

RESPONDENT INFORMATION FORM

United Nations Convention on the Rights of
Persons with Disabilities (UNCRPD)

Consultation on the Scottish Government's
Draft Delivery Plan 2016-2020



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name (if applicable)

National Deaf Children's Society

Title Mr Ms Mrs x Miss Dr

(Please tick as appropriate)

Surname

Gray

Forename

Heather

2. Postal Address

Empire House

131 West Nile St

Glasgow

Postcode G41 2JJ

Phone 0141 354 7852

Email

heather.gray@ndcs.org.uk

3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

Outcomes

Section 2 of the delivery plan sets out four outcomes the Scottish Government and its partners are working towards. The outcomes are:

1. Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing.
2. Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources, including support for disabled children.
3. Equal and inclusive access to education, paid employment and an appropriate income and support whether in or out of work.
4. Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private rights.

Q1: Do you agree or disagree that together these four outcomes cover the key areas of life the Scottish Government and its partners must focus on to achieve the rights of disabled people?

Agree

Disagree

Neither agree nor disagree

Q2: Please comment here on your response above, or if you have any other comments on the outcomes

The National Deaf Children's Society agree that the four outcomes that are mentioned are all key areas of life that should be focused on by the Scottish Government to fully realise the rights of disabled people.

We also believe there are two omissions which should be addressed within the plan and should therefore be contained within its outcomes:

- 1) The early years is a key omission within the document. The early years has been identified as a priority area by the Scottish Government and the work of the Early Years Collaborative and other initiatives has evidenced the positive impact that can be achieved when a child receives the support they need at this time in their life. It has also evidenced the benefit of targeting resources into supporting children more effectively at this time in order to reduce the risk of factors that undermine their wellbeing being missed and this having a lasting impact on their life chances **and ability to succeed and achieve potential**. For disabled children and young people who require targeted

support, getting this right in the early years is fundamental to securing their future. The plan is an opportunity to include commitments around increased access to early learning and childcare for disabled children, and improved standards in early years support. Please refer to the additional comments section at the end of this response for our recommendations in this area.

- 2) Having the right workforce across education, health and social care is essential to achieving equal access to the key areas of life for disabled children and young people. Ensuring our workforce has an effective set of skills, knowledge and experience and is fit for the purpose of supporting the access of disabled children and young people is vital and should be addressed within the document. **Supporting our communities ensure that disabled, young people and adults can live as equal citizens, living in communities which value diversity and are free from stigma and discrimination.**

Commitments

The following section invites your comments on the commitments the Scottish Government is making to help achieve the four outcomes.

There are a lot to consider and there is no requirement for you to provide an opinion on all of them if you don't wish to.

Outcome 1 - Equal and inclusive access to the physical and cultural environment, transport and suitable, affordable housing

Q3: Do you agree or disagree that the commitments (1-16) described at Section 2.1 will help the Scottish Government make progress towards outcome 1?

Agree

Disagree

Neither agree nor disagree

Q4: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 1, please do so here. If not please skip to next question.

(Please refer to Section 2.1 for fuller descriptions of the commitments)

Commitment (Outcome 1)	Comment
1. Transport accessibility	
2. Design for Ageing	
3. Raising awareness of accessible design	
4. Homes which are more accessible	
5. Accessible housing	<p>Under building standards we recommend that a further commitment is included to review and strengthen the current Scottish Government guidance for all public buildings for disabled adults and children in relation to acoustics performance.</p> <p>In schools, good acoustic environments support the learning of all children, not just those who are disabled or who have an additional communication requirement. Schools that create sound learning environments have a crucial role to play in helping close the education attainment gap. Research has found that poor classroom acoustics negatively affects numeracy skills, literacy skills, attention and memory among pupils.</p> <p>For deaf children, this is particularly important given the limited nature of hearing technologies to provide a child with access to sound beyond three metres even in good listening conditions.</p> <p>Making appropriate adjustments at the earliest stage of a school build is critical to ensure sound acoustic environments and prevent more costly and disruptive adaptations from being required later on. Current guidance in Scotland makes reference to the Buildings Bulletin 93, which is recognised as the most comprehensive single source of guidance on acoustics in the UK. However, unlike other parts of the UK, the Bulletin is not statutory in</p>

