

# Response ID ANON-7XD8-J1ED-F

Submitted to Disability Commissioner (Scotland) Bill  
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## About you

1 Please read the privacy notice below and tick the box below to show that you understand how the data you provide will be used as set out in the policy.

I have read and understood how the personal data I provide will be used.

## 2 How your response will be published

I would like my response to be published in its entirety

## 3 What is your name?

Name:  
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## 4 What is your email address?

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## 5 Are you responding as an individual or on behalf of an organisation?

Organisation

## Organisation details

### 6 Name of organisation

Name of organisation:  
Royal Pharmaceutical Society Scotland

### 7 Information about your organisation

Please add information about your organisation in the box below:

We are the Royal Pharmaceutical Society, the professional membership body for pharmacists and pharmacy.

Our mission is to put pharmacy at the forefront of healthcare.

Our vision is to become the world leader in the safe and effective use of medicines.

Since RPS was founded in 1841 we have championed the profession, and are internationally renowned as publishers of medicines information.

We promote pharmacy in the media and government, lead the way in medicines information, and support pharmacists in their education and development.

## Question page 1

### 8 What are your views on the main proposal of the Bill, to establish a Disability Commissioner for Scotland?

Please provide your response in the box provided.:

We welcome the creation of the disability commissioner resulting in the improved promotion and safeguarding of the rights of all disabled people. It is imperative that clear structures are in place which explain how this role will collaborate, cooperate, and integrate with the other organisations mentioned within the Bill who already do work in this area. It will be essential that with this role there is an intersectional view ensuring work is being done to remove barriers faced by individuals with challenges in addition to disability.

A specific disability commissioner will provide a stronger focus on the needs of people with a disability, ensure those needs are considered, and work to protect them from discrimination. They will also be able to explore the need to collect disability data to be able to provide a fuller picture of how many people are affected. They will be able to advocate for and safeguard the rights of disabled people.

We would also encourage ongoing work to ensure that there is a renewed focus on eliminating discrimination and reducing inequality for all those who belong to a group with a protected characteristic and ensure that everyone is treated fairly and with dignity.

### 9 What is your awareness of other commissions or bodies that exist to promote and protect your rights?

Please provide your response in the box provided.:

10 What are your views on the proposal to use the definition of disability set out in the Equality Act 2010 – a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Please provide your response in the box provided.:

It will be important that whichever definition is used, there is clarity of scope for the Disability Commissioner which takes into account the LDAN Bill and the definitions within the Bill and associated strategies and plans to ensure an unambiguous clarity of scope and commitment to co-operation.

## Question page 2

11 What are your views on the proposal for the Commissioner to have regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and to encourage and observe equal opportunities requirements.

Please provide your response in the box provided.:

As this is an international human rights treaty it is vital that the Commissioner has regard for this and works to protect the rights and dignity of persons with disabilities.

12 What do you think about the Commissioner's powers as set out in the Bill?

Please provide your response in the box provided.:

The role of commissioner will require a working knowledge of the discrimination that disabled people face on a day-to-day basis. This knowledge could be enhanced through working with people with lived experience, and expert groups who can provide a view on the impact their disability has on daily life. All this knowledge brought together should enable the commissioner to provide insight to those writing laws on the potential impact of them on those with disabilities and will give a stronger voice to those living with a disability. It may also encourage those writing the laws and policies to be more mindful of the impact of what they are producing on all those who have protected characteristics.

Having a Commissioner to promote good practice and commission and publish research will be important for continuing improvement in protecting the rights and promoting equality for disabled people. Having reliable and relevant data with reference to people living with disability is crucial for contextual understanding and continuous improvement.

13 What do you think of the proposed power to undertake investigations of service providers to ask how they have given effect to the rights, views and interests of disabled people in general or an individual disabled person. This power to investigate will be limited to devolved matters.

Please provide your response in the box provided.:

All organisations should be knowledgeable about the rights of disabled people and take appropriate action to ensure that they are not knowingly discriminated against or excluded. It would be important for the commissioner to be able to investigate both Scottish Public Bodies and independent service providers to ensure consistency in the approach to how disabled people are considered. It is also important that the commissioner supports anyone it investigates to gain relevant knowledge on how to make improvements, to change their practice and make reasonable adjustments to remove the barriers to disabled people and ensure an inclusive environment for all.

## Question page 3

14 What do you think of the proposals to:

Please provide your response in the box provided.:

The views and input of those with lived experience are vital for the Commissioner's role. The role of commissioner should in some regards be a force for good and a voice for those living with disabilities but to accurately reflect that voice, the commissioner would need to listen first. Therefore, the involvement of disabled people and organisations is essential.

For other aspects of the role, such as investigations, it may not be appropriate to have external input and should be fully considered when the terms of any investigation are drawn up.

In our consultation response to the Scottish Government LDAN Bill, we agreed with the use of inclusive communication to enable people with disabilities to be involved. We noted that making easy-read formats available on request will be a good step forward and further consultation, on which circumstances require an automatic duty for easy-read formats to be available, will be necessary.

Health inequalities can arise when patients have a lack of information about how to manage their condition or how to take medication safely and where patients are not enabled to make decisions about their care. Low health literacy is a significant barrier to shared decision making and enforcing an Accessible Information Standard could support the wider population as well as the people living with disabilities.

15 Do you think there might be any unintended consequences as a result of the Bill's proposals?

Please provide your response in the box provided.:

There would need to be assurances in place that the focus on other protected characteristics would not be diminished because of the creation of this post and that an intersectional view is considered acknowledging the additional barriers people with a disability may experience if they also identify with additional protected characteristics.

16 Do you have any other comments you have on the Bill.

Please provide your response in the box provided.:

As an organisation who are committed to inclusion and diversity, we feel this new role should and could improve the access patients with disabilities have to an individual or team responsible for championing their needs. There is an opportunity to enhance person centred care through this role by hearing individuals' experiences, common themes and experiences of living with a disability and the impact that has had.

There is a risk of introducing unconscious bias with the Commissioner or their team, as they would be an independent public leader. They need to provide a voice for all disabled people to ensure they are being considered and are not being unfairly discriminated against and having a poorer experience on a daily basis. They would need to make sure they are not introducing their own prejudices and biases into people's stories and putting their own judgement on that individuals experience resulting in dismissal of the groups experience.

We would also expect there to be processes in place to mitigate biases where possible such as undertaking Equality Impact Assessments when appropriate.