues to support 2400 disabled people in sustaining the fullest opportunities for independent living – for those inherited from a now closed UK scheme. This is now delivered through the Independent Living Fund Scotland.

### *Research into Transitions*

In addition, the Scottish Government funded the publication of ‘The Principles of Good Transitions 3’ in 2017 which contains seven principles to support good transitions for young people with additional support needs who are making the transition to young adult life.<sup>19</sup> In the same year the Scottish Government also published “Facing the Future Together: a national survey of young people with additional support needs and their parents and cares about their experiences of leaving school.”<sup>20</sup> This reported the views of 740<sup>21</sup> respondents about the risks and opportunities presented by life transitions and is informing current work in which the third sector and Health and Social Care Partnerships are working in partnership to develop a transitions tool to support better outcomes. The transitions tool is expected to be trialled from April 2020.

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<sup>18</sup> For more information on the ILF transition fund, see [here](#).

<sup>19</sup> Scottish Transitions Forum – Principles of Good Transitions. Available [here](#).

<sup>20</sup> Scottish Transitions Forum (2017) Facing the Future Together: a national survey of young people with additional support needs and their parents and cares about their experiences of leaving school. Available [here](#).

<sup>21</sup> Of the total 740 responses, 270 were from young people and 470 were from parents and carers.

### *Activity Agreements and Community Jobs Scotland*

At present, Local Authorities are working with 1214 young people, 593 of whom are disabled, on Activity Agreements. 'Activity Agreements' help school leavers gain skills and confidence by helping young people prepare for employment, training, education and/or volunteering. In their last three phases, Community Jobs Scotland, which specialises in working with unemployed young people has worked with 623 young disabled people on a full-time basis and 162 on a part-time basis (see next section).

### **Learning Disabilities**

In 2013, the Scottish Government launched '*The keys to life*' strategy, aimed at improving outcomes for people with learning disabilities. It's emphasis is for everyone in Scotland with a learning disability to live healthier lives, enjoy choice and control over the services they use, and are supported to be independent and active citizens. Evidence confirms that people with learning disabilities face a number of barriers, including lower life expectancy (20 years lower, on average, than the general population) and low employment rates (7% compared to the 73% rate for the general population).<sup>22</sup>

The first implementation framework that ran from 2015-17 has led to a number of developments around healthy lifestyles, improved choice and control, independence and active citizenship. In 2019, the Scottish Government published a new implementation framework for 2019-21.<sup>23</sup> This emphasises developments in:

- the housing needs for people with learning disabilities
- educational outcomes
- accessibility of healthcare
- employment

In both the original 2013 strategy and the refresh, an expert group of people with learning disabilities were consulted and involved in the policy development .

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<sup>22</sup> Scottish Government (2019) *The keys to life: Unlocked Futures for People with Learning Disabilities Implementation framework and priorities 2019-2021*. Available [here](#).

<sup>23</sup> Scottish Government (2019) *The keys to life: Unlocked Futures for People with Learning Disabilities Implementation framework and priorities 2019-2021*. Available [here](#).

## **The Mental Health Strategy 2017-27 and Developments in Mental Health Policy**

The Scottish Government is determined to create a Scotland where we treat mental health with the same commitment, passion and drive as we do with physical health, and people can get the right help at the right time and fully enjoy their rights free from discrimination and stigma.

In March 2017, the Scottish Government published its Mental Health Strategy 2017-27.<sup>24</sup> Key actions involve commissioning a review into whether the 2003 Mental Health (Care and Treatment) (Scotland) Act fulfils the needs of people with learning disabilities and autism and exploring options around connecting mental health, disability and employment support. It commits to increasing additional investment to £35 million in the first five years of the strategy, for 800 additional mental health workers in key settings like GP practices, A&E and police station custody suites. In 2018, the first progress report from the strategy was published. This found that, within 18 months of the strategy commencing, 13 of the 40 planned actions were either complete or nearly complete, with the remainder in progress.<sup>25</sup>

The 2019/20 Programme for Government commits to additional spending to support the improvement of mental health services. These commitments include supporting the development of a community perinatal mental health service across Scotland, backed by £5 million. It will also make £3 million available to support the establishment of integrated infant mental health hubs across Scotland, and will support efforts to meet waiting time targets for Child and Adolescent Mental Health Services with £15.5 million during the programme year.<sup>26</sup>

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<sup>24</sup> Scottish Government (2017) Mental Health Strategy: 2017-2027. Available [here](#).

<sup>25</sup> Scottish Government (2018) Mental health strategy 2017-2027: first progress report. Available [here](#).

<sup>26</sup> Scottish Government (2019) Protecting Scotland's Future: the Government's Programme for Scotland 2019-20. Available [here](#).

### *Legislative Reform*

In January 2018, a consultation was published on potential reforms to the Adults With Incapacity (Scotland) Act 2000, with a view to ensuring that the Act was consistent with the government's ambition to fully implement the UNCRPD.<sup>27</sup> Following on from this stakeholder working groups have been developing policy, which will continue pending the outcome of the review of the Mental Health (Care and Treatment) (Scotland) Act 2003. Codes of practice and guidance are being updated to bring practice into line with Adults with Incapacity principles and the UNCRPD.

### **Scottish Strategy for Autism**

The Scottish Government is committed to ensuring that, in Scotland, autistic people have healthy lives, choice and control in relation to services, can live independently and are able to participate in all aspects of community and society. In 2017, a National Dialogue was held to develop priorities for the final phase of the 10 year Scottish Strategy for Autism (2011-21). An analysis of the engagement was published and a list of priorities was developed.<sup>28</sup> Autistic people were involved in the development of both the original strategy and the final phase, including the online engagement process.<sup>29</sup>

Priorities going forward include improving public awareness of autism and improving diagnostic pathways, post-diagnostic support raising awareness of autism among professionals and public services, and supporting autistic people in employment and in transitions.

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<sup>27</sup> Scottish Government (2018) Adults with incapacity (Scotland) Act 2000: proposals for reform. Available [here](#).

