

EQUAL OPPORTUNITIES COMMITTEE
SCRUTINY OF THE DRAFT BUDGET 2015-16
SUBMISSION FROM INCLUSION SCOTLAND
AND PARTNER DISABLED PEOPLE'S ORGANISATIONS

This submission has been prepared by Inclusion Scotland with our partner Disabled People's Organisations Independent Living in Scotland (ILIS), Self Directed Support Scotland (SDSS) and the Glasgow Disability Alliance. Further information about our organisations is included in the ANNEX.

During its scrutiny of the Draft Scottish Budget 2014-15, the Equal Opportunities Committee focussed on the impact on disabled people, and made a number of specific recommendations¹ which were welcomed by Inclusion Scotland and other Disabled People's Organisations (DPOs).

We note the response given to the Committee by the Cabinet Secretary for Finance, Employment and Sustainable Growth in February 2014 we appreciate that this year that the Committee is focussing on age, we hope it will take the opportunity to follow up on some of the key recommendations from last year:

14. With respect to budget scrutiny, we would welcome an explanation of how human rights, as well as equality, are integral to the budget process and to the development of the Equality Budget Statement. **We would, in particular, appreciate further information on how the Scottish Government involves disabled people in the budget planning process.**

We note Chapter 17 of the Equality Statement Scottish Draft Budget 2015-16 on Human Rights and the Budget². We also note the Cabinet Secretary's response that:

"The Scottish Government is committed to dialogue and engagement with disabled people so that our work is informed of the issues and responsive to people's needs. We provide funding to disabled people's organisations to facilitate this. The budget allocates resources to a broad range of policies and initiatives which were developed with the involvement of disabled people."

However, this does not answer the specific request the Committee made for further information on how the Scottish Government involves disabled people in the budget Planning Process. **We request that the Committee asks the Cabinet Secretary to provide this information.**

24. We welcome the Scottish Government's acknowledgement of the third sector's role in providing support and services; however, **we observe that its funding streams are not immediately evident in the Draft Budget.** We acknowledge that there are many sources of support for third-sector organisations, however **we would appreciate clarity on which funding streams the Scottish Government directly controls, and how this support has changed over time.**

¹ <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/70876.aspx#a3>

² <http://www.scotland.gov.uk/Publications/2014/10/7097>

In his response the Cabinet Secretary indicated that “we are now confident that we are in the final stages of the process of accurately tracking direct payments made to third sector organisations by the Scottish Government, and plan to publish this information.” **Can the Committee ask when this information will be published?**

39. We are concerned not just about the impact of care charges on individual disabled people and the fairness of the levels they are levied at, but also about the geographical inequalities they are causing. **We would ask CoSLA and the Scottish Government to respond on the charges and on their fairness, and seek assurance that a consistent approach to needs assessment is being taken.**

Given that all evidence suggests that if anything the approach to care charges taken by different local authorities is becoming less consistent; that a number of third sector organisations have withdrawn from the CoSLA working Group due to their frustration with the lack of progress and that a number of local authorities have given notice of their intention to leave CoSLA from next April, **the current approach of the Scottish Government to leave this to CoSLA does not seem to us to be sustainable.**

The current approach to social care charging is arbitrary and unfair. People’s right to independent living should not be determined by where they live and the charging regime imposed by a particular local authority.

We ask the Committee to again raise this issue with the Cabinet Secretary.