	Scotland and local practice in acoustics greatly varies.
6. A new help guide aimed at boosting accessible design	
7. A new help guide to assist tourism businesses	
8. A new help guide setting out key accessibility hints and tips	
9. Access statement online tool builder	
10. Widening access and increasing opportunities for disabled people to engage in culture, heritage and the arts	
11. Recording and reporting of workforce diversity information	
12. Improving access to the historic environment and collections relating to the historic environment	
13. Disability Inclusion in Sport	Recommend that consideration is given to looking at the funding for disabled people in sport. Deaf Swimming, for example, does not attract funding.
14. Action plan to promote disabled people's participation in sport and physical activity	<p>Increasing the availability of inclusive activities and sport for disabled children and young people is an important aspect of ensuring participation in society.</p> <p>The availability of high quality training opportunities for sports coaches is key to ensuring these activities are inclusive and NDCS recommends the Scottish Government reference a commitment to ensuring teachers and coaches have access to training on the specific needs of disabled children and young people.</p> <p>NDCS has worked with a range of sports clubs and organisations as part of the NDCS Me2 initiative. The Me2 pledge is about making clubs and organisations activities deaf friendly and fully accessible to deaf children. The vision is for young deaf people to be able to participate on equal terms with their hearing peers</p>

	<p>across a wide range of activities. NDCS would welcome the opportunity to provide more information on this initiative. A range of Me2 resources can also be accessed here.</p> <p>One specific example running in Scotland is the NDCS Deaf Friendly Swimming Project which supports swimming teachers and coaches to ensure deaf young people are fully included in swimming activities. Teachers and coaches learn simple changes that make activities deaf-friendly and more inclusive. The project also supports teachers and coaches to develop confidence in communicating with deaf children and young people.</p> <p>NDCS recommends the Scottish Government reference a commitment to working with the third sector to roll out such initiatives which NDCS would be happy to provide further information on.</p>
15. Sportscotland investments	
16. One Scotland awareness raising campaign	

Q5: Are there any additional commitments and/or ways that you would strengthen the outcome 1 commitments that you have not already mentioned in any comments above?

Outcome 2 - Equal and inclusive access to healthcare provision and support for independent living, with control over the best use of resources and support for disabled children

Q6: Do you agree or disagree that the commitments (17-35) described at Section 2.2 will help the Scottish Government make progress towards outcome 2?

Agree

Disagree

Neither agree nor disagree

Q7: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 2, please do so here. If not please skip to next question.

(Please refer to Section 2.2 for fuller descriptions of the commitments)

Commitment (Outcome 2)	Comment
<p>17. Health Inequalities of people with learning disabilities data collection</p>	<p>We agree that this is a worthwhile area of work, however we do not agree that this should be limited towards those with a learning disability. Improved data collection and sharing of information is critical to deliver more effective services for all disabled people.</p> <p>For example, there is currently no complete national data set on numbers of deaf children and young people in Scotland. While information collected through the Pupil Census has improved over the years, this only records information about school-age children and there are still gaps in this means of data collection. (For example, for children with mild hearing loss and those with no formal education plan in place). Without a basic understanding of the numbers of deaf children and their needs, it is difficult for national and local government to effectively plan service delivery.</p> <p>While the advent of Universal Newborn Hearing Screening (UNHS) in Scotland since 2005 has allowed for earlier diagnosis of childhood deafness, the improvement of data collection and sharing has not necessarily followed. NDCS has been involved in two pilot Local Records of Deaf Children projects.</p>

	<p>These projects have seen positive outcomes with regards to sharing basic information from UNHS with appropriate local agencies in order to plan services effectively. The recommendation from these pilot projects has been a national roll out in order to ensure public services are able to plan services effectively.</p> <p>NDCS would welcome the opportunity to provide more information on these pilot projects.</p>
18. Advocacy	<p>As above, access to independent advocacy is critical for all disabled children, young people and adults, not just those who have a learning disability. NDCS recommends that this commitment is extended beyond its current remit to redress this.</p> <p>The ability to access independent advocacy or impartial support and information is crucial to enable both parents/carers and children/young people to be empowered to have their voices heard and shape the decisions that affect their lives.</p> <p>Separate and appropriate advocacy for children and young people is vital. It is unclear whether there is a role here for the proposed new information and advice service that Children in Scotland may deliver as a result of the passage of the Education (Scotland) Bill.</p> <p>Regardless, any service or individual assisting a disabled child or young person should be skilled in facilitating youth participation and ensuring the needs and voice of the child or young person is heard. This is particularly valid in the context of deaf children and young people, where many children require unique</p>