<sup>28</sup> Scottish Government (2018) Scottish Strategy for Autism: outcomes and priorities 2018-2021. Available [here](#).

<sup>29</sup> Scottish Government (2018) The Scottish Strategy for Autism: engagement analysis. Available [here](#).

## Further Reading

- Scottish Government (2018) Transforming social care: Scotland's progress towards implementing self-directed support 2011-2018. Available [here](#).
- Scottish Government (2018) Scottish Strategy for Autism: outcomes and priorities 2018-2021. Available [here](#).
- Scottish Government (2019) Self-directed support strategy 2010-2020: implementation plan 2019-2021. Available [here](#).
- Care Inspectorate (2019) Thematic review of self-directed support in Scotland. Available [here](#).
- Scottish Government (2019) The keys to life: Unlocked Futures for People with Learning Disabilities Implementation framework and priorities 2019-2021. Available [here](#)



## **Ambition 2: Decent Incomes and Fairer Working Lives**

The second ambition of the action plan is to achieve decent incomes and fairer working lives for disabled people in Scotland. This means that disabled people are able to participate fully in volunteering, training, education and paid employment enabling their talents and abilities to enrich Scotland. Disabled people are supported through transitions in their lives e.g. from school to work. Poverty is addressed for disabled people and their families and Scotland's social security system is built on the principles of fairness, dignity and respect. This approach reflects the principles set out by the Fair Work Convention in their Framework and supports the ambitions of Scotland's Labour Market Strategy. In the Scotland we want:

- Disabled people are visible and participating within communities, learning and education, volunteering and employment.
- Equal opportunities for disabled people in education and employment.
- Greater understanding and a positive attitude amongst employers and educators to disabled people.
- Improved awareness and understanding of discrimination, prejudice and barriers faced by disabled people including the physical environment, stigma and negative attitudes.
- Benefits delivered in a way that is rights-based and helps meet the additional living and mobility costs of disabled people and treats them with dignity and respect throughout the process.

### **Improving the Participation of Disabled People in Paid Work**

The Scottish Government is focused on creating a more successful Scotland with opportunities for all. In 2018, the Scottish Government hosted a conference with employers to focus on options for collaborative working between disabled people's organisations, the public sector and the private sector to support the employment of disabled people.

Subsequently, the A Fairer Scotland for Disabled People: Employment Action Plan was published in December 2018. In 2016, the baseline year for the Action Plan, the employment rate for disabled people was 42.8%, compared to 80.2% for non-

disabled people. This amounts to an employment gap of 37.4%, which the action plan commits to halving by 2038.<sup>30</sup>

The plan is structured around 3 key themes: Supporting employers to recruit and retain disabled people; supporting disabled people to enter employment; and supporting young disabled people and transitions. Key actions contained in the plan include:

- Investing up to £500,000 in testing an access to work-style scheme to support developments amongst employers to reduce the barriers to disabled people entering work
- A pilot fund of £6 million to co-produce a strategy to address employment barriers for disabled parents in areas of high child poverty
- £1 million to establish a new Public Social Partnership to address the barriers that employers face in hiring and retaining disabled people.

### **Employability Services**

In 2015, Scottish Government undertook public consultation to develop a new approach to delivering employment support services. The consultation response ‘Creating a Fairer Scotland: A new future for employability support in Scotland’<sup>31</sup> laid the foundation for the design of new services that were devolved to Scotland in 2017, having previously been delivered by the Department for Work and Pensions (DWP) across the UK. A year of transitional services followed, during which Scottish Government worked with Service Providers and partners to successfully implement Work First Scotland (WFS) and Work Able Scotland (WAS)<sup>32</sup>.

Beginning in April 2017, the Scottish Government has used new powers to better align employability services in Scotland focusing on supporting those who need the

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<sup>30</sup> Scottish Government (2018) A Fairer Scotland for Disabled People: Employment Action Plan. Available [here](#).

<sup>31</sup> Scottish Government (2016) Creating a Fairer Scotland: A New Future for Employability Support in Scotland. Available [here](#).

<sup>32</sup> The final numbers for WFS and WAS are [here](#). In particular tables 17-36 (see Supporting documents) provide more details on the numbers and characteristics of participants across both services. For the evaluation findings an Interim Evaluation report was published in August 2018 and is available [here](#).

most help, reducing inequality and ensuring that the principle of fairness, dignity and response are at the heart of its approach. Participation in the Scottish Government's employability services is voluntary.

### *Fair Start Scotland*

In April 2018 the Scottish Government introduced Fair Start Scotland (FSS) which aims to support a minimum of 38,000 participants in their journeys into and toward work over a three year referral period. Work Able Scotland and Work First Scotland provided 12 month transitional employability support ahead of the introduction of FSS in April 2018. Referrals for both transitional services stopped in March 2018.

FSS prioritises immediate entry for disabled individuals as defined under the Equality Act 2010. In the first year of its operation (up to 29<sup>th</sup> March 2019), 10,063 people have joined, 64% of whom reported having a long-term health condition.<sup>33</sup> Further information on how FSS is supporting disabled people will continue to be published regularly. FSS also continues to promote the Supported Employment Framework to support disabled people in learning on the job with support from colleagues and a job coach.

A progress report published in November 2019 found that many of those surveyed were very positive about the support they received. In total, 92% felt they were treated with dignity and respect and this did not differ by gender, ethnicity or presence of a health condition. Around four fifths felt they had choices about the type of support that they received, feeling that it took account of their individual needs, and 78% felt the service offered support to improve their general of life and wellbeing.<sup>34</sup>

### *Other Employment Support*

The Scottish Government also provides funding to a number of employability programmes aimed at helping young people facing barriers to employment to learn

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<sup>33</sup> Scottish Government (2019) Scotland's devolved employment services: statistical summary. Available [here](#).

<sup>34</sup> Scottish Government (2019) Fair Start Scotland evaluation report 2: overview of year one – November 2019. Available [here](#).

new skills and ultimately find work. Although not aimed specifically at disabled young people, these programmes do help many young disabled people to access the support they need to undertake relevant training for work. For example, in 2018-19 we provided £6.1 million to the Community Jobs Scotland programme to create 700 in-work training opportunities for young people and 378 of the young people involved in the programme reported as having a disability.

