



scottish
consortium
for learning
disability

Building respect in the
Scottish community

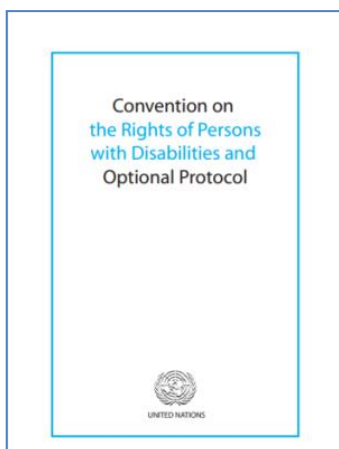
Scottish Consortium for Learning Disability: Parallel Report to the United Nations Committee on the Rights of Persons with Disabilities on the Progress of Implementation of the UNCRPD in the United Kingdom

(Scotland)

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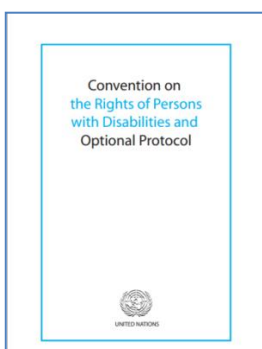
About this report



1. This report is about the **United Nations Convention on the Rights of Persons with Disabilities**. The picture on the left is the front cover of the UNCRPD.



2. The **United Nations Convention on the Rights of Persons with Disabilities** is an international law which says what human rights disabled people have. This is a law which applies in Scotland and the United Kingdom.



3. In this report we will use the letters **UNCRPD** to talk about the United Nations Convention on the Rights of Persons with Disabilities.



4. This report has been put together by a group of people with learning disabilities from across Scotland. It says what we think about how well Scotland and the UK are doing at making the UNCRPD a reality.

Accessibility in this report



5. We have tried to make this report as easy read as we can. We wanted people with learning disabilities who are reading this report to be able to understand what we are saying to the United Nations Committee on the Rights of Persons with Disabilities.



6. We hope that people will be able to get support to help them understand anything which is not clear.

BIG words

7. Some of the hard words in this report are in **bold**. We have tried to explain what these words mean to help people. We have included these for people with learning disabilities who are reading the report.

8. We know that the report is a bit long for an easy read, but we thought the ideas were important. We will split the report up into chapters too so that people can read small bits at a time.



documents.

9. We have used Photosymbols to help explain the words. We think Photosymbols is a really good resource and we would like to acknowledge their hard work in making good pictures for easy read

Who wrote this report?



10. We are a group of people with learning disabilities from across Scotland. We represent people with learning disabilities from different areas of Scotland, including cities and remote and rural areas.



11. We have been meeting throughout 2013 and 2014 to talk about the United Nations Convention on the Rights of Persons with Disabilities.



12. Our group was supported by the **Scottish Consortium for Learning Disability**, with money from the Scottish Government



13. The **Scottish Consortium for Learning Disability** (SCLD) is a registered charity founded in 2001 following a recommendation of 'The same as you?', the Scottish Government's policy about people with

learning disabilities.

14. SCLD has 12 partner organisations:



Association for Real Change (ARC) Scotland



Badaguish Outdoor Centre



British Institute for Learning Disabilities



Capability



Central Advocacy Partners



Down's Syndrome Scotland



PAMIS



Key



University of Dundee



University of Glasgow



University of St Andrews

University of St Andrews



15. SCLD's mission is to work in partnership with people with learning disabilities of all ages as well as family carers to challenge discrimination and to develop and share good practice.



16. SCLD's goal is an inclusive Scotland where everyone is valued and respected for who they are and what they contribute as equal citizens.

17. We all contributed to the group on the basis of our individual experiences. However, each of us as group members work with, for, or are supported by both SCLD partner organisations and non-partner organisations including:



Advocating Together (Dundee)



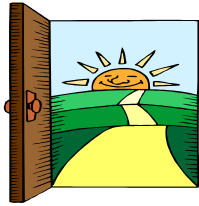
Central Advocacy Partners (Falkirk)



User and Carer Involvement (Dumfries)



The Good Life



Group

The Good Life Group
(West Dunbartonshire)



INSPIRE (Aberdeen)



more mixed but no-one came forward. We think that it is important that the views of all disabled people are represented to the UN Committee.

18. There are men and women in our group. There are not any people from Black and Minority Ethnic communities in the group. There are not any people with profound and multiple learning disabilities on the group. We tried to make sure that our group was

Why did we write this report?



