

# The Scottish Ministers' Duty

**An Overview of Progress Towards Equality of Opportunity  
Between Disabled People and Other People Made by Public  
Authorities;**

**and Proposals for the Coordination of Action by Public  
Authorities so as to bring about further progress towards  
Equality of Opportunity**

## SUMMARY



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## **SUMMARY**

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## **INTRODUCTION**

1. The Scottish Ministers' Duty forms part of the duty on public bodies to promote equality of opportunity for disabled people contained in the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005. The Scottish Ministers are required to publish reports which give an overview of progress towards equality of opportunity between disabled people and other people made by public authorities; and to set out their proposals for the coordination of action by public authorities so as to bring about further progress towards equality of opportunity.

2. Scottish Ministers published 7 reports in response to this duty. Collectively, these 7 reports constitute the Scottish Ministers' response. The 7 reports are as follows:

- Arts, Culture and Built Heritage: a review of progress towards disability equality relating to the arts, culture and built heritage (see Annex A)
- Health and Wellbeing: a review of progress towards disability equality relating to health and wellbeing (see Annex B)
- Finance and Sustainable Growth: a review of progress towards disability equality relating to finance and sustainable growth (see Annex C)
- Education and Lifelong Learning: a review of progress towards disability equality relating to education and lifelong learning (see Annex D)
- Justice: a review of progress towards disability equality relating to justice (see Annex E)
- Rural Affairs and the Environment: a review of progress towards disability equality relating to rural affairs and the environment (see Annex F)
- Proposals for coordination of action by Scottish public authorities.

### **Approach to Reporting**

3. The purpose of the Scottish Ministers' duty is to prompt leadership across the public sector and ensure that a strategic view is taken towards the promotion of disability equality. The reporting aspects of the duty are an opportunity to provide information on the effectiveness of the public sector in delivering disability equality. The coordination aspects of the duty provide Scottish Ministers with an opportunity to set strategic priorities for the delivery of disability equality.

4. Scottish Ministers commissioned research to enable reporting on the progress which is being made towards equality of opportunity between disabled people and other people across portfolios. The research was undertaken by a team from the University of Edinburgh, under the leadership of Professor Sheila Riddell. The reports examine the policy context in relation to disability equality, the availability of data and statistical evidence, and consideration of progress being made towards disability equality by public authorities. The coordination report draws together the findings from across the other 6 reports and sets out Scottish Ministers proposals for coordination of action.

## **Context**

### **National Outcomes**

5. The Scottish Government's stated purpose is to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Scottish Government's Economic Strategy is also geared to delivering the Government's purpose. A key element of the Government Economic Strategy is equity, including ensuring that there are opportunities for all to contribute to Scotland's sustainable economic growth.

6. Scottish Government's stated purpose will be achieved through 5 strategic objectives and a suite of national outcomes. Progress on outcomes will be measured through national indicators and targets. A number of the national outcomes relate to disability equality work, in particular the national outcome "We have tackled the significant inequalities in Scottish society." Coordination of action by public authorities is key to meeting the shared set of national outcomes.

### **Community Planning**

7. At a local level, Community Planning Partnerships (CPPs) are now operating in all 32 local authority areas, bringing together a range of partners, including the third sector. Community Planning offers a way of balancing local and national priorities by reaching explicit agreement about the priorities of the partnership so that the activity of each agency can be clearly directed towards those priorities. CPPs are required to encourage equal opportunities specifically on the grounds of sex, race, disability, age, sexual orientation, religion or belief.

### **Single Outcome Agreements**

8. The Scottish Government and local government share an ambition for an outcome based approach to the planning and delivery of public services in Scotland. That ambition is expressed in Concordat agreed between the Scottish Government and COSLA in November 2007 which underpins the move to Single Outcome Agreements (SOA) between the Scottish Government and CPPs. The outcomes in an SOA should be expressed in terms of quality of life and opportunity, or in terms of the economic, social or environmental contexts that influence people's quality of life or opportunities in life. Therefore, having full regard to issues around equality is a key element in the delivery of an SOA.

### **Equalities Measurement Framework**

9. National indicators will be disaggregated by equality strand where possible. However, we recognise the need, identified through the Equality Review, for a new means of measuring change and progress over time. The Scottish Government is contributing to the development of an Equalities

Performance Framework, which is being taken forward with the Equality and Human Rights Commission and Government Equalities Office at Westminster. The measurement framework will help us to better understand outcomes for the diverse range of communities and in this context disabled people.

## **Conclusion**

10. The Scottish Ministers' Duty is not just about what the Government does. Scottish Ministers need to consider the work of the wider public sector in relation to disability equality. We have already established a national performance framework, with a stated purpose to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Our response to the Scottish Ministers' Duty is set within this context.

# PROPOSALS FOR COORDINATION OF ACTION BY SCOTTISH PUBLIC AUTHORITIES

## Introduction

11. In order to make progress towards equality of opportunity between disabled people and non-disabled people requires action in relation to a wide range of Scottish Ministers' responsibilities. Here we present overarching **policy priorities** and **process issues** that have emerged from an analysis of the evidence, and which cut across a range of portfolio responsibilities and public bodies. **These are the key areas where coordinated action is needed across and between public authorities in order to make progress.**

12. The term '**policy priorities**' is used to identify **what** needs to done. The key overarching policy priorities which have been identified from our analysis of the data and evidence available are:

- Promoting Employability
- Tackling Poverty
- Supporting Transitions
- Delivering Independent Living

13. The term '**process issues**' is used to identify **how** we might make progress. These relate to all areas of public sector policy, including education and lifelong learning, health and wellbeing, social care, transport, justice, the arts, the environment and rural affairs. The key overarching process issues which have been identified from our analysis of the data and evidence available are:

- Awareness Raising and Changing Attitudes
- Use of Evidence and Data
- Inter-Agency Working
- Understanding of Disability
- Strategies for Particular Impairment Groups
- Consultation and Involvement
- Employment in Public Sector Bodies

## Emerging Policy Priorities

### Promoting Employability

14. Access to employment is one of the key areas determining progress towards equality for disabled people. This is an area which crosses ministerial portfolios and where it appears that actions require greater co-ordination. There is a recognition that disabled people find it much harder to obtain and retain a job compared with non-disabled people, and as a result disabled people are much more likely to be living in poverty. The Scottish Government's Annual Population Survey showed that whilst the employment rate for non-disabled people of working age in Scotland was about 82% in 2007, the rate for disabled people was less than 50%. The position varied greatly by local authority, with four authorities having fewer than 40% of disabled people of working age in employment.

15. Overall, employment and employability of disabled people is an area of critical importance which crosses ministerial portfolios and where greater co-ordination of action is needed. The low participation of disabled people in employment is clearly linked with their higher rates of poverty, posing the risk of social exclusion.

### Tackling Poverty

16. *Achieving Our Potential* sets out the approach of the Scottish Government and COSLA to reducing poverty and income inequality in Scotland. This framework sets out the Government's commitment to tackling poverty and acknowledges the fact that disabled people are disproportionately likely to be living in poor households, defined as those with less than 60% of the median household income.

17. This is an area which again crosses ministerial portfolios. New Policy Institute analysis conducted in 2007 showed that about 42% of households including a disabled person have low incomes (less than £6,000 per year), twice the rate for non-disabled people. Disabled people were more likely to be in low income households regardless of family status (couples without children; couples with children, single without children; single with children). In schools, Scottish Government statistics show that children with additional support needs, a group which includes disabled children, are twice as likely to be entitled to free school meals as other children. Despite this clear association between poverty and disability, only a minority of health boards and local authorities made this link and devised specific action points.