### **Health & Work Support Pilot**

The Scottish Government is committed to supporting people to overcome barriers to staying in employment. Another project that has developed via the action plan is the Health & Work Support Pilot, which was launched in June 2018. This development is funded by both the UK and Scottish governments, and is a voluntary programme that provides a single point of contact and support for those at risk of falling out of work – or have already done so – due to a disability and/or health conditions. It also provides support to employers with general guidance and specific advice on a range of health and work issues.<sup>35</sup>

A detailed evaluation is currently being completed to better understand the impact of the service and how it can inform future discussions regarding health and work services in Scotland and the UK. More specifically, it will focus on:

- The service delivery processes underpinning the pilot. Including the successes, challenges and complexities of integrating health and work services.
- The impact of the pilot on health and employment outcomes.
- The experience of people using and delivering the services within the pilot.

An interim report is due in summer 2020 and the final evaluation will be complete in spring 2021. Three statistical summaries have been published in 2019. The most recent can be found [here](#).

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<sup>35</sup> More information about the Health & Work Support Pilot can be found [here](#).

## Developing the Young Workforce

Developing the Young Workforce (DYW) reports progress across 12 Key Performance Indicators (KPIs), of which one is 'Increase the employment rate for disabled young people to the population average by 2021'<sup>36</sup>. The employment rate for disabled people aged 16-24 has fluctuated since 2014 when it was 35.2%, to a peak of 43.2% in 2017. It has since decreased, to 35.8% in 2018.<sup>37</sup> Among the population as a whole, the youth employment rate (population average) was 57.2% in 2018.<sup>38</sup> The youth employment rate has consistently remained higher than the employment rate for young disabled people - there is currently a gap of 21.4 percentage points between the young disabled employment rate and the youth employment rate (population average). Between 2014 and 2018, this gap increased by 3.3 percentage points.

For 2019/20, the Scottish Government has agreed specific measures within the National Key Performance Indicators (KPIs) that measure the activity of 21 Regional DYW Groups to support disabled young people. The KPIs specify activity in relation to Additional Support Needs (ASN) Schools and Units and the young people who attend them. In addition, the 21 Regional Groups are engaged in a wide variety of activities, which include actions with employers to present vocational pathways to disabled young people.

The programme-wide evaluation of DYW will assess the extent to which these activities – and other DYW activities taking place at schools, colleges, with Apprenticeships and with employers – have contributed to an improvement in opportunities and outcomes for young disabled people, and what barriers remain. As part of this evaluation, in Spring 2019, a forum of young disabled people provided Scottish Government researchers with their views on what is working well and less

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<sup>36</sup> The 2017 – 2018 DYW Annual Progress Report was published in December 2018; a 2018 – 19 update will be published in due course: Scottish Government (2018) Developing the Young Workforce: 2017 – 2018 progress report. Available [here](#)

<sup>37</sup> The figures for years 2014-2017 are available in Scottish Government (2018) Developing the Young Workforce 2017-2018 progress report. Available [here](#). The figure for 2018 is from Scottish Government (2019) Regional employment patterns in Scotland: statistics from the Annual Population Survey 2018. Available [here](#).

<sup>38</sup> Scottish Government (2019) Regional employment patterns in Scotland: statistics from the Annual Population Survey 2018. Available [here](#).

well with regards to work placements, vocational qualifications, training and Apprenticeships, and employment. Their views formed the basis for a set of recommendations that have been discussed with policy teams in relevant areas – the evaluation will consider the extent to which relevant recommendations have been engaged with and implemented.

### **Designing the Scottish Social Security Agency**

The Scottish Government is committed to creating an accessible, fair and responsive social security system for disabled people. These goals have underpinned the development of a new social security agency (Social Security Scotland), created via the Social Security (Scotland) Act 2018. The Act sets out the eight underlying principles underpinning the social security system. These emphasise social security as an investment in the people of Scotland and a human right, with respect for the dignity of individuals at the heart of the system. Social Security Scotland began delivering benefits in 2018, the first of which being the Best Start Grant: Pregnancy and Baby Payment. The Scottish Government will take over executive competency for delivery of the current reserved disability benefits in April 2020 and will open the first new benefit, Disability Assistance for Children and Young People in Summer 2020. Transfer of existing cases from DWP to Social Security Scotland will occur at a later date, with our main priority being the safe and secure transition of benefits from the UK to Scotland. We are designing an appropriate framework to evaluate the impact of Disability Assistance as they are rolled out, using a combination of routine data and bespoke projects.

The Disability Assistance policy approach that the Scottish Government is developing has been established in conjunction with users of the system via the Experience Panels (see next paragraph); the Disability and Carers Benefits Expert Advisory Group<sup>39</sup> (DACBEAG) as well as the Ill Health and Disability Benefits Stakeholder Reference Group, established in 2016, to inform and influence the development of policy options relating to disability and ill health social security benefits. This group comprises members who attend as representatives of their

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<sup>39</sup> DACBEAG is comprised of experts from a range of professional backgrounds including the Convener of the Scottish Social Services Council, Chief Executive Officer of Inclusion Scotland and Associate Director for Scotland of Joseph Rowntree Foundation

organisation/profession (including representatives of Coalition of Care and Support Providers Scotland, University of Glasgow, Child Poverty Action Group, and National Rural Mental Health Forum). A public consultation was also launched in March 2019, closing in late May 2019. It received 263 responses in total from individuals and organisations representing disabled people. The analysis and official response to the consultation are available on the Scottish Government's website.<sup>40</sup>

User experience panels are particularly important in developing Social Security Scotland and the services it offers. Beginning in 2017, the experience panels are comprised of over 2,400 individuals with lived experience of benefits that are coming to Scotland. Many of these individuals are disabled or have long-term health conditions and provide valuable feedback as we continue to develop the policy and design of Disability Assistance to best meet the needs of the people of Scotland.