19. We think it is important for people with learning disabilities to be able to say what we think about how well the UNCRPD is being put in place in Scotland.



20. We know that we cannot represent everyone's experiences, but we do know that we can give a view about how human rights are working for people with learning disabilities in Scotland.



21. It is important that we are included and our voice is heard by the Committee on the Rights of Persons with Disabilities. That is why we decided to write this report.



22. We are worried that some people with learning disabilities do not get to speak up. We would like to say that they should have a chance to speak up about their lives.

How did we decide what to say?



23. We met 8 times between April 2013 and April 2014. We decided which Articles of the UNCRPD to talk about as a group.



24. We did not get the chance to talk about all the rights in the Convention as much as we wanted to. People with learning disabilities sometimes need some extra time and support to be able to say what we think. Things which help include accessible information, more time and support from a facilitator.

25. We talked about the UNCRPD as a whole and then we focussed on some of the **articles**.

26. **Articles** are another word for the rights which are written down in the UNCRPD.



Article 5 – The right to equality



Article 9 – The right to accessibility

Article 19 – The right to independent living





Article 27 – The right to work and employment



Article 28 – The right to an adequate standard of living and social protection



27. We talked together about what each right meant. Then we talked about whether we thought that each right was real for people with learning disabilities in Scotland. This came from our own experiences.



28. We have also included information from other organisations and reports. We have said where we have done this.

Devolution



29. It is important to know that different governments in the UK are in charge of different issues and policies. This is because of **devolution**.



30. **Devolution** is when the central government gives some powers to a more local government.



31. **Devolution** happened in the UK in 1998/1999. The UK Government in London gave some powers to the new Scottish Parliament in Edinburgh.



32. At the same time, Scotland got its own government. This is called the Scottish Government. The Scottish Government is in charge of lots of different things in Scotland, including health and social care policy.



33. Both the Scottish Government and the UK Government have to protect people's human rights. People get human rights protection under a UK law called the Human Rights Act (1998).



34. People in Scotland also get human rights protection from European laws, and also from international laws written by the United Nations.





35. The United Nations Convention on the Rights of Persons with Disabilities is an international law. It says what disabled people's human rights are. Both the Scottish Government and the UK Government have responsibilities to make the UNCRPD happen.

Key messages



36. The UNCRPD says that the **social model** is the best way to understand disability.



37. The **social model** says that disability happens when the world around us is full of barriers and does not change to meet people's needs.



38. For example, if information is not accessible to people with learning disabilities, that is a barrier. If buildings do not have wheelchair access, that is a barrier. If people make assumptions about what disabled people can and cannot do, that is a barrier.



39. **We do not think that the change that the UNCRPD hoped for has happened fully yet.** The social model of disability is still not very well understood in Scotland. **This means that there are still lots of barriers out there which we need to work together to take down.**



40. As a group, **we would like to say that people with learning disabilities in Scotland have rights, skills and a contribution to make to Scotland.**

We do not think that people with learning disabilities always get the chance to do this because of the different barriers we face.

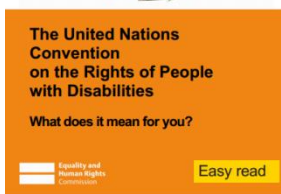
Awareness of the UNCRPD among people with learning disabilities



41. **People with learning disabilities in Scotland do not know about the UNCRPD. People need to know more about it to be able to get their rights.**



42. **We think that people with learning disabilities in Scotland need to be able to tell each other about the UNCRPD. People with learning disabilities might need some support to understand the UNCRPD.**



43. **We like the easy read of the UNCRPD by the Equality and Human Rights Commission. It explains what an international treaty is well. We think that it needs to explain the different rights more clearly. We think people with learning disabilities should be involved in writing a new version of the UNCRPD in easy read.**

Awareness of the UNCRPD among public authorities



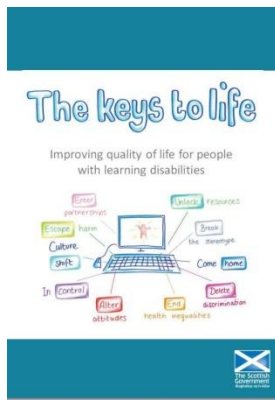
44. **Governments and public authorities like local authorities and the National Health Service in Scotland do not seem to know much about the UNCRPD.**



45. **People with learning disabilities could take the lead in supporting governments and public authorities to learn about the UNCRPD.**



46. We think that it is really important for everyone who supports disabled people, including people with learning disabilities, to be trained about human rights, especially the UNCRPD, and why these are important in the lives of people with learning disabilities. We do not think that this is happening enough yet, although we are pleased that some progress has been made.