### Supporting Transitions

18. Disabled children and adults undergo many different transitions during the course of their lives, as they move from pre-school into primary followed by secondary school. As young people progress into the adult phase of their lives, further transitions are involved in the move from school into a training programme or into further or higher education. At the end of this period, the

expectation is that the young adult will move into the labour market and/or into the family formation life phase. However, these transitions may be disrupted and may lead into a revolving door of training programmes, since, as discussed above; disabled people are much less likely to be in employment than non-disabled people.

19. Given the complexity of the transitions, it might be expected that public bodies such as local authorities and health boards might prioritise support for disabled children, young people and adults at these critical times. However, very few health boards or local authorities mentioned transitions in their disability equality schemes and action plans, suggesting that this is an area where better co-ordinated action is required.

### Delivering Independent Living

20. In 2007 the Disability Rights Commission defined independent living as: “Disabled people having the same choice, control and freedom as any other citizen – at home, at work and as members of the community.”

21. Given this broad interpretation of independent living, it clearly lies at the heart of efforts to achieve greater equality between disabled and non-disabled people, and might be expected to receive a mention by all public bodies. Indeed, many health boards and local authorities mention independent living, but the concept tends to be construed differently. Health boards tend to focus on the provision of aids and adaptations, which are mentioned far less frequently by local authorities, despite their responsibility for housing adaptations. Local authorities tend to focus on community care, an area that is often omitted from health board disability equality schemes and action plans. In addition, self-directed support, seen by the disability movement as a key means of empowering disabled people by making them co-producers of services, receive scant attention.

22. The production of disability equality schemes provides an excellent opportunity for further reflection on the meaning of independent living and the actions which may be taken by public bodies, including those concerned with transport, education, the built environment, sport and the arts to shift services in this direction. There is some evidence of the concept being understood and developed, but there is also scope for further co-ordinated action in this field. In June 2008, the Scottish Government announced plans to develop a long term approach to supporting independent living for disabled people. This initiative will involve the Government working with public sector bodies to identify ways to break down barriers in areas such as housing, transport, employment and education.

### **Emerging Process Issues**

#### Awareness raising and changing attitudes

23. Promoting equality for disabled people is partly a matter of targeting resources effectively to promote access to services, but it is also about

changing damaging social attitudes which restrict opportunities for autonomy. Public bodies were clearly aware of the 'hearts and minds' issues and many disability equality schemes referred to disability awareness training programmes which were planned or ongoing. However, less attention was paid to evaluating the impact of this training, an important part of the process since poorly delivered training can have a negative effect. In addition, few public bodies focused attention on the issue of harassment, which is clearly relevant to the experiences of disabled people as service users and employees.

#### Use of evidence and data

24. Judicious use of evidence and statistics is essential in setting appropriate targets for change, measuring outcomes and evaluating the experiences of service users and employees. Existing evidence needs to be used effectively, and additional data may need to be gathered where necessary.

#### Inter-agency working

25. Inter-agency working is recognised as a key element within the modernisation of welfare agenda, which emphasises the need for co-ordinated and personalised services. Disabled people are clearly likely to require services delivered by a range of agencies, including health, education, social work and transport. Within disability equality schemes, there was some evidence of imaginative collaborations between different agencies, for example, joint working between social services, a transport agency and an FE college in an island authority. There was also evidence of some degree of joint working between health, education and social work, but also scope for much further development, for example, in relation to independent living and support for disabled children and their families.

26. Planning mechanisms developed over the last decade have sought to promote joined-up policy making in particular areas, such as community care and children's services. It is interesting that disability equality schemes often failed to cross-refer to other planning mechanisms and documents within the public sector, such as Accessibility Strategies, Children's Services Plans, Community Care Plans, Health Improvement Plans and Community Development Plans. Clearly, there is a danger of public bodies sinking within a welter of plans, which in themselves have an opportunity cost in that valuable personnel time has to be invested in order to make the exercise informative and worthwhile. However, careful thought with regard to the links between different plans would lead to better informed, co-ordinated and evidenced disability equality schemes.

#### Understandings of disability

27. It was evident from our analysis that public sector bodies were working with widely different understandings of disability and were using a range of different categories. For example, in further and higher education, colleges

and universities worked with the categories stipulated by the Higher Education Statistics Agency which have been used for data gathering purposes for more than a decade. Health boards clearly had some difficulty in moving away from categories of illness, which have tended to inform their data collection activities. Similarly, it was evident that education authorities were closely wedded to the concept of additional support needs and sub-categories of difficulty within this over-arching concept.

### Strategies for particular impairment groups

28. As discussed above, public sector bodies have widely varying understandings of the definition of disability with the Disability Discrimination Act and different levels of experience of disability and equality issues. It is therefore unsurprising that they differ in the extent to which actions proposed are targeted at specific impairment groups. In areas such as justice, public sector bodies tended to refer to disabled people as a homogeneous group, and this was also the case in considering access to services for disabled people in rural areas. Health boards and social services departments within local authorities appeared to have a more sophisticated understanding of the needs of different impairment groups, often targeting particular actions on specific groups, for example, people with learning disabilities, mental health difficulties, sensory impairments, physical disabilities and long-term conditions.

### Consultation and involvement

29. All public bodies appeared to have made efforts to consult disabled people in relation to their priorities for action. This took a variety of forms, sometimes consisting of one-off focus groups, and at other times long-term consultation bodies, such as parents' fora, had been established. In rural areas, there appeared to be scope for the further development of video conferencing to enable those in isolated locations to contribute their views. More attention needed to be given to accessing the views of 'hard to reach' groups, such as people with mental health difficulties, profound learning difficulties, long term illnesses and older disabled people. The views of disabled pupils in schools are also very important, but sensitive and imaginative consultation methods are required. For some groups of disabled people, advocacy may be a very important means of allowing their views to be accessed, but was mentioned in only a minority of schemes. In addition, some public bodies were working in conjunction with voluntary organisations to access user views, for example, universities and colleges were often working closely with Skill Scotland. Rather than setting up new consultation mechanisms, some public bodies worked with existing fora such as Pupil Councils in schools. Service user satisfaction surveys were also being used to good effect by a range of bodies ranging from universities to art galleries, illustrating the merits of utilising existing data sources.

## Employment of disabled people in public sector bodies

30. All public sector bodies included a section in their disability equality scheme on the employment of disabled people within their organisation. Generally, it appeared that a relatively low proportion of workers disclosed a disability, often less than 1% of employees. Many public bodies appeared to lack adequate data on the employment position of disabled people. Questions therefore arise as to why, across all public sector bodies, data are lacking or incomplete. On the one hand, it might be that public sector bodies allow some degree of flexibility which enables disabled workers to manage their job without needing to disclose. A second explanation is that individuals fear that disclosure will bring little or no benefit and might lead to victimisation.

### **Conclusion**

31. The evidence presented in the Scottish Ministers' reports, summarised here, demonstrates areas where there is marked progress in relation to the position of disabled people in Scotland and areas where further work is needed. In particular, some issues which cross ministerial portfolios and the domains of a range of public sector bodies, such as poverty, independent living and transitions, clearly demand greater concerted action. Process issues relating to inter-agency working, use of data, the definition of disability and the needs of particular groups of disabled people have also emerged, and are relevant to all areas of public policy.