41. **We would appreciate an assurance that those issues [of geographical mobility for disabled people and their families across Scotland] are being, or will be, addressed by the Scottish Government, local authorities, and other public bodies, via relevant policy initiatives and associated spending allocations.**

In January 2014, The Scottish Government published a consultation on proposed legislative measures to further support carers and young carers in Scotland³. This stated:

“There are issues to be addressed about the portability of assessment, primarily for service users (adults and children) but also for carers. This means considering the assessment process when people move from one local authority area to another to change jobs or to live closer to each other or for another reason.”

and

“We are of the view that improvements can be made to the assessment process in order to make it easier for service users and carers to move from one part of the country to another. **Therefore, the Scottish Government and COSLA, with relevant interests, will work together to take this forward.**”

This issue was also raised during the passage of the Public Bodies (Joint Working) (Scotland) Act, where the Cabinet Secretary for Health and Wellbeing, during Stage 3, said “I am aware of the importance of the issue ... I commit to continuing to work closely with stakeholders and partners on guidance to ensure that local systems set up effective

³ <http://www.scotland.gov.uk/Publications/2014/01/4757>

voluntary systems that work together to carry out assessments in advance of a person moving between local authority areas.”⁴

Whilst we of course welcome progress for carers, we are concerned that the same progress is not being made in this area, for disabled people themselves. **Can the Committee ask for an update on progress on this work?**

61. We recommend that the Scottish Government carries out research looking at how the pressure of managing and controlling SDS [Self Directed Support] packages is impacting on disabled people’s ability to be included in society.

In his response, the Cabinet Secretary indicated that “the Scottish Government continues to work with key partners, including the organisations who represent disabled people, to develop a monitoring and evaluation framework.” **Can the Committee ask the Cabinet Secretary to confirm what progress has been made on developing the monitoring and evaluation framework?**

73. We urge the Scottish Government to look into this matter with the utmost urgency, and to indicate how it will assess the needs of and support those who have become eligible following the closure of the ILF [Independent Living Fund] scheme.

We welcome the decision of the Scottish Government to develop, in coproduction with Disabled People’s Organisations, a Scottish ILF that will protect existing recipients; and to provide new funding of £5.5 million to open the fund up to new users.⁵

74. In summary, on issues of funding for care and support, we ask that the Scottish Government, CoSLA and private providers of social care form an independently chaired review group, involving stakeholders, to address the long-term problems of care and support, and report back on progress.

In response the Cabinet Secretary stated:

“A Scottish Working Group on the Funding of Care and Support is being established by the Cabinet Secretary for Health and Well-being, following discussion with CoLSA and third sector organisations. The Working Group will report to Scottish Ministers in 2015.”

Can the Committee ask the Cabinet Secretary to confirm when the Working Group was set up; its remit and membership; when and how often it has met; what discussions have been held with third sector organisations; how the working group has or intends to engage service users; and when it will report to Scottish Ministers?

94. We note the Cabinet Secretary’s acknowledgement of the poor and worsening employment prospects for many disabled people, and we welcome his openness and frankness. We recognise that various aspects of employment policy are outwith the control of the Scottish Government. However, we invite the Scottish Government to comment on what changes it can and will make to its economic and employment promotion policies to try and help rectify this inequality. In particular, we would like to know how spending plans promote the position of disabled people in the labour market, and whether the Scottish

⁴ Column 28106, Scottish Parliament Official Report, 25 February 2014

⁵ Page 14, Equality Statement: Scottish Draft Budget 2015-16

Government would consider the use of positive media campaigns to change views and improve awareness and knowledge amongst public and private employers

Inclusion Scotland are pleased to report the success of the Pilot Parliamentary Internship scheme⁶. The first two Internships have been successfully completed, and the remaining five are due to commence after the October Recess. We look forward to working with the Scottish Government and the Scottish Parliament on developing proposals for a permanent scheme.

100. The Cabinet Secretary acknowledged that there are issues with equality within the Modern Apprenticeship Programme, and agreed to explore these problems. This is a publicly funded programme and as such should meet the highest standards in equality. **We recommend that the Scottish Government investigates further why the Modern Apprenticeship Programme performs poorly for disabled people and other protected groups**, and puts in place future spending plans that will promote equality of outcomes in respect to the promotion of, the recruitment to, and the performance of Modern Apprenticeships. Given that this is the third year in which concerns over the Modern Apprenticeships Programme have been raised during our budget scrutiny, we ask that the Scottish Government report back to us on progress against this recommendation.