47. It is very good that the Scottish Government's new strategy about people with learning disabilities 'The Keys to Life' mentions the UNCRPD. However, we were disappointed that 'The Keys to Life' does not talk in detail about the rights in the UNCRPD and how to make them real. Some of the things which the 'Keys to Life' suggests might help to make rights real, but we felt that some of the words and ideas which 'The Keys to Life' uses are sometimes not based around human rights and the ideas in the UNCRPD.

Including people with learning disabilities in decisions

48. Sometimes policy making in Scotland does not think about or consider people with learning disabilities well enough.



49. It can take a lot of time and resources to include people with learning disabilities well. We think that governments and public authorities need to take more account of this so that they include people with learning disabilities effectively in decisions which affect us.

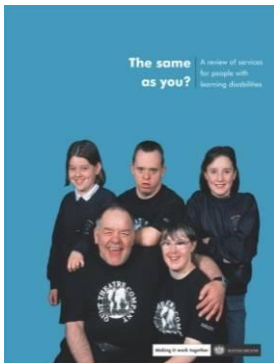


50. We think real **co-production** is when governments, public authorities and people with learning disabilities sit down together and work together to solve problems. **This does not happen as often as it should in Scotland and if it does, it is sometimes not meaningful.**



51. We think it is really important to do Equality Impact Assessments to see how decisions might affect people with learning disabilities. However, sometimes the way that Equality Impact Assessments are done is not always very effective. We think that working together more might help this.

Changes since ‘The same as you?’



52. ‘The same as you?’ was the Scottish Government’s first policy about people with learning disabilities, published in 2001. It said that people with learning disabilities and their families should be able to have a good life, like anyone else.



53. **We think that there have been positive changes for people with learning disabilities in Scotland since 2000.** For example, the long-stay learning disability hospitals were closed as a result of ‘The same as you?’



54. The Scottish Government, the Scottish Human Rights Commission and the University of Strathclyde have been doing some work to recognise the experiences of people who lived in institutional care as children. However, **sadly lots of adults with learning disabilities experienced abuse in institutions too. We think there should be some work around this too.**



55. Most people with learning disabilities live in the community now. But we think that **often people still find it hard to get good support which enables them to live independently in the community.** This is not what Article 19 of the UNCRPD says should happen.



56. However, we are worried that some people with learning disabilities still live in institutions, they just look different and are called different names. This is not what the UNCRPD says should happen. In England, the Learning Disability Census found that 3,250 people with learning disabilities are living in inpatient

care settings.¹

¹Health and Social Care Information Centre, 2014, Learning Disabilities Census Report <http://www.hscic.gov.uk/catalogue/PUB14046/ld-census-further-sep13-rep.pdf>



57. We heard the Council of Europe Commissioner for Human Rights, Nils Muižnieks talk about this problem when the Scottish National Action Plan for Human Rights was launched.



58. Places like Winterbourne View, a small assessment and treatment unit in England, also exist in Scotland. **The people with learning disabilities who lived in Winterbourne View went there for care and support but they were abused. This was against the law and against people's human rights.**



59. **We do not think that it was right that people were not supported in their own communities.** Sometimes this is because of the way that the NHS and local authorities decide to pay for and provide services.



60. We know that sometimes some people with learning disabilities need to spend time in settings which are not in the community or which are more restrictive. However, we think this should only be for a short time until better support can be arranged.



61. We would like to know how many people there are in these kind of settings in Scotland, why they are there and what plans are being made to help them live in the community. We would like to know how long it takes for people to move from these kind of settings and if there are

barriers which could be overcome.

Discrimination



62. People with learning disabilities still experience discrimination in their day to day lives in Scotland. This can be direct discrimination, like bullying, hate crime and abuse.



63. However, people can also experience **indirect discrimination** in their day to day lives in Scotland. This is when an organisation or a person does not mean to discriminate against someone but they have not really thought about how to meet someone's needs, so the person does not get treated fairly.

Scotland's National Action Plan for Human Rights



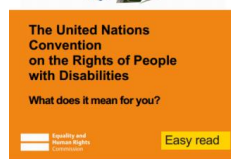
64. We are very pleased that Scotland has a National Action Plan for Human Rights.² We think that this will help to make sure that everyone, including people with learning disabilities, has their human rights respected and protected.



65. We were very pleased to be asked to contribute to the Action Plan. We are very happy that the Scottish Human Rights Commission asked us what we thought. We think that people with learning disabilities should continue to be involved in the Action Plan.