	support to meet their communication needs.
19. The New framework for Hearing the Citizen Voice	
20. Routes to Inclusion – ‘Engaging disabled people and their organisations’	
21. Allied Health Professionals and Independent Living – delivery plan	
22. NHS - 2 year internship for disabled graduates in partnership with NHSScotland and Glasgow Centre for Inclusive Living Equality Academy	
23. NHS Scotland Learning Disability Employment Programme	
24. Disability Inclusion Promotional Campaign	
25. Measure compliance of NHS Boards on embracing equality diversity and human rights in the NHS in Scotland	
26. Child Rights and Wellbeing Impact Assessment (CRWIA) for all policy development affecting children	It is positive that the framework for completing CRWIAs includes questions around disabled children and requires consideration of the impact of the policy on groups of children. We would welcome further information on how it will be assured that those completing CRWIAs have the appropriate skills and knowledge to take full account of the needs of disabled children in their assessments. Consultation and liaison with third sector organisations, parents/carers and disabled children and young people themselves would be important here.
27. Fund for projects to support disabled children and their families	
28. Information Hub	We agree that an Information Hub will be a valuable resource for the parents and carers of disabled children and young people. With much information already being available online, establishing an Information Hub is an opportunity to look the key issues of how

	<p>information is accessed and communicated to parents/carers and children/young people. It is a chance to be ambitious and creative in thinking of effective ways to reach parents in a way that is accessible to all. Many third sector organisations and projects such as for Scotland's Disabled Children Coalition's Parent Participation Project have information about what parents say they would like to see in their communities in terms of information provision and support. What parents/carers say they need should be the basis of the development of any Information Hub. It is important to fully understand what is available presently in terms of information and groups of organisations as often these groups can sign-post and support families of disabled children.</p>
<p>29. Transitions Test of Change Project</p>	<p>We agree that this will be a valuable project – there are a number of critical challenges for disabled young people in at the time of transitioning on from school. In particular, research NDCS commissioned from the University of Edinburgh found that although deaf young people are entitled to transitional planning through the Additional Support for Learning Act, very few who took part in the research recording having received this kind of planning. As such the challenge of supporting smooth transitions for disabled young people is about ensuring both children's and adult services are actively playing their role to promote positive post school outcomes for disabled young people.</p>
<p>30. Child Internet Safety stakeholder group</p>	
<p>31. Review of inclusion of people with learning disabilities or autistic spectrum disorders under the Mental Health (Care and Treatment) (Scotland) Act 2003.</p>	
<p>32. Consult on Scottish Law Commission's review of the Adults with Incapacity Act</p>	

and thereafter carry out a scoping exercise in relation to a wider review of the Adults with Incapacity legislation.	
33. Review of policies on guardianship and consider circumstances in which supported decision making can be promoted	
34. An integrated children's rights and equalities impact assessment for the Scottish Children's Reporter Administration	
35. Enhanced learning and development framework for foster carers	

Q8: Are there any additional commitments and/or ways that you would improve the outcome 2 commitments that you have not already mentioned in your answers above?

NDCS recommends that an additional commitment is included at number 31 which relates to establishing how well the needs of disabled children and young people are addressed within Child and Adolescent Mental Health Services.

Getting it right for every child means ensuring every child and young person has the supports they need to flourish physically and mentally. Ensuring the services that support young people are equipped to address their unique needs is critical. Many disabled children and young people are at increased risk of experiencing mental ill health, but for various reasons mainstream services may be inadequate to meet their unique needs.

Deafness itself does not cause mental health problems however the communication barriers and language delays that deaf children and young people may experience increases how likely they are to be affected by mental ill health. According to NHS statistics, 40% of deaf children and young people will experience mental ill health compared with 25% of hearing children (NHS, 2004). In addition, at the recent Deaf Learners Conference, bullying and social isolation was identified by deaf young people as one of their top challenges.

There is currently no specialist mental health service for deaf children in Scotland despite such services being well established in other parts of the UK. Access to mainstream health services has been found to be challenging for deaf children and young people and their families and the knowledge, skills and experience of staff there is unlikely to match that which a specialist service could offer.

By exploring how current Child and Adolescent Mental Health Services meet the needs of disabled children and young people, the Scottish Government can commit to building a mental health workforce with the right skills and expertise to meet every young person's needs, including those who are disabled.

NDCS are currently undertaking scoping work in relation to a Managed Clinical Network for children's hearing. This work may inform how we can drive up standards, support inter-

agency working and deliver the best outcomes for disabled children. NDCS would be keen to share this work to inform future working.

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Outcome 3 - Equal and inclusive access to education, employment and an appropriate income whether in or out of work

Q9: Do you agree or disagree that the commitments (36-48) described at Section 2.3 will help the Scottish Government make progress towards outcome 3?

Agree

Disagree

Neither agree nor disagree

Q10: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 3, please do so here. If not please skip to next question.