The Committee rightly raised concerns about the Modern Apprenticeship scheme. In his response the Cabinet Secretary stated that “While it should be noted that participation in the Modern Apprenticeship programme reflects that in the wider workforce generally”. **Clearly that is not correct, as the number of young disabled people in Modern Apprenticeships does not reflect either the proportion of disabled people in the general population or the proportion of disabled people in work.**

Can the Committee ask the Cabinet Secretary what the impact has been of the Scottish Government’s efforts to increase the numbers and proportion of young disabled people obtaining Modern Apprenticeships?

Related to this, the Committee may wish to ask the Cabinet Secretary how the Scottish Government intends to meet the specific recommendations for Young Disabled People contained in the Final Report of the Woods Commission for Developing Scotland's Young Workforce⁷.

115. We ask the Scottish Government to provide an update on its consideration of the potential use of the National Entitlement Card for concessionary travel.

Given that Scottish Government have no plans to extend concessionary travel to Community Transport services, **can the Committee ask what the Scottish Government is doing to monitor the difficulties disabled people face in using existing and often inaccessible transport services? What are they doing to improve disabled people’s access to accessible transport services?**

128. We invite the Scottish Government to comment on the evidence that, although budgets may not have been directly cut, local services are facing increased expectations and demand leading to more pressure being placed on the families of disabled children. Specifically, we would welcome a response on the Children’s Commissioner’s suggestion that child’s rights impact assessments be introduced.

⁶ <http://www.wecanwork.org.uk/index.php/parliamentary-internships>

⁷ <http://www.scotland.gov.uk/Topics/Education/edandtrainingforyoungple/commissiondevelopingscotlandsyoungworkforce/finalreport>

Recent amendments⁸ to the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000⁹ have resulted in families with disabled children, for example learning difficulties, behavioural conditions, or cognitive conditions, that previously qualified for a Blue Badge can no longer qualifying.

Can the Committee ask the Cabinet Secretary if this was intentional and, if so, how does it support the effective implementation of the United Nations Charter on the Rights of the Child, in particular:

- **Article 3:** In all actions concerning children, the best interests of the child shall be a primary consideration.
- **Article 4:** States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.
- **Article 23:** States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

**Iain Smith
Policy & Parliamentary Officer,
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24 October 2014**

⁸ <http://www.legislation.gov.uk/en/ssi/2014/145/contents/made>

⁹ <http://www.legislation.gov.uk/ssi/2000/59/contents/made>



Our voices ■ Our choices

Inclusion Scotland is a network of disabled peoples' organisations and individual disabled people. Our main aim is to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect disabled people's everyday lives and to encourage a wider understanding of those issues throughout Scotland.



The Independent Living in Scotland (ILiS www.ilis.co.uk) project aims to support disabled people in Scotland to have their voices heard and to build the disabled people's Independent Living Movement (ILM). It is funded by the Scottish Government Equality Unit and is part of a wider Independent Living Programme in Scotland. The Scottish Government, CoSLA, NHS Scotland and the disabled people's Independent Living Movement work together in the programme towards their shared aspirations for independent living.



Self Directed Support Scotland (SDSS) is a national membership organisation which actively promotes Independent Living by supporting, working with and championing the aims of Self Directed Support disabled people's organisations.



Glasgow Disability Alliance (GDA) is a membership-led organisation of disabled people and groups in Glasgow. Our mandated mission is to act as the collective, representative voice of disabled people and their groups, promoting equality, rights and social justice. GDA has a membership of over 1800 disabled people and is the biggest groundswell of disabled members in Scotland, if not, the UK.

Disabled People have defined independent living as:

“Disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life”.

(Our Shared Vision of Independent Living In Scotland, Scottish Government, 22 April 2013 <http://www.scotland.gov.uk/Publications/2013/04/8699>)