66. We think that the fact that the UNCRPD is mentioned on the Action Plan is very important. At the moment we do not think that enough people with learning disabilities, families or public authorities know about what the UNCRPD is or what it says.



² Scottish Human Rights Commission, 2013, 'Scotland's National Action Plan for Human Rights' available at <http://www.scottishhumanrights.com/actionplan>

Independence Referendum



67. We do not know if Scotland will vote to be an independent country in September 2014.



68. We would like to know if Scotland will sign international human rights treaties, including the UNCRPD, if people do vote for independence. **We do not think that independence should mean that disabled people in Scotland have less human rights protection than before.** 'Scotland's Future'³ says that we should think about making UN Convention on the Rights of the Child part of Scots law. **We are not sure why this is the only international human rights treaty being considered.**

³ Scottish Government, 2013, 'Scotland's Future: Your Guide to an Independent Scotland' <http://82.113.138.107/00439021.pdf>

Article 5 - The right to equality



69. We think that people with learning disabilities in Scotland still experience discrimination in their day to day lives.

70. We think that people with learning disabilities experience lots of different types of discrimination.



71. Sometimes discrimination is bullying and name-calling. Sometimes it is physical and sexual violence.

72. Sometimes discrimination is when people make assumptions about what people with learning disabilities can and cannot do.



73. Sometimes discrimination happens when we cannot get the right information and support to enable us to be a part of society. We have said more about this in the section under Article 9, the right to accessibility.



74. Sometimes discrimination happens when we do not get to have choice and control about the things that happen in our lives, for example, where we live, the support that we get.

Hidden in plain sight

Inquiry into disability-related harassment

Equality and Human Rights Commission

75. The Equality and Human Rights Commission published a big report about hate crime towards disabled people called 'Hidden in Plain Sight'⁴ in 2011. The report found that it was very common for disabled people to experience bullying. The report also found that bullying and harassment were not being dealt with very well by public authorities.



76. The European Court of Human Rights recently decided that if public authorities do not deal properly with disability hate crime, this harms a person's human rights.⁵



77. Scotland has a law called the Offences (Aggravation by Prejudice) (Scotland) Act 2009. This law says that if a person is guilty of committing a crime against a disabled person because they do not like disabled people, more time can be added on to their sentence.

⁴ Equality and Human Rights Commission, 2011, Hidden in Plain Sight: Inquiry into Disability Related Harassment <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/hidden-in-plain-sight-the-inquiry-final-report/>

⁵ Including their right not to be tortured or treated in a degrading way, their right to private and family life and their right to a legal solution to their problem. *Dordević v Croatia* [2012] ECHR 1640 (24 July 2012) <http://www.bailii.org/eu/cases/ECHR/2012/1640.html>



78. In 2012, 138 crimes like this were reported.⁶ This number has gone up steadily since 2010, but it is likely that lots more disabled people have experienced hate crime without telling anyone about it.



79. The Lord Advocate, who is in charge of giving the Scottish Government legal advice, has said this year that he wants to make sure that people who commit hate crime are dealt with properly.⁷

⁶ Crown Office and Procurator Fiscal Service, 2013, Hate Crime in Scotland 2012-13, http://www.copfs.gov.uk/images/Documents/Equality_Diversity/Hate%20Crime%20in%20Scotland%202012-13.pdf

⁷ The Glasgow Herald, Wednesday 26th March 2014, 'Lord Advocate: Tackling hate crimes against disabled people is a priority for the police and prosecution service.' <http://www.heraldscotland.com/news/home-news/lord-advocate-tacking-hate-crimes-against-disabled-people-is-a-priority-for-the-police>.

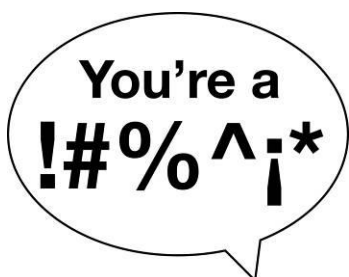
Article 8 - Awareness-raising



80. There is not a lot of money for public spending in the UK at the moment. This means that the UK Government is trying to find ways to save money.