32. Disabled people will have views on the findings of our research and the issues which have emerged. Public bodies too will be interested in how they can further promote disability equality and the issues which have been identified through the Scottish Ministers review of progress. They will also be interested in how they can consider the issues as part of the development of their approach to national outcomes. As a first step we therefore propose to have dialogue with disabled people and with public bodies.

33. We will have dialogue with disabled people through national disability led organisations. The Scottish Government will also have dialogue with Scottish public bodies, including the Convention of Scottish Local Authorities. The purpose of dialogue will be two fold: to raise awareness of our findings with disabled people and public bodies; and to discuss collaboratively, in the context of the new arrangements for public service delivery, the themes which have emerged

### **Reporting**

34. We will report by June 2009 on the outcome of our discussion with disabled people and with public bodies about the issues which have emerged through the Scottish Ministers' Duty reports. Our reporting will include a programme of specific actions for coordination.

**Scottish Government  
December 2008**

## **CULTURE, ARTS AND THE BUILT HERITAGE EXECUTIVE SUMMARY**

### **INTRODUCTION**

The report on Culture, Arts and Built Heritage contains two thematic sections corresponding to the focus areas in that ministerial portfolio: firstly, Arts and Culture and secondly, the Built Environment.

Each section contains an introduction to the relevant policy context, research and statistical evidence on the position of disabled people and progress towards greater equality; findings from the schemes about areas where progress is evident, and areas where it is less evident; notes on the use of categories of impairment and on the evidence of consultation and involvement of disabled people in the development of the schemes.

### **FOCUS AREAS**

#### **Arts and Culture**

This section covers the public authorities in this portfolio that between them have strategic roles in delivering for culture and arts in Scotland. These authorities include Bord Na Gaidhlig, the National Galleries of Scotland, the National Library of Scotland, the National Museums of Scotland, the Scottish Arts Council and Scottish Screen.

Disability, arts and culture interweave in different ways. There is the issue of access to arts and culture for disabled people, the cultural representation of disability and disabled people, the involvement of disabled people within the arts as contributors and shapers (e.g. performers, writers, commissioning agents), arts and cultural organisations as employers and the impact of arts on promoting general well-being, mental health and cohesion within communities.

Evidence of *positive activity* in schemes and reports were found in four areas:

- (a) improving accessibility in terms of physical access into buildings as well as intellectual access in terms of major commissions, curated exhibitions and content of websites;
- (b) consideration of equality impact assessment on current but particularly new policies and programmes;
- (c) provision of generic and specialised disability awareness training to staff and
- (d) improving communication and marketing to disabled people and communities including involving disabled people to gain audience feedback, to advise in decision-making processes of organisations, for example in shaping policy and priority action areas

Public authorities are at varying stages of the learning curves. The key areas requiring further attention include the identification of baseline data from which progress can be benchmarked and monitored, more systematic consideration

of disability issues in relation to health and safety, checking that there are procedures in place to address harassment on grounds of disability and mainstreaming of disability issues to organisational policies and practices.

### **Built Heritage**

The lead public authority in Scotland for addressing built heritage is Historic Scotland. The historic environment, through its buildings, archaeological and historic sites and landscapes, provide an important sense of place for Scotland's people. It contributes to local character and distinctiveness and is a source of enjoyment and inspiration, improving quality of life for current and future generations. Historic sites are also significant contributors to the economic well-being of Scotland boosting visitor figures and spending in Scotland.

Evidence of *positive activity* in schemes and reports were found in three areas:

- (a) improving accessibility into building and premises as well as to generic services through improved marketing and communication, improved websites as well as the provision of remote access to facilities through provision of talks and audio books;
- (b) consulting and involving disabled employees to assist them in career progressions as well as consulting disabled people more generally in relation to identifying barriers to participation and
- (c) equality impact assessing new policies and current planned activity.

Two areas where progress is less evident are; firstly, improving the availability of data in relation to disability and secondly, developing greater partnership and collaboration with disabled people and organisations. To ascertain progress would require both quantitative and qualitative evidence on uptake, participation and satisfaction. Access to the built heritage for disabled people would require coordination and partnership with a range of bodies, including local authorities, the voluntary sector and other organisations working on disability issues.

### **CATEGORIES OF IMPAIRMENT**

The majority of schemes and action plans in this portfolio demonstrate an understanding of the complexity of the term 'disabled' and that such a term encompasses a diversity of disabled people. However, the primary areas that have had most attention related to mobility and sensory impairments. A few authorities have included people with learning disabilities and those with mental health issues but these are in the minority.

### **CONSULTATION AND INVOLVEMENT**

All authorities within this portfolio acknowledge the importance of consulting and involving disabled people and disabled employees in developing schemes, action plans and in the monitoring of progress. Some routinely involve trades unions. Several public authorities have sought to improve the involvement of disabled people in the decision-making processes of the

organisation, for example, in the shaping of policy, identification of priority action areas, identification of barriers faced by disabled people and agree steps to remove these.

The methods for consultation and involvement include the use of surveys, focus groups, local access forums, 1-1 discussions, having 'disabled representatives' on working groups, advisory bodies and boards and trawling previous research data for useful information. Progress towards meaningful involvement of disabled people and qualitative data collection is varied. Public authorities that have been accustomed to seeking user feedback and to improve consultation and participation have been able to augment these areas of work by including disabled people within ongoing surveys and research studies.

For these public authorities, it would appear that consultations and involvement are having some impact on both the service provision and employment sectors in some organisations, but hard data on outcomes remains scarce.

## HEALTH AND WELLBEING EXECUTIVE SUMMARY

### INTRODUCTION

This report covers the Health and Wellbeing portfolio. This portfolio includes a number of significant aspects regarding disability equality which impact directly on disabled people's lives and wellbeing such as access to healthcare, and availability of community care. To this end seven key focus areas were selected for in-depth consideration and reporting: access to healthcare, independent living, housing, aids and adaptations, community care, sports and tackling poverty.

### FOCUS AREAS

#### ***Access to Healthcare***

The research shows that all the area and special health boards have published disability equality schemes and over three quarters (18 out of 22) have published annual reports. A review of action plans and annual reports shows that the disability equality duty has served to help move progress forward on disability equality amongst health boards and on access to health care for disabled people, by comparison with a survey of baseline activity which was undertaken in 2004<sup>1</sup>. Across the health boards, there appears to be a strong intention to take action to improve access to healthcare for disabled people, eliminate discrimination and promote equality of opportunity with some notable initiatives to meet disabled people's needs, though there is more that some boards could do to make their schemes and reports accessible.

Areas of progress include the assessment of policies, procedures and functions on disability equality, and the development of action plans to enhance service use and accessibility by disabled people of NHS services. A number of actions to improve the quality and accessibility of services, information, staff training on disability awareness, and the development of employment policies have been undertaken, and plans exist for further activity. There are some strong examples of information gathering to assist service development. There appears to be lesser activity from the health boards to take forward disability equality in relation to employment than in service delivery- in nearly half of all boards, baseline disability employment data was absent, though some boards now have plans in place to develop such data and to review policies.

For those with good provision already, the development of schemes and action plans has helped direct and shape their approach, and ensured that practice has been more related to disabled people's direct needs. For those with less developed programmes, the duty has served to ensure that disability equality is more on their agenda.