### **Additional Developments**

- Child Winter Heating Assistance (CWAHA) for families with children who qualify for the highest rate of the care component of Disability Assistance will be provided by winter 2020.
- In the period 2015/16-2017/18, the Scottish Government has allocated £190 million for Discretionary Housing Payments for the purpose of mitigating the 'bedroom tax'.<sup>41</sup>
- A two-year NHS internship programme concerned with providing opportunities to disabled young people is underway.
- From 2017, Scottish public authorities have published information on equal pay policy and occupational segregation for disabled people as part of the public sector equality duty.
- In December 2015, Skills Development Scotland began implementation of a five-year Apprenticeship Equalities Action Plan, with specific improvement targets for the participation of disabled people. The number of new Modern Apprenticeship starts self-declaring an impairment, health condition or

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<sup>40</sup> Scottish Government (2019) Disability assistance in Scotland: consultation. Available [here](#).

<sup>41</sup> Scottish Government (2018) 2018 Annual Report on Welfare Reform. Available [here](#).

learning difficulty has continued to increase from the baseline of 8.6% in 2016-17, to 11.3% in 2017-18 and 14.1% in 2018-19.<sup>42</sup>

- The Scottish Government Internship Programme for Disabled People, administered by Inclusion Scotland, committed to place 120 people by 2021 and has placed 68 so far.

#### Further Reading

- Fair Start Scotland and Work First Scotland, Evaluation of quarters 1 and 2, 2018. Available [here](#).
- Experience panels, personal independence payments, available [here](#).
- Experience Panels, award duration and automatic entitlements. Available [here](#).
- Information on Carer Positive can be found here: <http://www.carerpositive.org/>

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<sup>42</sup> Skills Development Scotland (2019) Modern Apprenticeship Statistics: Full Year Report 2018/19. Available [here](#).



## **Ambition 3: Places That Are Accessible to Everyone**

The third ambition of the action plan is to ensure that disabled people can live life to the full in homes and communities across Scotland, with housing and transport and the wider physical and cultural environment designed and adapted to enable disabled people to participate as full and equal citizens.

In the Scotland we want:

- Greater and more meaningful involvement by disabled people in designing policies and services.
- Disabled people to benefit from increased availability of affordable and accessible housing to support people to continue to live independent lives.
- Increased availability of accessible and inclusive transport and services.
- Increased awareness of the additional barriers living in rural or remote areas can bring for disabled people.

### **Accessible Housing**

The Scottish Government's ambition is that everyone in Scotland should live in high quality, energy efficient homes that are affordable and that meet their needs, including accessibility. Disabled people can sometimes face considerable barriers in ensuring that they have appropriate housing. Local Authorities as the strategic housing authority are best placed to assess housing needs within their area and setting out in the Local Housing Strategy and Strategic Housing Investment Plans how these requirements will be met.

We have recently published new practical guidance for local authorities that will support the delivery of more wheelchair accessible housing. The guidance creates a requirement for targets to be set across all tenures which local authorities will report annually on progress. We are currently refreshing the Local Housing Strategy guidance which will provide further advice which we expect to publish later this year.

Ministers have made it clear to local authorities and housing associations that grant subsidy arrangements for the Affordable Housing Supply Programme should not be

a barrier that prevents specialist housing identified by local authorities as a priority from being built. Officials discuss grant subsidy arrangements with councils on a regular basis as part of overall discussions on the Affordable Housing Supply Programme. We are building homes to be sufficiently flexible to meet the needs of people as they change over time and latest available statistics show that 99% of homes built by housing associations and councils in 2017-18 met the Housing for Varying Needs Standards. We have recently started work to undertake a review of the Housing for Varying Needs design guide.

In addition, the Planning (Scotland) Act 2019 introduced changes to National Planning Framework and introduced new outcomes which include meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people. Our Building Regulations for accessibility in mass-market new homes (new housing for sale) are the best in the UK. The guidance which supports the Scottish standards is founded on most of the principles of Lifetime Homes Design Standard and Housing for Varying Needs. The 2018-19 Programme for Government included a major commitment to develop our vision for housing in Scotland to 2040. This will include work on accessibility standards as well as on energy efficiency, quality and safety standards.

Since the integration of health and social care, Integration Joint Boards (IJBs) are responsible for the planning and delivery of adaptations using budgets set and delegated from local authorities. IJBs are also responsible for reviewing and developing services to improve outcomes for people who require adaptations. Progress has been made by some IJBs in reviewing and planning adaptations services but there is clearly more work to be done. To support we are reviewing the existing statutory guidance on adaptations. We intend to issue revised and updated guidance to IJBs later this financial year.

We have developed regulations, under section 37 of the Equality Act 2010 that will give disabled people the right to make necessary, reasonable adaptations to common areas. The creation of this right will be a first within the UK. Regulations that will create a right for disabled people to make reasonable adjustments to common parts were laid before Parliament on 6 December and will come into effect

early in 2020. Disabled people will need to get a simple majority of other owners to agree to the work. Other owners will be unable to unreasonably withhold consent. If not agreement can be reached then the views of a Sheriff can be sought and their decision will be final.

As mentioned above, the Scottish Government is planning, together with stakeholders and communities across Scotland, how we want our homes and communities to look and feel by 2040. This new approach will encompass the whole housing system. We want housing to 2040 to be a lasting legacy that is not just about new homes, but that takes into account the people, place, environment and communities in which our homes, both new and old, are located.

In developing policy here, we have been engaging extensively with a variety of stakeholders, including local government, businesses, the third sector, home owners, tenants and others to help shape a draft vision and principles for 2040. Stakeholder engagement has also involved Disabled People's Organisations. There will be a formal public consultation during autumn 2019 on the draft vision and principles, together with some policy options for practical steps for how to get there. As part of that, we want to hear from a wide range of people across Scotland, including rural, urban and island communities, old and young people, to help us shape our final vision and route map to 2040, which we are planning to publish in spring 2020.<sup>43</sup>

## **Sport**

There is evidence that disabled people face barriers to participation in sport and physical activity. Analysis of the Scottish Health Survey suggests that a lower percentage of disabled people meet the recommendations for physical activity, compared to non-disabled people.