81. One of the ways that this is happening is that the amount of money which can be spent on welfare benefits has been cut. This is affecting disabled people in lots of different ways, including financially. We talk more about this in Article 28. However, **we think it is also affecting people's attitudes towards disabled people.**



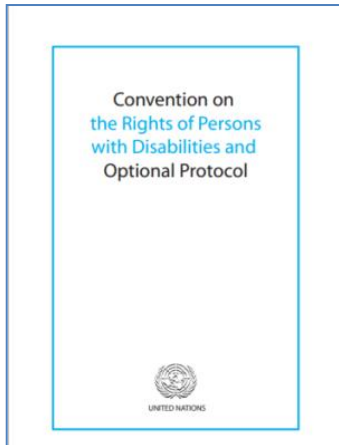
82. Disabled people are being accused of being lazy and not wanting to work. Some of the words being used about disabled people are 'sponger' and 'scrounger.'



83. Disabled people are also being accused of making up their disability so that they can get welfare benefits. We think this is very unfair because it is not true.



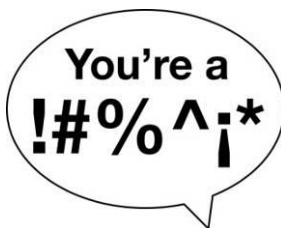
84. We also find it hard to hear because many people with learning disabilities would like to have a job but there are so many barriers for people to overcome to make this happen.



85. The UNCRPD says that the UK Government should create respect for the rights and dignity of persons with disabilities. It says that the UK Government should fight stereotypes and prejudices relating to persons with disabilities. We think that the opposite is happening at the moment. We feel as if disabled people are being targeted.



86. For example, research done at the University of Glasgow⁸ shows that the number of negative newspaper stories about disabled people went up between 2004/05 and 2010/11.



87. The research shows that the use of **pejorative language** in newspapers about disabled people went up between 2004/05 and 2010/11.

⁸ Strathclyde Centre for Disability Research and Glasgow Media Unit, 2012, 'Bad news for disabled people: How the newspapers are reporting disability' Glasgow: University of Glasgow http://www.gla.ac.uk/media/media_214917_en.pdf

88. **Pejorative language** is language which is hurtful and puts people down. It is offensive.



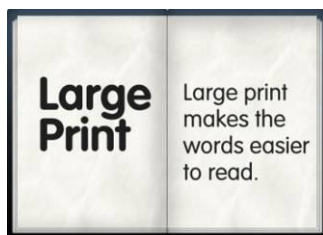
89. There were also more stories in the newspapers which said that disabled people claiming benefits were lying about their disability. Some newspapers even said that most of the people who received disability welfare benefits were lying. In fact, the UK Government thinks that only a very small amount (0.7%) of the welfare benefits budget is claimed by people being untruthful.⁹ Not all of these

people are being untruthful about being disabled.

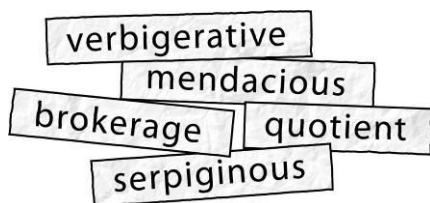
⁹Department for Work and Pensions, 2013, First Release: Fraud and Error in the Benefit System: Preliminary 2013/14 Estimates (Great Britain)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311236/nsfr-final-150514.pdf

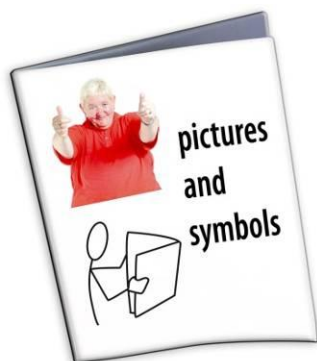
Article 9 - The right to accessibility



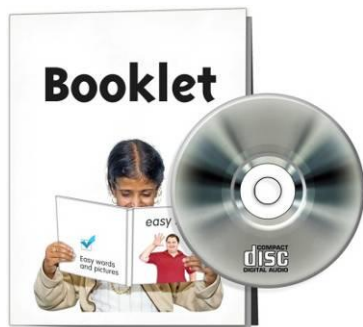
90. We talked about **accessible information and communication**. Here is what we said about our experiences:



91. Information needs to be in simple language and clear wording. Hard words should not be used.



92. Pictures are there to help understand the words. The picture sums up or supports the message.



93. Other formats like CD or DVD can help.



94. People with learning disabilities often like to have lots of different forms of information and support to understand it.



95. **We do not think that people with learning disabilities get information in an accessible format as much as they need it.**

96. **If people don't get the information they need, it stops them from doing everything!**



97. It stops people from doing leisure activities, making choices, getting a job, benefits, banking, bills, staying safe.



98. Good information lets people know their rights, make choices, stay safe, meet people, get about, work, study and live well!