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<sup>1</sup> *Baseline Study of NHS Health Boards* (Fair for All – Disability 2004) Disability Rights Commission/NHS Health Scotland <http://www.healthscotland.com/documents/2032.aspx>

## **Housing**

Housing is a key issue for many disabled people with both accessibility and adaptability of properties being key issues. Housing issues in relation to disability assume significant importance given that roughly a third of all households include a disabled person. The housing profile of disabled people in Scotland is different to that of non-disabled people with more disabled people renting (mainly from social housing providers), by comparison with non-disabled people who are more likely to own their properties. There is a need in many cases for aids and adaptations to make houses useable and suitable for disabled people.

In regard to evidence of progress on housing and disability equality two-thirds of local authorities in Scotland (22 authorities out of 32) made reference to actions on housing for disabled people within their disability equality schemes, action plans and annual reports. There was also evidence of progress from Communities Scotland<sup>2</sup> on developing the regulatory framework for social housing for disabled people and in standard setting for new built accommodation. Actions by local authorities ranged widely and covered a multitude of issues including:

- attention by some authorities to inclusive design and adaptations policies;
- Impact assessment of housing allocation policies by several authorities
- reviews of housing strategies by a significant number of authorities

Progress on housing and disability equality appears to have been less evident in a minority of local authorities which made no mention of housing issues in their disability equality schemes. Overall there was little data and evidence provided on housing and disability equality in disability equality schemes and annual reports. Only a minority mentioned tenant participation and support.

## **Sport**

Sport was selected as a research focus area, as it can be a significant contributor to people's health and well being and previous reports had shown that there was a need for progress in the access to and participation by disabled people in sport. The research showed that there appears to have been progress made in the area of sport and disability equality, influenced in particular by the actions of **sportscotland**.

Some progress had been made by local authorities, particularly in respect of some steps with regard to access to and participation by disabled children and young people. However, a third of local authorities did not make reference to disability equality in sports in their disability equality schemes and in several there was little detail. A number, however, had clearly recognised the importance of the issue and were reviewing or developing strategies to take work forward, and some were looking to put standards and quality assurance frameworks in place.

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<sup>2</sup> Communities Scotland is now part of the Scottish Government Housing Directorates

**Sportscotland** had developed equality information and training material for staff and partner organisations, as well as a set of criteria for sports governing bodies and the development of equality targets for the Active Schools scheme. The Equity standard for sports appears to be a useful method of moving progress on disability equality forward. A number of the local authorities had taken forward work on the inclusion and participation of disabled children. However, only a minority of authorities specifically mentioned improving access to facilities for disabled people in sport in their schemes and annual reports and there were fewer mentions of disabled adult participation in sport, than for disabled school children.

### ***Independent Living***

Independent living as a concept has emerged over the past few years as a key issue for disabled people's equality. Independent living has been defined as 'disabled people having the same choice, control, and freedom as any citizen – at home at work and as members of the community'<sup>3</sup>. It is an important issue therefore for local authorities and health boards, as they contribute towards policy and service provision in areas such as community care, aids and adaptations and housing.

The research found evidence that independent living is becoming a more evident area of focus both in policy and in practice terms by many public authorities. A review of local authority disability equality schemes, indicates that independent living for disabled people/or actions to take independent living forward is referred to in a majority of schemes by local authorities, though there was considerable variance in the extent to which the schemes made reference to it explicitly. For a few local authorities and health boards independent living appeared to be a key feature of their approach towards disability equality. Local authority disability equality schemes showed few mentions of activity with disability organisations on progressing independent living.

Local authorities appear to have a definite concern with and attention to take forward issues connected with learning disability and independent living. A minority of local authorities (8) are prioritising methods of encouraging greater take-up of self directed support. It was also noticeable that all the area health boards make reference to the provision for communication and interpretation services for disabled people and nearly half to advocacy services, but there is lesser evidence of this by local authorities.

### ***Community Care***

Community Care Services are important services for many disabled people as they can assist not only the provision of support towards disabled people living in the community but also towards independent living. As a consequence the findings in this section need to be also read with those on independent living and on aids and adaptations.

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<sup>3</sup> Disability Rights Commission – Independent living in Scotland p.7 2007

The research findings indicate that Community Care and disability equality is an area that has received significant attention and consideration by public authorities. A majority of local authorities refer to it in their disability equality schemes as well as a minority of area health boards. In addition there have been a range of impairment specific initiatives, particularly in the case of people with learning difficulties and for people with sensory impairments. A third of local authorities and just over a half of health boards, however, do not refer to community care within their schemes. It would appear that there has been significant underreporting in disability equality schemes of activity and planned activity in this area.

Key activity in regard to taking forward disability equality in community care at a local authority level appeared to be training and awareness development for staff, as well as the development of user satisfaction and involvement methods and protocols for user involvement for people with learning disabilities, mental health problems and physically disabled people. Whilst it was noticeable that there had been some encouraging development work reported by a number of authorities on self-directed support, this still applied to a minority of authorities and those which had plans already had the most developed approaches.

### ***Equipment and Adaptations***

For many disabled people the provision of aids and adaptations can be vital to removing barriers and to assist in independence at home, in daily life and in work. Progress towards the overall provision and availability of aids and adaptations by local authorities, health boards and other key public authorities was looked at as well as in regard to the provision of wheelchairs.

The literature review and two reviews undertaken by Audit Scotland and also for the then Scottish Executive suggest that there has been an increase in provision over the past few years, though availability of information, statistics, policies and approaches by local authorities varied. Just under half of all local authorities referred to the provision of aids and adaptations in their schemes, despite all local authorities in Scotland having programmes to issue aids and adaptations. A number of authorities used the opportunity of the development of disability equality schemes to review their policies and approach towards aids and adaptations and some had put new processes in place and widened eligibility criteria. It was noticeable that of those local authorities mentioning aids and adaptations a number were placing attention to adaptations to houses.

In regard to the provision of wheelchairs – progress has been made via the introduction of a Review<sup>4</sup> process which had developed data and information on which future changes could be based. The Review process has travelled a significant distance over the past three years and has completed a systemic appraisal of processes in order to focus the wheelchair service in the future on becoming a service based on national standards.

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<sup>4</sup> Scottish Executive (2006) *The Review of wheelchair and seating services in Scotland*  
<http://www.scotland.gov.uk/Resource/Doc/127201/0030495.pdf>

### ***Tackling Poverty***

Poverty was selected as a focus area for the research, as poverty is often linked to inequality and can have a major impact on life chances. It was therefore felt important to look at examine data and evidence showing the extent to which disabled people in Scotland face poverty and progress made by public authorities to overcoming it. This latter aspect proved to be complex and difficult to report on –a significant absence of specific data regarding disabled people and poverty was found at both a national and at local authority level. The data that does exist shows that poverty is a significant factor for many disabled people and that disabled people are significantly more likely to live in poverty by comparison with non-disabled people, and that this is particularly so in the most deprived parts of Scotland.

A considerable number of local authorities have identified poverty amongst disabled people as a key issue - with 24 authorities listing actions to reduce poverty amongst disabled people. Several authorities have developed data about the position of disabled people and poverty in their localities and some had also developed anti-poverty strategies. Key measures that local authorities listed to tackle poverty in their localities were actions to increase employment by disabled people within their authorities, and via supported employment schemes, welfare benefit take up campaigns and in a few cases working on joint initiatives with health boards.