The Active Scotland Outcomes Framework describes Scotland's ambitions for sport and physical activity. The Active Scotland strategy, published in July 2018, commits

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<sup>43</sup> Our Housing to 2040 leaflet provides further information and details on how you can engage, and is available [here](#).

to ensuring that everyone has opportunities to achieve, irrespective of disability, and seeks to remove barriers to participation by working with equalities groups.<sup>44</sup> It also commits to supporting opportunities for sporting participation and physical activity for people with learning disabilities and autism.

As the national agency for sport, **sportscotland** aims to ensure that sport is accessible to all, and that people have a positive experience of sport. To help deliver the many benefits of sport to everyone in Scotland, they develop and strengthen partnerships and collaborations across the public, voluntary and private sectors. For example:

- **sportscotland** invests in over 50 Scottish governing bodies of sport (SGBs). Many of these organisations develop and deliver specific programmes that support disabled participants to take part in sport at their chosen level.
- Since 2016-17 **sportscotland** has invested £2,454,200 in Scottish Disability Sport (SDS), the coordinating body for all sports for people of all ages and abilities with a physical, sensory and learning disability. This investment supports SDS to build an effective organisation, develop disability sport at all levels, and support athletes on the world stage.
- **sportscotland** invests £12m per year in local authorities to deliver Active Schools. **sportscotland** works in partnership with all 32 local authorities to provide more and higher quality opportunities to take part in sport and physical activity before school, during lunchtime and after school, and to develop effective pathways between schools and sports clubs in the local community. Local Active Schools programmes consider pupils with ASN within mainstream schools. In addition, the universal coverage of Active Schools across Scotland, includes ASN schools. In academic year 2017-18, pupils at ASN schools made over 81,000 visits to Active Schools activity.

In August 2017, **sportscotland** opened the £12 million redeveloped national training centre Inverclyde. Inverclyde is a residential sports training centre designed with inclusivity in mind for disability sport users at all levels. It has improved Scotland's

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<sup>44</sup> Scottish Government (2018) Active Scotland Delivery Plan. Available [here](#).

support for disabled athletes in their preparations and helped ensure sport and physical activity is accessible.

The **sportscotland** institute of sport provides high performance expertise to sports and athletes in Scotland through a range of performance impacting services. In 2017, the institute delivered services to 41 para athletes from 11 sports. In 2018, this increased to a record high of 49 para athletes from 13 sports.

Disabled athletes often face significant challenges above those experienced by non-disabled athletes. In 2017, the institute created the Para Initiative to improve opportunities for para athletes and enable more para athletes to progress in performance sport. Working alongside key SGBs and SDS, the initiative aims to:

- Increase the quantity and sporting attainment of para athletes within the Scottish para sport system
- Develop a world class workforce to support the Scottish para sport system
- Provide environments that attract and develop para athletes

In recent years, Scottish athletes continued to achieve success on the world stage. Seven of the 17 athletes selected for the Paralympics GB 2018 Winter Paralympic Team were Scottish. 18 para-athletes competed for Team Scotland at the Gold Coast Commonwealth Games, winning three medals, making it the most successful ever away Commonwealth Games.<sup>45</sup>

## **Transport**

We believe in the absolute rights of disabled people to participate as full and equal citizens; we know that accessible travel is key to enabling this. Our vision is that all disabled people can travel with the same freedom, choice, dignity and opportunity as other citizens.

At present, the Scottish Government invests over £210 million per year in the National Concessionary Travel Scheme, which includes free bus travel for eligible

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<sup>45</sup> Scottish Disability Sport (2019) Annual Report 2017-18. Available [here](#).

disabled people. There is also a project of refurbishing new and existing trains to improve wheelchair access and provide accessible toilets, and £19 million has been spent in the last five years to make stations on the Scottish railway network step-free. The Accessible Travel Hub has been developed, which provides information on accessible travel.<sup>46</sup>

In 2016, the Scottish Government published 'Going Further', a 10 year framework for improving the accessibility of travel. In 2019, Transport Scotland published their first Annual Delivery Plan for Scotland's Accessible Travel Framework.<sup>47</sup> The eight priorities they intend to achieve by 2019/20 are:

- Reduce the advance notice requirement for accessible train travel to one hour (in a broader context where this has declined from four to two hours already).
- In a context where six of the seven largest Scottish airports are ranked as very good, this ranking will be achieved by all.
- Improving access to bus information via Traveline and increasing bus patronage across Scotland, while improving accessibility and passenger assistance at local bus stations and travel hubs.
- Ensuring pathways are clear by promoting accessible and inclusive street design and restricting parking on pavements.
- Developing improved guidance for signage, wayfinding and information.
- Issuing guidance on the improvement of taxi services for disabled people.
- Increasing use of the Thistle card, which advises the driver or conductor of public transport about an individual's disability and the help they may require.
- Creating a Hate Crime Charter to be displayed on public transport.

The Hate Crime Charter will be piloted throughout 2019 and early in 2020. Training for transport operators will be considered, with commitments to reporting, recording and improving knowledge on the issue, in a context where it is widely acknowledged that 97% of hate on the transport system goes unreported.

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<sup>46</sup> Accessible Travel Hub. Available [here](#).

<sup>47</sup> Transport Scotland (2019) Scotland's Accessible Travel Framework: Our Delivery Plan for 2019-20. Available [here](#).

In May 2018, Transport Scotland published their analysis of responses to their consultation on improving parking in Scotland.<sup>48</sup> Amongst the responses, participants emphasised the problem of using guide dogs or wheelchairs in the context of cars parked on dropped kerbs. There was also considerable concern about the misuse of disabled people's parking spaces, and widespread disagreement about whether disabled person's parking places are being enforced.

The Scottish Government undertook a review of the Disabled Persons Parking Places (Scotland) Act 2009 (DPPPA) and the then Minister for Transport and the Islands appeared before Local Government and Communities Committee regarding post legislative scrutiny. We continue to work with stakeholders to address the items raised by the Committee including scope for legislative changes to the DPPPA to ensure better enforcement can be achieved.