(Please refer to Section 2.3 for fuller descriptions of the commitments)

Commitment (Outcome 3)	Comment
36. Continued commitment to implement additional support for learning	The Additional Support for Learning Act is the fundamental legal framework for supporting the educational needs of disabled children and young people. We completely agree this should continue to be implemented. We believe that the Delivery Plan is an opportunity not only to report on what is already happening, but how current education initiatives can be enhanced and strengthened to better meet the needs of learners. Please refer to the comments box in this section for our further suggestions in this area.
37. Anti-Bullying –respectme and review and refresh of the ‘National Approach to Anti-bullying for Scotland’s Children and Young’	Agree that this is a key issue for many disabled people and connects to the social stigma that continues to be attached to disability. Bullying was highlighted as their top challenge at school by attendees at the Deaf learners Conference which was held in partnership between NDCS and Education Scotland in February 2015. Their experiences ranged from

young people feeling excluded and being treated differently to pupils being directly targeted and made fun of because of their deafness. Experiences discussed by the pupils included:-

- *“People being arrogant and unpleasant towards deafness”*
- *“Being singled out”*
- *“People in my class making fun of our sign language”*
- *“Getting bullied, making fun of me because of the way I spoke and that I am deaf. Because I struggled a lot in school they kept calling me names and all sorts.”*
- *“Pupils making fun of deaf pupils – bad behaviour”*

NDCS would welcome the opportunity to consult with Respectme in relation to the experiences of deaf young people.

More widely, bullying is connected to the social stigma that is attached to disabled people and permeates all aspects of their lives. **Stigma and discrimination continues to exist which has an impact on life outcomes for disabled children and young people.** This stigma is a fundamental barrier in promoting their equal access. Whether consciously acknowledged or not, stigma shapes how disabled people are viewed needs to be challenged boldly. **Changing public attitudes and perceptions towards people with disabilities and ensuring communities are inclusive and supportive is key.**

A nationally led public campaign to help stamp out the stigma which

	causes bullying, hate crime and other negative attitudes would be helpful commitment to make progress towards a fairer society for all in Scotland. The See Me campaign has been highly successful in achieving change. A campaign of similar dimensions to support changing attitudes is vital to ensuring we build the capacity of communities.
38. Overarching commitment from Fair Work Directorate	
39. Investment in Developing the Young Workforce and further investment to support young people with barriers to employment including disability	
40. Supported Employment Model	
41. Supported Businesses	
42. Establishment of a Fair Work Convention	
43. Disability Employment Services in Scotland	
44. Ensuring flexible and integrated support is put in place to support individuals with particular needs, including disabled people into work	
45. Abolish fees for employment tribunals and consultation re barriers that disabled people face when raising a claim at an Employment Tribunal	
46. Disability Benefits Advocacy Support	
47. Future reform of local taxation will take into account the particular needs expressed by disabled people	
48. Establishment of a social security system that treats people with dignity and respect during their time applying for, being assessed and receiving disability benefits.	

Q11: Are there any additional commitments and/or ways that you would strengthen the outcome 3 commitments that you have not already mentioned in your answers above?

1. Closing the educational attainment gap in Scotland is rightly a key priority for the Scottish Government. The initiatives that are being taken forward to drive this forward also offer opportunities to achieve the aspiration of inclusive education for every learner, including those with additional support needs.

The National Improvement Framework is an ideal opportunity to embed the principles of inclusive communication and ensure accessibility is built in from the very beginning. By committing to the clear principle that the Framework will be fully inclusive to every learner the Scottish Government can ensure the Delivery Plan is in line with and supports these ambitions.

2. Staying on theme of attainment, NDCS has welcomed the Attainment Challenge Fund and we recognise that the though the focus of these funds has been around targeting those learners from the most deprived backgrounds, other learners who make up lowest attaining groups such as disabled learners will also benefit from the initiative. NDCS recommends that attainment advisors currently being recruited by Education Scotland have a remit to consider the impact of local attainment initiatives on disabled learners, and share effective practice where work has successfully targeted those children and young people.
3. As far as NDCS is aware the Scottish Qualifications Authority is the only exam board in the UK that does not offer language modification arrangements in exams and assessments for deaf pupils. In the absence of these arrangements, a commitment to inclusive communication for every learner in education settings is critical to ensure that no learner is left behind due to inaccessible educational materials and assessments.
4. There have been significant shifts in the specialist workforce who play a key role in implementing Additional Support for Learning. Recently this has become an increasing priority for the Educational Institute of Scotland who have recognised the impact on teachers and schools that struggle to meet the needs of disabled learners due to a lack of appropriate skills and expertise in this area. A workforce planning exercise around ASL may be a helpful way to determine the existing roles and provision, any gaps or challenges that exist and consider how to future-proof this important workforce.