### **CATEGORIES OF IMPAIRMENT GROUPS**

Key references by health boards to various categories of disabled people in disability equality schemes and annual reports were made particularly in regard to people with sensory impairments, people with mental health problems and people with learning disabilities, as well as people with physical impairments. There was also considerable reference to similar impairment groups in regard to community care, but there were less frequent mentions of people with physical impairments. The same sets of groups were mentioned in regard to independent living, along with people with mental health issues. The impairment category most referred to within disability equality schemes regarding housing and aids and adaptations was physical disability. There was also some reference in regard to equipment and aids to people with sensory impairments. The focus areas where impairment categories were least referred to were sport and poverty.

### **INVOLVEMENT AND CONSULTATION OF DISABLED PEOPLE**

The research looked at the involvement of disabled people by health boards in the development of disability equality schemes, and by local authorities in regard to the key focus areas. It shows some commendable examples of involving disabled people by a number of health boards. A few boards showed little by way of involvement, and in a few cases appeared to see the involvement process more as a consultation exercise. In regard to local authority approaches towards involvement of disabled people over the various focus areas there was a considerable variance with some very developed approaches in some schemes and little specific mention in others.

## FINANCE AND SUSTAINABLE GROWTH EXECUTIVE SUMMARY

### INTRODUCTION

This report covers the Finance and Sustainable Growth portfolio. This portfolio includes a number of significant aspects regarding disability equality which impact directly on disabled people's lives and wellbeing such as access to transport and planning and the built environment. To this end 7 key focus areas were selected for in-depth consideration and reporting: transport, tourism, enterprise, the Third Sector, planning and the built environment, local authorities, valuation joint boards.

### FOCUS AREAS

#### Transport

This section covers public authorities that provide public transport services including train, bus, taxi, ferry and air services. It also includes demand responsive transport services and examines as far as possible the management of parking for disabled people, and the maintenance of pavements and road crossings. Two key groups of providers of public transport for Scotland are the strategic transport bodies and local authorities. Local authorities and the regional transport partnerships have recognised from their various consultation and involvement activities that transport is a key concern for disabled people.

There is evidence of *positive activity*, in three areas, particularly in relation to:

- (a) The frequent identification of transport as a key issue of concern to disabled people
- (b) The recognition of the importance of encouraging the use of Disability Discrimination Act compliant buses.
- (c) The number of authorities which recognise the importance of the street environment as a significant part of the transport experience of disabled people.

A key area for further attention is the improvement of availability of quantitative data to enable more strategic focussing of action for improvement. For example, to have robust data on the number of Disability Discrimination Act complaint buses and taxis and how these are made accessible across areas.

#### Tourism

This section examines how the tourism industry has responded to the disability equality duty. While a range of organisations contribute to the tourism industry, the report draws largely from the scheme and action plan of the lead agency, VisitScotland. Tourism is a key economic generator for Scotland both as a service provider and as an employer.

Progress is evident in three areas:

- (a) Involving disabled people in tourism planning
- (b) Accessibility and Marketing in order to attract more disabled visitors and to better meet the needs of disabled tourists
- (c) Training to raise staff and service provider awareness of disability issues

Two areas requiring further attention include firstly, improving the availability of data in terms of employee profile with the tourism industry in relation to disability and secondly, improving standards of provision for disabled visitors. Though annual accommodation inspections do check for accessibility using the quality assurance category gradings for provision to disabled people, it is not known what incentives or steps are in place to assist establishments move to achieve higher category gradings as part of their continuous improvement.

### **Enterprise**

This section of the report focuses on the public authorities which aim to support enterprise in Scotland, namely, Scottish Enterprise, Highlands and Islands Enterprise and the local authorities. Changes in economic participation by disabled people are always likely to be slow, and many factors influence entrepreneurship by disabled people such as the benefits system. These particular issues cannot be addressed by the bodies covered in this review. Nevertheless, there are positive signs of progress particularly in the work of Scottish Enterprise and Highlands and Islands Enterprise.

Progress was found to be evident in relation to:

- (a) Support to business start-ups which saw two hundred and seventy-five disabled people supported to start up a business in the period 2004-2007
- (b) Training programmes for employers particularly those from small and medium enterprises

### **The Third Sector**

The third sector is a significant partner for local authorities. Local authorities are purchasers of services from the third section and work with the third sector as partners in the provision of day care services or services for pupils with additional support needs. The third sector also assists public authorities with consultation and involvement of disabled people.

Drawing primarily from local authority disability equality schemes and action plans areas where progress is evident are in the following areas:

- (a) Partnership and involvement
- (b) Sharing of expertise and resources

The onset of the disability equality duty has increased the involvement of disabled people as advisors, helping local authorities shape policy and provision in a systematic way.

There are three areas which require further attention: partners working together to encourage disabled people into public life; identifying ways to

better integrate access panels into community planning processes and more effective use by local authorities of the procurement framework as an influencer for change.

### **Planning and Built Environment**

This focus area covers the built environment in so far as it is influenced by local authorities. This includes the management of local authorities' own building stock, and the regulation of new buildings through their planning and building control functions.

While acknowledging the difficulties of auditing accessibility of the built environment, progress was found to be evident in relation to the following areas:

- (a) Access to local authority buildings which shows a steady improvement in the proportion of accessible local authority buildings
- (b) Information about access to other buildings through websites like DisabledGo
- (c) Improving disabled stakeholder involvement in the development of the built environment

Overall, local authority disability equality schemes recognise the impact of barriers in the built environment on the lives of disabled people. However areas requiring further attention include more explicit embedding of disabled issues into local authority planning and building control functions which can contribute significantly to removing some barriers which face disabled people.

### **Local Authorities**

This section considers specifically work to implement disability equality in the following areas: access; elections and polling; employers' duties; environmental services; harassment; information gathering/analysis; leadership and communication; leisure; poverty; procurement; regeneration and economic development; strategic planning; and training. Other local authority areas are considered in detail in other chapters in this report.

Progress was found to be evident in eight areas:

- Communication, Mainstreaming and Impact Assessments
- Employment
- Training
- Access
- Environmental services
- Best Value
- Procurement
- Community Planning

Local authorities in Scotland have utilised the disability equality duty as a positive driver for change both as a service provider and also as an employer. What is now required is a narrowing of the gap between authorities that have done a significant amount and those that are near the beginning of the learning curve. Two areas stand out as requiring greater attention – improvement in the analysis and subsequent application of data gathered on disability, whether

quantitative or qualitative; and consideration of how the procurement process can be made to work harder to assist authorities meet their responsibilities under the disability equality duty as purchasers and contractors.

### **Valuation Joint Boards**

There are ten Valuation Joint Boards responsible for compiling and maintaining domestic and non-domestic council tax valuation lists and electoral registers in Scotland. Valuation joint boards tend to develop their understanding of disability equality in concert with their associated authorities. A review of schemes, action plans and annual reports identified progress in four areas:

- Policy and function review
- Recruitment procedures
- Staff awareness and access to training
- Physical amendments to property

Many boards have work in progress, particularly in areas such as impact assessment, monitoring and adapting the work environment to be more disability friendly. One further area for consideration is how disability related harassment is considered within dignity at work or generic anti-harassment policies.

### **CATEGORIES OF IMPAIRMENT**

Most public authorities acknowledge that understanding disability is complex. Most use with varying degrees the Disability Rights Commission's guidance on defining disability. Actions to address the needs of people with sensory and physical impairments as well as learning disabilities were fairly wide spread. Mental health, mental illness and long term limiting illness were less well addressed.