Informed by the consultation on parking and ongoing stakeholder engagement, the Transport (Scotland) Act 2019 provisions provide a number of steps to improve outcomes for disabled people. The restrictions on double parking, pavement parking and parking at dropped kerbs intend to improve accessibility for disabled people. In addition, improvements to bus services are likely to improve disabled people's ability to travel, access employment and potential reduce social isolation by increasing the accessibility of transport.<sup>49</sup>

### **Cultural strategy**

The Scottish Government support equal opportunities for people across Scotland to lead a cultural life of their choice; with all aspects of cultural engagement – formal and informal - available to them. Disability can impact individuals and communities' ability to access and participate in culture and tackling this must be a priority for the culture sector in Scotland.

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<sup>48</sup> Scottish Government (2018) Improving Parking in Scotland: Consultation Analysis Report. Available [here](#).

<sup>49</sup> Transport Scotland (2018) Equality Impact Assessments – Results. Available [here](#).

At present, a new cultural strategy is being developed in Scotland. A draft cultural strategy for Scotland was published in 2018 for consultation, with an analysis of the consultation responses published in January 2019.<sup>50</sup> The strategy emphasises that it will engage with the exclusion of, among other groups, disabled people and seek to encourage cultural engagement among those who do not currently participate in it.<sup>51</sup> In July 2018, Visit Scotland published a guide on inclusive events, providing guidance on how to ensure that events are accessible to everyone.<sup>52</sup>

### **Accessible Tourism**

The Scottish Government works closely with the tourism sector and its agencies, to ensure that tourism is for everyone. VisitScotland manages an Inclusive Tourism Engagement Programme aimed at tourism businesses. The programme's strategic objective is focused on raising awareness among businesses of the benefits of being inclusive and helping them make changes to benefit from this growing market.

VisitScotland created an accessibility guide tool in 2017 to help businesses communicate relevant access information about their business. In developing its toolkit and advice, VisitScotland has worked with Euan's Guide, Disabled Go, and Capability Scotland, and has a steering group that includes relevant charities and key industry stake-holders. In October 2019 a guide on how to be Dementia Friendly will be launched, and all guides are available free of charge on their dedicated corporate industry website. They also support and work with community and industry groups to develop 'Inclusive Tourism Friendly Destinations' and create promotions and visitor information which inspire and reassure different consumer groups. Projects are currently underway in Glasgow, St Andrews, Callander and Cairngorm National Park.

In 2016 VisitScotland partnered for the first time with the Family Holiday Association (FHA), a national charity that has been delivering breaks for struggling families for almost 40 years. Since then more than 80 travel industry partners have donated

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<sup>50</sup> Scottish Government (2019) Culture strategy for Scotland consultation: analysis of responses – full report. Available [here](#).

<sup>51</sup> Scottish Government (2018) Partial EQIA for Culture Strategy. Available [here](#).

<sup>52</sup> Visit Scotland (2016) Inclusive and Accessible Events: A guide for event organisers. Available [here](#).



accommodation, transport or tickets for attractions and activities. Over 1,000 families including over 2,300 children have been helped to take a short break somewhere in Scotland. For many, it is their first ever holiday. ScotSpirit Breaks has been shortlisted twice in the Third Sector Partnership category at the Scottish Public Service Awards, in both 2017 and 2018.

### Further Reading

- EHRC (2018) Housing and disabled people: Britain's hidden crisis. Available [here](#).
- Transport Scotland (2019) Scotland's Accessible Travel Framework: Our Delivery Plan for 2019-20. Available [here](#).
- Scottish Government (2018) Improving Parking in Scotland: Consultation Analysis Report. Available [here](#).

## **Ambition 4: Protected rights**

The fourth ambition of the action plan is to ensure that Scotland's justice system is equipped to meet the needs of disabled people in a fair and inclusive way. Disabled people are confident that their rights will be protected and they will receive fair treatment at all times.

In the Scotland we want:

- Disabled people to be treated as equal citizens within all elements of the justice and tribunal system, with full access to the physical environment, advocacy and support, information and advice, and communication support.

### **Hate Crime Reporting**

Everyone should be entitled to freedom from crime, intolerance and violence, and prejudicial treatment has no place in Scottish society. With the exception of 2016-17, the number of charges brought in relation to offences aggravated by prejudice related to disability has increased since the introduction of this aggravation in 2010. In 2018-19, 289 charges of this kind were reported, in a context where these crimes are thought to be under reported.<sup>53</sup>

The Cabinet Secretary for Communities and Local Government chairs an Action Group with key stakeholders to take forward an ambitious programme of work<sup>54</sup> to tackle hate crime and build community cohesion. A key area of this work is to address barriers to reporting, including through Third Party Reporting Centres. It is only through reporting that issues within an geographic location or against a particular protected group can be identified.

To support this work, the Scottish Government, in partnership with stakeholders, developed public awareness campaigns around the impacts of hate crime, to raise awareness and to encourage victims and witnesses to report it. The Scottish

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<sup>53</sup> Crown Office and Procurator Fiscal (2018-19) Hate Crime in Scotland, 2018-19. Available [here](#).

<sup>54</sup> Scottish Government (2017) Tackling Prejudice and Building Connected Communities: Scottish Government response. Available [here](#).

Government are committed to working across government in order to build a fairer Scotland where there is simply no place for hatred and prejudice and where everyone feels connected, has a sense of belonging and feels valued.

An Independent review of hate crime legislation in Scotland was published in 2018, but did not recommend changes in relation to disability hate crime reporting.<sup>55</sup>

Following Lord Bracadale's review, the Scottish Government launched a 14 week consultation, 'One Scotland: Hate Has No Home Here', which sought views on what should be included in the new hate crime bill. An analysis of the responses to the consultation were published on 27 June 2019<sup>56</sup>. The Scottish Government will consider these responses in the process of framing a new hate crime bill to consolidate and update existing hate crime legislation. As noted in the last chapter, a common framework and charter for responding to hate crimes on public transport will be piloted in 2019 and 2020. Information on the charter, along with information about the piloting of the charter on Stagecoach East, can be found [here](#).