Outcome 4 - Equal and inclusive access to the justice system without fear of being unfairly judged or punished, and with protection of personal and private

rights

Q12: Do you agree or disagree that the commitments (49-54) described at Section 2.4 will help the Scottish Government make progress towards outcome 4?

Agree

Disagree

Neither agree nor disagree

Q13: If you would like to make specific comments on any of the commitments intended to contribute to achieving outcome 4, please do so here. If not please skip to next question.

(Please refer to Section 2.4 for fuller descriptions of the commitments)

Commitment (Outcome 4)	Comment
49. Review of legal aid contributions for disabled people	
50. Encourage reporting of hate crimes against disabled people	
51. Accessible information	
52. Accessibility of sites and services	
53. Develop and deliver a 'pilot' improvement project focusing on preventing and removing disability hate crime from society	
54. Engage with DPOs to explore extent of violence against disabled women and girls, in the context of our ambitions under Equally Safe	

Q14: Are there any additional commitments and/or ways that you would improve the outcome 4 commitments that you have not already mentioned in your answers above?

NDCS welcomes Scottish Government proposals to consult on raising the age of criminal responsibility in Scotland from eight to 12 years of age and recommends this is explicitly referenced.

NDCS believes the current minimum age to be particularly prejudicial to all children and young people in Scotland, including those that are disabled, given that it remains one of the lowest in Europe. An increase would not only improve their access to justice but bring Scots law in line with the UN Convention on the Rights of the Child. This recommendation has been strongly supported by children's organisations with consensus that an increase would lead to an increased emphasis on addressing the specific needs of children within the justice system. Issues can often include neglect or abusive treatment which disabled children are

particularly susceptible to. An increase in the minimum age would also be in line with the GIRFEC child centred approach.

Themes

Section 3 of the delivery plan outlines three 'cross-cutting' themes – which are ways of working – and which will underpin all that we do to deliver each of the outcomes. The themes are:-

- Disabled people are empowered to participate fully
- Communication is accessible and inclusive of all
- The barriers facing disabled people are known, understood and addressed

Q15: Do you agree or disagree that these are the most important themes that the Scottish Government needs to build in to the way it works across all activity to achieve the rights of disabled people?

Agree

Disagree

Neither agree nor disagree

Q16: Please comment here on your response above, or if you have any further comments on the themes

In reality, meaningful disabled youth participation requires well trained practitioners who have a strong understanding and awareness of the needs of disabled children and young people. Appropriate training for staff to ensure they have the skills and knowledge will be key to achieving this theme. NDCS would welcome the opportunity to provide further information and resources on championing the meaningful participation of deaf children and young people in every area of their lives.

NDCS agrees that for disabled people to be able to participate fully they must feel safe. NDCS recommends strong awareness is referenced about the additional steps that may be required to keep disabled children and young people safe, particularly given that research illustrates that they are most vulnerable to abuse and harm.

There should also be a strong acknowledgement that keeping children and young people safe goes beyond child protection and should have a strong emphasis on emotional wellbeing and physical safety too so that children and young people can flourish in

environments that support them to reach their full potential.

Next steps and any further comments

Q17: Section 5 of the delivery plan details the next steps for the Scottish Government's approach to making the UNCRPD a reality for disabled people in Scotland. Do you have any comments on this section, or anything additional you would like to see added here?

Q18: Are there any other comments you would like to make on the overall delivery plan, to inform its further development and implementation?

At the outset of our submission we highlighted that the Delivery Plan currently does not contain sufficient commitments to strengthen the experience and outcomes of disabled children in the early years, a critical time in their development and wellbeing.

1. The extension of early learning and childcare through the Children and Young People Act (Scotland) (2014) to three and four years and looked after two year olds is to be welcomed and will benefit many children and families. Making the additional extension to two year olds in receipt of Disability Living Allowance would have a significant impact on families with disabled children. It is widely evidenced that the cost of having a disabled child on parents/carers is substantial and supporting parents/carers with additional access to childcare will offer these families new options and flexibility and promote positive outcomes.
2. Ensuring that there are appropriate standards of support for disabled children in the early years is also critical. For example, despite the introduction of UNHS the Scottish Government has not published any guidance in terms of post-diagnostic and subsequent early years support and information which should be made available for these children and their families or carers. As such provision for this group in the early years varies

across Scotland, with considerable implications for the longer term education and wellbeing outcomes of deaf children and young people. A commitment from the Scottish Government to consider the extent to which early years standards of support for disabled children currently exists and how it can be strengthened would be a valuable addition to the UNCRPD Delivery Plan.

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