### **CONSULTATION AND INVOLVEMENT**

There is a range of types of public authorities in this portfolio and not surprisingly there are a variety of levels of consultation and involvement of disabled people. Public authorities that have made significant progress in this area have moved beyond consultation to active engagement of disabled people in policy formulation and practice development. Many are working to mainstream disabled people involved through out their services and functions. However, there are public authorities that need to move beyond consultation to more systematic involvement of disabled people.

## EDUCATION AND LIFELONG LEARNING PORTFOLIO REPORT EXECUTIVE SUMMARY

### INTRODUCTION

This report covers the Education and Lifelong Learning portfolio. This portfolio includes a number of significant aspects regarding disability equality which impact directly on disabled people's lives and wellbeing such as school, further and higher education. To this end 5 key focus areas were selected for in-depth consideration and reporting: universities and colleges, schools education, disabled young people and transitions, services for disabled adults, services for disabled children and their families.

### FOCUS AREAS

#### Universities and Colleges

This section includes the schemes, action plans and annual reports of 18 Scottish universities and higher education institutions and 43 Scottish colleges. The review of policy and research indicated a marked increase in participation by disabled students, although evidence was complicated by changes in the definitions of disability.

Evidence of *positive activity* in schemes and reports includes: improving communication, providing more and better information for disabled students; involving disabled people in future planning; improving staff skills, through training sessions; improving the student experience, by improving the physical environment, and improving the culture of staff and fellow students; improving institutional processes, both by allocating and clarifying roles and responsibilities in relation to disabled students, and by designing and embarking on programmes of impact assessment of policies and procedures; and improving links with outside bodies and disability groups.

Areas where progress is less evident include: making full use of statistics compiled for HESA about numbers of students in categories of disability; demonstrating the impact on the experience of disabled students of the adjustments made to the physical environment of the university or college and to teaching and learning; identifying and supporting disabled staff members; recording the retention, achievement and progression of disabled students; and particularly in the colleges' schemes, providing evidence of adjustments made to make the curriculum more accessible to disabled students.

On the whole, we found substantial evidence of good intentions, and considerable current and planned activity. In universities, the exercise put disability equality on the agenda, and led to improvements in communication, facilities and teaching. In colleges, much work was done in setting up and consolidating systems. Their traditional strengths in working with their local communities, and one another, and their experience in dealing with a very wide range of learners have given them a head start in this exercise. The

quality of baseline data, many institutions are currently seeking to improve, will also be important for demonstrating progress in future.

### **School Education**

This section includes the schemes, action plans and annual reports of the 32 Scottish education authorities, and the eight grant-aided special schools, and Scottish Government's own disability equality scheme. Key policy documents in this context included Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002, which placed a duty on responsible bodies to publish and implement accessibility strategies for the school(s) for which they have responsibility; and the Education (Additional Support for Learning) (Scotland) Act 2004. Just over 5% of pupils in Scottish schools are identified as having additional support needs, but only about 1% of pupils are identified as disabled.

The main areas of activity in schools are staff development, to improve communication, awareness of the legislation, understanding of specific disabilities and technologies, impact assessment, and ways of making the curriculum more accessible; improvements to the physical environment; improving access to the curriculum; working with partners, including health and social work professionals; and improving communication with parents and families. Some of this activity was, however, already underway in response to earlier legislation and it is therefore difficult to distinguish steps taken as a result of the more recent disability equality obligations. There appears to be room for more progress in recording and monitoring progress of disabled children and in impact assessment of policies and practices.

On the whole, the impact of the disability equality duty, combined with other legislation on accessibility and additional support for learning, has encouraged authorities and schools to review policy and practice in relation both to disabled children and to disabled employees. Schemes and annual reports show willingness to improve equality of opportunity. At this early stage, however, many actions are concerned with setting up systems for reporting, establishing consultation groups and appropriate methods of discovering, and taking account of, the views of pupils and their parents, undertaking training of staff in the disability equality duty, and discovering where changes may be required in, for example, collection and monitoring of data to enable reporting in future.

### **Disabled young people and transitions**

Evidence of progress in helping young people make transitions within or out of education came from the schemes, plans and reports of the Scottish education authorities, grant-aided special schools and the Scottish Government; and, where relevant, the 32 local authorities, higher and further education institutions, and organisations such as Scottish Enterprise with responsibility for employability programmes. The report of the Beattie Committee (Scottish Executive, 1999) focused on transitional experiences of young people with additional support needs, and argued strongly for much more joined-up working across agencies. There is evidence at Scottish Government, education authority and school level, of awareness of the need

to support transitions through collaboration across sectors of education and with health, social work, and other professionals.

When it is mentioned in action plans and annual reports, good practice in schools appears to be driven not only by the disability equality duty, but also by the requirements of the Additional Support for Learning Act; for social work teams, the goal of meeting the disability equality duty may also be reinforced by the drive to provide more focused and personalised services, as outlined in Changing Lives implementation plan (Scottish Executive, 2006). Several colleges and universities also mention steps to aid transition for disabled students. When it is not mentioned, we cannot be sure that the lack of reference to transitions indicates a lack of activity to support transitions for disabled pupils, or difficulties in separating out arrangements to support transitions for disabled pupils from arrangements to support transitions for all pupils with additional support needs.

Effective transition planning depends on the quality of collaboration with other agencies and on the quality of work of the partners who will be supporting the young person after leaving school. Progress cannot therefore be assessed by considering the inputs from education authorities alone, nor indeed from social work alone: the quality of the experience of the young person in transition is paramount. Further research with young people looking back on their transition one or two years after leaving school may in future allow us to assess whether these actions have indeed helped them to progress towards equality of opportunity.

### **Services for Disabled Adults**

This section draws on the schemes, action plans and reports of the 32 Scottish local authorities, and on the Scottish Government's scheme. Two strands of policy and practice figure in this section: employability (encompassing both actions taken to enhance employability of disabled people, and the behaviour of local authorities and Scottish Government as employers of disabled people) and social work and social care, for which the Scottish Government Children, Young People and Social Care Directorate is responsible.

To sum up the evidence of progress, activity is discernable in the following areas:

- formation and promotion of policies at Scottish Government level
- at local government level, some social work action points geared to improving the quality of life of disabled adults and their capacity to engage with life in their communities
- also at local government level, action points to enhance communication with disabled clients and improvements to the accessibility of council buildings, signage, etc.
- to enhance employability for disabled adults, a series of programmes, including some supported employment schemes, and a Training for Work programme in which participation by disabled adults appears to be at a good level

- in their role as employers, actions to promote positive attitudes towards disabilities, remove barriers in the workplace and involve disabled employees in consultation.

Assessing evidence of lack of progress both in the area of social work and of employability is complicated by lack of detail in many local authority schemes. Areas which organisations have themselves identified as requiring improvement include communication with service users, record keeping and enabling disabled people to participate in programmes to prepare them for employment. Local authority schemes and annual reports provide ample evidence of activity, of efforts to support disabled adults in the community, increase their opportunities to participate in the community and to achieve employment. The disability equality duty has helped to focus attention on barriers that they face and encourage councils to review their policies and services.

### **Services for disabled children and their families**

This section draws on schemes, action plans and annual reports of the 32 Scottish local authorities, relevant sections of the Scottish Government scheme, and guidance and research documents. It deals primarily with social services support for families of disabled children; for arrangements for education of disabled children, see Section 2b.