### **Improving Access to the Criminal Justice System**

More broadly, the Scottish Government is concerned with ensuring that disabled people do not face barriers in terms of their interaction with the criminal justice system. In June 2018, the Criminal Justice Disability Project – with participation from Police Scotland, the Scottish Government and the Law Society of Scotland, among others – published its final report, summarising progress on 76 recommendations made in 2013 to improve services in the criminal justice service for disabled people.<sup>57</sup>

Work in this area involved engagement with organisations representing disabled people, and a national Disability Advisory Group was created. A full list of the groups involved is published in the annex of the report which is linked below.

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<sup>55</sup> Scottish Government (2018) Independent review of hate crime legislation in Scotland: final report. Available [here](#).

<sup>56</sup> Scottish Government (2019) Consultation on Amending Scottish Hate Crime Legislation: Analysis of responses. Available [here](#).

<sup>57</sup> Criminal Justice Disability Project (2018) Final Report. Available [here](#).

Of these recommendations, 42 were primarily concerned with improving access to the reporting of crime and ensuring that disability hate crimes were reported as such. This has resulted in a range of developments, including publicity campaigns, improvements to training and the accessibility of reporting centres and information. The additional 34 recommendations consider a wide range of potential barriers to disabled people, including improved practice and shared learning, advocacy and support and improving transparency and accountability.

In addition, the Scottish Strategy for Autism, 2018-21 committed to working with the Scottish Offenders with Learning Disabilities Network to improve autism awareness across the Criminal Justice System.<sup>58</sup>

### **Legal Aid**

It is critical to ensure that disabled people are able to access legal aid, and any barriers to access to justice are removed. The 2018 Independent Review into legal aid - 'Rethinking Legal Aid' – identified several barriers to accessing legal aid facing disabled people.<sup>59</sup> Recommendations from the report included a suggestion that the standard fee for advice and assistance should take into account the greater time it takes solicitors to engage with disabled clients and explore potential solutions with them.

The Scottish Government did not support establishing a new public body for handling legal aid requirements, but did support the goal of greater flexibility and user-focus in the development of legal aid services. Future legislation in this area will engage with organisations representing the protected characteristics in its development.

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<sup>58</sup> Scottish Government (2018) Scottish Strategy for Autism: outcomes and priorities 2018-2021. Available [here](#).

<sup>59</sup> The full report – Scottish Government (2018) Rethinking legal aid: an independent strategic review – is available [here](#).

### **Additional Developments:**

- The Scottish Strategy for Autism, 2018-21, committed to working with the Scottish Offenders with Learning Disabilities Network to improve autism awareness across the Criminal Justice System.<sup>60</sup>
- In March 2019, the Equality and Human Rights Commission (EHRC) launched an inquiry into whether people with mental health conditions, cognitive impairments and conditions including autism are experiencing discrimination in the criminal justice system.<sup>61</sup>
- In March 2019, NHS Health Scotland hosted an event with the Scottish Government, COSLA and partners to tackle gender-based violence towards women with learning difficulties.<sup>62</sup>

### Further Reading

- Criminal Justice Disability Project (2018) Final Report. Available [here](#).
- Scottish Government (2018) Independent review of hate crime legislation in Scotland: final report. Available [here](#).

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<sup>60</sup> Scottish Government (2018) Scottish Strategy for Autism: outcomes and priorities 2018-2021. Available [here](#).

<sup>61</sup> EHRC (2019) Inquiry into disability discrimination in the Scottish Criminal Justice system. Available [here](#).

<sup>62</sup> NHS Health Scotland (2019) Gender based violence, relationships and learning disability. Available [here](#).

## **Ambition 5: Active Participation**

The fifth ambition underpinning the action plan is for active participation.

This means, specifically, that disabled people participate as active citizens in all aspects of daily and public life in Scotland. Information and communication is accessible and inclusive; barriers experienced by disabled people including negative attitudes, stigma and discrimination, are understood and addressed and disabled people are involved in shaping their lives and the decisions that impact upon them. Social isolation is reduced for disabled people.

In the Scotland we want:

- Disabled people to be empowered through peer support and learning and development opportunities to participate fully as active citizens.
- Increased understanding of disabled people's needs throughout civic society.
- Communication to be accessible to, and inclusive of, all.
- The barriers facing disabled people to be known, understood and addressed.
- Disabled people to have access to relationships and connections which support them, and increased resilience to cope with challenges.

### **Inclusive Participatory Budgeting**

It is essential to ensure that disabled people are able to participate fully in emerging forms of participatory governance. The Scottish Government has recently developed a participatory budgeting process, which provide communities with decision making power over a portion of their local budget. Overall, this has been a successful initiative, with 1,713 projects voted on by 20,408 people and £3,431,329 distributed using participatory budgeting in 2017/18.<sup>63</sup> The Scottish Government's work with Glasgow Disability Alliance resulted in GDA being commissioned by Glasgow City Council to support disabled people in four participatory budgeting pilots in Glasgow

In order to ensure that this is an inclusive process, research has been commissioned from the Glasgow Disability Alliance (GDA) to explore disabled people's involvement

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<sup>63</sup> Scottish Government (2019) Community Choices Fund 2017/18 Report. Available [here](#).

in the process. This research, published in 2018, identified a range of barriers faced by disabled people in participating in the process.<sup>64</sup> These included physical, cultural and support related barriers, and provided a range of recommendations to address these. The GDA have supported over 1,000 disabled people to contribute over 8,000 hours to develop an equalities approach to participatory budgeting in Glasgow.<sup>65</sup>

### **Access to Elected Office Fund**

It is essential that any barriers to disabled people's participation in the electoral process are removed. Inclusion Scotland advocated for the Access to Elected Office Fund and the Scottish Government agreed to run a pilot. The Fund provided assistance to candidates in the 2017 Scottish Local Authority elections. During the pilot, 39 disabled candidates were supported and 15 disabled people were elected as councillors.<sup>66</sup>

Feedback has indicated that 100% felt "very supported" by the delivery team and 58% agreed that the fund mostly reduced the barriers they face seeking selection. Of these, 8% said it had "completely" removed barriers, while 34% said it had removed "some" barriers.<sup>67</sup> Following the success of this pilot, the fund will be continued for the 2021 Scottish Parliamentary elections.