The need for tighter inter-agency working underlies recent policy on services for disabled children in Scotland. Schemes and action plans contain ample evidence of activity intended to improve the situation of disabled children and their families, by improving communication and information, developing stronger links with other professionals working with those families and staff training to raise awareness of disability issues. Measuring progress is complicated by the separation, in reporting, of the activities of education and social work professionals, the former being reported in the education authorities' annual reports, the latter in the general council schemes. The breadth, however, of some aims expressed in the council action plans and the relative lack of clear targets, as well as the separation of the education and social work plans makes it harder to see how much progress is being made in improving the opportunities for disabled children and their families.

Disabled children and their families seem likely to benefit from the focus on reviewing services and policies and increased consultation with and involvement of service users which the disability equality duty demands. While schemes and reports reviewed contain evidence of efforts to improve provision and co-ordination of services, these documents alone cannot capture the difference, if any, that council services are making to the lives of disabled children and their families. To understand that would require a more detailed investigation of the users' perspectives on the impact of the disability equality legislation.

## **CATEGORIES OF IMPAIRMENT USED**

Very few of the disability equality schemes and reports reviewed make detailed use of specific categories of impairment in discussing the needs of disabled children or adults, and even fewer mention specific categories in the targets in their action plans. Some references to physical adaptations and assistive technologies indicate that they have specific needs in mind. In the schools, difficulties in reconciling the differences between the definition of disability and the definition of additional support needs seemed to be causing some confusion.

## **CONSULTATION AND INVOLVEMENT OF DISABLED PEOPLE**

Schemes and action plans show attempts to consult with disabled employees, with organisations supporting disabled people and with clients themselves, including parents of disabled children. The degree of influence which such consultations have had on the eventual action plan is, however, not always clear. In general, more details of the nature of the involvement would have been useful, as would more examples of instances where involvement of disabled people led to actions which would not otherwise have been taken.

**JUSTICE PORTFOLIO REPORT  
EXECUTIVE SUMMARY****INTRODUCTION**

This report covers the Justice portfolio. Each of these five chapters contains an introduction to the relevant policy context, research and statistical evidence on the position of disabled people and progress towards greater equality; findings from the schemes about areas where progress is evident, and areas where it is less evident; and notes on the use of categories of impairment and on the evidence of consultation and involvement of disabled people in the development of the schemes.

The area of justice is complex, covering legal justice as well as other aspects, for example, restorative, social and environmental justice. While there are related areas of importance to the concept of justice such as debates on end of life issues or the rights of vulnerable people, this report confines itself to the core functions of the public authorities related to the justice portfolio. Other portfolio reports have also touched on aspects of justice, for example, the recently established Additional Support for Learning Tribunals are considered in the Education and Lifelong Learning Portfolio and the rights of disabled people in terms of access to care provision under the Mental Health (Care and Treatment) Act 2003 are covered within the Health and Wellbeing Portfolio.

Many of the public authorities in this portfolio have strategic roles in delivering on many of the thematic areas within the portfolio. These authorities include the Joint Police Boards and Forces, the Law Society for Scotland, the Scottish Legal Aid Board (SLAB) and the Criminal Injuries Compensation Authority, as well as a number of Scottish Government agencies such as the Scottish Court Service, Scottish Prison Service, and the Crown Office and Procurator Fiscal Service. The schemes, action plans and annual reports of each of these bodies are covered in the report.

**FOCUS AREAS****Access to justice**

The review of policy and research highlighted that access to justice has undergone, and continues to undergo substantial change. The creation of the Mental Health Tribunals established under the Mental Health (Care and Treatment) (Scotland) Act 2003 (addressed as part of the Health and Wellbeing portfolio) and the Additional Support Needs Tribunals established under the Education (Additional Support for Learning) (Scotland) Act 2004 (addressed as part of the Education and Lifelong Learning Portfolio) are two substantial changes in this area, along with the ongoing review of access to civil legal aid. Additionally the creation of the Office of the Public Guardian under the Adults with Incapacity (Scotland) Act 2001 has had an impact in this area.

A key issue in this area is identifying and accessing appropriate legal advice, for example finding a solicitor with appropriate knowledge of disability discrimination law may be difficult as there is no provision made by the Law Society for this to be noted as a specialism in the listings of solicitors. An example of progress here is provided by the Scottish Legal Aid Board which provides information about the accessibility of the offices of solicitors listed on its website. A further example of progress is the register being created under the Legal Profession and Legal Aid (Scotland) Act 2007 which will list all solicitors entitled to provide “advice and assistance”.

Evidence of *positive activity* in schemes and reports includes: improving communication, improving staff skills, through training sessions; improving the physical environment; improving the culture of staff; improving institutional processes, in particular monitoring of progress towards equality; improving financial support for access to justice; increasing accountability for external contractors in relation to meeting legal requirements on disability and improving links with outside bodies and disability groups.

Areas where progress is less evident include: understanding the definitions of disability / categories of impairment; identifying and using baseline data; collating data to be used as a baseline e.g. monitoring usage and accessibility of services; demonstrating the impact of consultation and involvement activities on development of schemes and action plans; identifying and supporting disabled staff members; linking identified issues with appropriate actions; and mainstreaming disability issues into all aspects of policy and practice.

### **Hate Crime**

The review of policy and research shows that hate crime in relation to disability is a developing area in Scotland. Whilst there have been laws in relation to hate crime on grounds of race and religion or belief, none yet exist in relation to disability hate crime. However legislation is currently passing through the Scottish Parliament in relation to this issue and, if passed, will substantially change the context in relation to this issue.

Evidence of *positive activity* in schemes and reports includes: encouraging reporting and recording of disability hate crime; raising awareness of disability hate crime; sharing information in relation to disability hate crime; and provision of third party and remote reporting.

Areas where progress is less evident include: understanding the actuality of disability hate crime; identifying and recording disability hate crime to build baseline data; addressing disability harassment in relation to staff and service users and nation-wide provision of third party and remote reporting.

### **Victim Support**

The review of policy and research highlights substantial work in relation to victims of crime, however very little in relation to disabled people as victims of crime, for example the Scottish Strategy for Victims makes little mention of

disabled people as victims of crime. This is despite the research evidence showing that disabled people fear crime more than non-disabled people (Citizenship Survey 2005) and that the experience of crime may differ for disabled people (Reid Howie Associates 2006).

There are a number of policy developments aimed to support victims generally which may particularly benefit disabled people who are victims of crime e.g. victim notification schemes and victim statements. Where progress is being made it is often generic for example Reid Howie Associates (2006) note that the number of services making specific provision for equality groups is low, however there is an increasing recognition of the need to make information available in accessible formats.

Evidence of *positive activity* in schemes and reports includes: monitoring and reporting crime; development of third party and remote reporting; improving communications and accessibility of information; including data collection on disabled victims of crime in national surveys; and support for victims and witnesses including use of disability liaison officers.

Areas where progress is less evident include: identifying and recording data in relation to disabled people as victims of crime; and nation-wide provision of third party and remote reporting.

### **Community Safety**

Community safety can take a variety of forms including protecting individuals from harm, in the form of violence, abuse, fire or crime; making communities safer; addressing perceptions of crime and safety; and road safety. For the purposes of this report, only community safety issues relating to the core functions of the public authorities within the justice portfolio have been considered.