### **Participation in Decision Making : Ministerial Public Appointments**

Scottish Government have set an Equality Outcome that Ministerial public appointments are more diverse reflecting broadly the general population by 2021.<sup>68</sup> In a context where disabled people comprise 19.6% of the population, 6.9% of Scotland's board members were disabled at the end of 2018. In 2018 disabled people comprised 4% of the chairs of said boards. In addition, 9.4% of applications in 2018 came from disabled people, against a target of 15%.<sup>69</sup>

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<sup>64</sup> Glasgow Disability Alliance (2017/2018) Budgeting for Equality. Available [here](#).

<sup>65</sup> Glasgow Disability Alliance (2018) Participatory Glasgow: Leaving no-one behind. Available [here](#).

<sup>66</sup> Inclusion Scotland (2017) Access to Elected Office Fund (Scotland) 2016-17 Pilot Evaluation report. Available [here](#)

<sup>67</sup> See fn 58.

<sup>68</sup> Scottish Government (2019) Equality outcomes and mainstreaming report 2019. Available [here](#).

<sup>69</sup> Ethical Standards Commissioner (2019) Annual Report and Accounts 2018/19. Available [here](#).

The Public Appointments Team are currently working with Inclusion Scotland to provide mentoring for disabled people who are interested in serving on a Board. Learning from the Mentoring Programme will inform future activities to enthuse disabled people to apply for Public Appointments and support disabled people to be successful in the appointments process.

### **Strategy for Loneliness and Social Isolation**

Scotland aspires to be a country where individuals and communities are more connected and everyone has the opportunity to develop meaningful relationships regardless of age, status, circumstances or identity. Social isolation presents a range of challenges to wellbeing, and the barriers facing disabled people may, in some circumstances, increase their risk of social isolation and loneliness.

The National Strategy for tackling loneliness and social isolation was launched in December 2018<sup>70</sup> and will run from 2018 to 2026, subject to progress updates at two year intervals. We have since established a National Implementation Group to help us take action and will publish a delivery plan setting out how we will deliver better outcomes across our communities, including for disabled people. To ensure that our work is informed by the lived experience of disabled people, we have invited Glasgow Disability Alliance to join the National Implementation Group. The main priorities of the strategy concern:

- Empowering communities and creating shared ownership.
- Promoting positive attitudes and tackling stigma.
- Creating opportunities for people to connect.
- Support infrastructure to foster connections.

This strategy was developed following consultation<sup>71</sup> on a draft published in 2018, which received around 400 responses from individuals and organisations, alongside 17 engagement events across Scotland. The consultation responses, among other

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<sup>70</sup> Scottish Government (2018) A Connected Scotland: Our Strategy for Tackling Social Isolation and Glasgow Disability Alliance (2018) Participatory Glasgow: Leaving no-one behind. Available [here](#). Loneliness and Building Stronger Social Connections. Available [here](#).

<sup>71</sup> The analysis of the consultation responses is available [here](#).



things, emphasised the specific groups at risk of isolation and loneliness, included disabled people and older people, emphasising the importance of accessible housing, transport and buildings.

### **British Sign Language Plan**

The Scottish Government wants to make Scotland the best place in the world for British Sign Language (BSL) users to live, work and visit. In 2017, the Scottish Government also launched the first National Action Plan on BSL. With this, the Government sees BSL as a language, moving away from a disability lens. This is the first plan of its kind to be launched in the UK, and includes actions that we will work towards for 2020 including<sup>72</sup>:

- Starting a programme of work that will allow more pupils to choose to learn BSL in school and working with the Scottish Qualifications Authority (SQA) to develop awards in BSL
- Researching technological solutions to providing information in BSL in transport hubs such as train stations and airports
- Working to strengthen the BSL/English interpreting profession through a range of measures, ensuring a strong and skilled pool of BSL/English interpreters are working efficiently in a range of settings across Scotland

The BSL (Scotland) Act 2015 legislation compels public bodies to consult with the BSL community (deaf people) in the development of BSL plans. In 2015, the Scottish Government established a National Advisory Group on BSL to shape priorities and support the creation of the first, and current, BSL National Plan. Over half of this Advisory Group consisted of BSL users. Further, a range of consultations have taken place to date in various forms on the various BSL Plans across Scotland, and we anticipate this activity to continue throughout the lifetime of the Act, particularly in influencing new/revised BSL Plans.

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<sup>72</sup> Scottish Government (2017) National plan for British Sign Language. Available [here](#).

## Additional Developments

- The Scottish Government has maintained funding for the intermediary DPOs it has funded.
- The One Scotland campaign has emphasised employment, including the ‘Get Passed the Awkward’ ad campaign, designed to address potential barriers to the inclusion of disabled people in work.<sup>73</sup>
- A Scottish guide to Service Design has now been published, with a view to informing future service design with an emphasis on inclusive design principles.<sup>74</sup>
- An inclusive communications hub has been develop, with a view to encouraging the development of inclusive communication.<sup>75</sup>

## Further Reading

- Glasgow Disability Alliance (2018) Participatory Glasgow: Leaving no-one behind. Available [here](#).
- Scottish Government (2018) A Connected Scotland: Our Strategy for Tackling Social Isolation and Loneliness and Building Stronger Social Connections. Available [here](#).
- Inclusion Scotland (2017) Access to Elected Office Fund (Scotland) 2016-17 Pilot Evaluation report. Available [here](#).

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<sup>73</sup> <https://onescotland.org/equality-themes/disability/>

<sup>74</sup> Scottish Government (2019) The Scottish Approach to Service Design (SAatSD). Available [here](#).

<sup>75</sup> <http://inclusivecommunication.scot/>



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