Whilst the Fire and Rescue Service plays an important role in promoting community safety, the Chief Officers of the Fire and Rescue Services are not required to produce Disability Equality Duty Annual Reports until December 2008 therefore progress towards disability equality in this area could not be measured at the time of writing (November 2008).

The review of policy and research identified that there was little data in relation to community safety of disabled people. A small amount of data related to disabled people's perceptions of crime or community safety (Citizenship Survey 2005 and Social Focus of Disability Report: Scottish Executive 2004d). A number of policy documents relating to the Fire and Rescue Services considered disability in relation to employees, but not specifically in relation to members of the public.

Evidence of *positive activity* in schemes and reports includes: improving communication including use of SMS messaging in emergency and non-emergency settings; improving staff skills, through training sessions; providing funding for community safety initiatives such as installation of smoke alarms; dissemination of community safety advice via local organisations and

identifying and targeting vulnerable people for such advice (including disabled people); improving the physical environment; improving local knowledge for example registering all people using oxygen in the home as this presents an increased fire risk; increasing accountability for external contractors in relation to meeting legal requirements on disability and improving links with outside bodies and disability groups.

Areas where progress is less evident include: identifying and using baseline data; and collating data to be used as a baseline for example monitoring disabled people's perceptions of community safety and fear of crime in the Scottish Crime and Victimization Survey.

Progress in relation to disabled people's perceptions of community safety, for example, fear of crime and hate crime, will be better able to be assessed following the next Scottish Crime and Victimization Survey which will include questions on equality issues.

### **Licensing**

Licensing boards are considered separately due to the distinctive nature of their role compared to other agencies in the justice portfolio. There are over 40 licensing boards in Scotland. These are statutory bodies that derive their power primarily from the Licensing (Scotland) Act 1976, the Licensing (Scotland) Act 2005, the Gaming Act 1968 and the Gaming and Lotteries Act 1963. Generally, licensing boards in Scotland are responsible for administering the licensing of premises that sell alcohol, as well as premises providing facilities for gambling, such as betting offices, bingo clubs, etc. under the Gambling Act 2005.

The review of policy and research highlighted that statistical evidence relating to the position of disabled people and the areas addressed by licensing boards are not readily available. A number of licensing board schemes have made reference to research conducted by local authorities or to generic research such as the *Disability Rights Commission Key Facts and Figures* (Disability Rights Commission 2002).

Evidence of *positive activity* in schemes and reports includes: improving communication and availability of information; monitoring of license applications and use of licenses to determine the number of disabled people applying for licenses and using licensed premises; and improving the physical environment, including only granting licenses to applicants with accessible premises.

### **CATEGORIES OF IMPAIRMENT**

Most of the schemes reviewed quoted the Disability Discrimination Act definition of disability and many made comment on the social and medical models of disability, noting a commitment to using the social model.

A limited number of public authorities provided either baseline data disaggregated by impairment category, usually those categories highlighted in

the Disability Rights Commission guidance, however not all of these bodies identifiably used this information in developing their actions plans.

Some public authorities have specific actions relating to impairment categories, most commonly actions relating to D/deaf people or to people with visual impairments, for example the Scottish Government disability equality scheme makes reference to actions to prevent injuries /death due to fire in relation to people who are deaf or hard of hearing and sexual offences and mental health issues including issues of consent, etc.

Many public authorities also noted actions relating to physical accessibility of premises such as ramps, without considering the adjustments that might be required by people with other impairments.

## **CONSULTATION AND INVOLVEMENT**

Many of the public authorities recognised that contact with disabled groups is useful and helps to build sustainable and fruitful relationships with disabled people both as an employer and as a service provider. A substantial number of the public authorities included a list of consultees as part of their Scheme. None of the public authorities provided information relating to membership of working groups or staff fora by people with specific impairments. For those public authorities with internal advisory groups the focus of their work varies from advising on external work to internal operations such as employment.

Many public authorities commissioned external contractors to hold some form of public consultation event but few noted reporting back to participants the outcomes of the event. On the whole the information provided in relation to consultation and involvement did not show the influence which such activities had had on the development of the schemes.

## **RURAL AFFAIRS AND THE ENVIRONMENT PORTFOLIO REPORT EXECUTIVE SUMMARY**

### **INTRODUCTION**

This report covers the Rural Affairs and the Environment portfolio. Each section contains an introduction to the relevant policy context, research and statistical evidence on the position of disabled people and progress towards greater equality; findings from the schemes about areas where progress is evident, and areas where it is less evident; notes on the use of categories of impairment and on the evidence of consultation and involvement of disabled people in the development of the schemes.

### **FOCUS AREAS**

#### **Rural development**

Evidence of positive activity in schemes and reports include: improvements in developing an evidence base to help underpin actions by drawing on demographic information and undertaking needs surveys and consultations; developing a better understanding of the diversity of rural areas and the potential impact for rural residents including those who are disabled; addressing some of the rural challenges that impact on rural disabled groups, e.g. transport, health and employment; ensuring that equalities (including disability) was included in the Scottish Government Environmental and Rural Affairs activities, particularly with regard to access to issues related to rural, marine and the environment; and E-learning initiatives in relation to staff training to overcome the issue of distance in rural areas. On the whole, there was substantial evidence of good intentions, and considerable current and planned activity. The availability of disaggregated data for urban and rural areas is growing, and the quality of baseline data many institutions are currently seeking to improve, will be important for demonstrating progress in the future.

#### **Access to the rural environment and natural heritage**

Evidence of positive activity in schemes and reports include: evidence of organisations having undertaken or in the process of undertaking assessment of policies, functions and procedures on disability equality; organisations addressing gaps in information with regard to disabled people accessing the rural environment and natural heritage by commissioning research; the development of recruitment and employment policies; evidence of staff/Board member awareness raising and training having taken place; and efforts to involve disabled people and/or organisations representing disabled interests in a variety of contexts (e.g. staff training, meetings, and physical access and communication issues).

Organisations had given serious consideration to disability equality from the rural environment and natural heritage perspective, and there was evidence of much activity both started and planned. In general, the agencies appeared to be aware of the importance of making the rural environment and natural

heritage accessible to people with disabilities and were beginning to put in place procedures to achieve this. There was also evidence of collaboration between the agencies especially with regard to joint commissioning of projects related to improving the evidence base on equality groups. While there was a commitment to working towards improving the evidence base to help underpin policies and actions, the links between evidence, where it existed, and actions and outcomes were not always clearly reflected in the action plans and targets. Improving the quality of baseline data both in relation to staff and externally in relation to delivering services to disabled people is vital for demonstrating progress in the future.

## **CATEGORIES OF IMPAIRMENT**

While there was some effort to address the information gap on specific disabilities, few schemes and reports reviewed make detailed use of specific categories of impairment in discussing the impact of rurality on disabled people. The tendency was to acknowledge different categories of disabilities in the introduction and context setting of schemes and plans. Overall public authorities were reviewing and or putting in place global procedures and plans with little reference to the diversity of disabilities experienced by individuals and the extent to which rurality might impact on these individuals in specific ways.

## **CONSULTATION AND INVOLVEMENT OF DISABLED PEOPLE**

In general public authorities appeared to have tried hard to involve disabled people in the design of their action plans. There were some notable examples amongst a few rural health boards in particular, of involving disabled people in developing disability equality schemes and in linking disabled people's experiences with their service plans.



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