99. We should be person-centred to make sure that people get the kind of information that they need.



100. People with learning disabilities should be involved in creating easy read information which is for them.



101. Public authorities, like the National Health Service and local authorities, sometimes do not realize that they need to provide information in an accessible format to people with learning disabilities. Sometimes they do not realize that inaccessible information is a barrier for people with learning disabilities. This is not what the UNCRPD says or what the

Equality Act says should happen.



102. Public authorities, like the National Health Service and local authorities, sometimes do not know how to make information accessible. People with learning disabilities could help these organisations to make information accessible.



103. It's upsetting when professionals like doctors talk to support workers or family members instead of talking to the person with learning disabilities. One member of our group, Holly, said that the doctor's receptionist had spoken to her support worker instead of her. Another member of our group, Mark, said that the doctor had talked to his sister about his medical condition, instead of him.



104. People with learning disabilities can support and train people who work in public authorities to treat everyone well. The Good Life Group in West Dunbartonshire is an example of this.



105. People with learning disabilities who have communication needs do not always get the support or equipment they need to be included.



106. We also talked about accessibility in the physical environment, which means buildings, streets and places. Our experiences are:



107. Lots of things have got better. We have seen that there is more thought about accessibility in the way that new buildings are planned. For example, the new swimming pool in Dundee has been made very accessible.



108. It's good that new build houses are made to be accessible. However, sometimes it can be hard for disabled people to get adaptations inside their houses to help them live independently.

109. However, we think there are still quite a few problems for disabled people.



110. Wheelchair users can find it hard to get about. There are lots of things in the street which make it difficult for people who use wheelchairs or have mobility difficulties to get about. For example, pavements are sometimes too high and cobbled streets are hard for people who use wheelchairs. Doors can be hard to open.



111. Steps make it hard to get about if you have mobility issues.



112. If there are no lifts, then it is not disabled access.



113. Sometimes places have disabled access ramps but people don't know about them.



114. People's attitudes can be a problem; sometimes you have to go through the kitchen or via the back door instead of through the main entrance.



115. Disabled toilets are not always there and if they are there, they are not always good. Sometimes they are being used as storerooms for cleaning equipment!



116. There are 93 Changing Places toilets in Scotland. This is not very many. It means that people who need to use a Changing Places toilet may not get the dignity they should. It means that people and their families and support staff are limited about where they can go and what they can do.



117. It can be hard for people to find holidays and hotels which are accessible.



118. We try to make sure that buildings are accessible, but **we need to make sure that disabled people are included in the design of buildings.** Disabled people should go and look around buildings to see how accessible they are. We need to create awareness about these issues in communities.



119. We also talked about the accessibility of **computers and technology**. Here is what we said:



120. Not all disabled people have access to a computer. This can prevent people from taking part in groups, staying in touch with family or finding the information that they need.



121. There is a risk that people will be left out of a lot of things if they do not have access to a computer. For example, people might find it hard to get benefits if they do not have access to a computer, as Universal Credit needs to be applied for online.



122. Lots of jobs want people to apply online now and people risk losing out on the opportunity if they cannot do this.



123. Sometimes services and tickets are cheaper online and people can miss out on discounts if they do not have access to a computer.



124. Having support to use a computer can be a risk to privacy, for example, personal e-mails or online banking.



125. In rural areas, not everyone has access to broadband and a library might be some distance away. Local libraries might do courses but people might need support to attend. People need more skills to learn about computers but colleges might be some distance away from people in rural areas.



126. People with learning disabilities can sometimes be targets for bullies online.



127. We also talked about the accessibility of transport. Buses and trains are not always accessible to disabled people in Scotland.



128. People who live in rural areas find it more difficult to get transport and this can affect disabled people's ability to live independently.



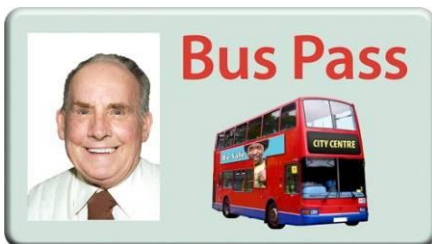
Travelling at night can be hard for disabled people.



129. There are ramps on buses which is good. But sometimes the driver needs to help you and sometimes they do not want to. And the ramps do not always work well. They need to be looked after and fixed when they break.



130. The space for wheelchairs on trains is always by the toilet which is not always nice.



131. If you do not have a travel pass, money can be a barrier to getting about. This can make you feel isolated.

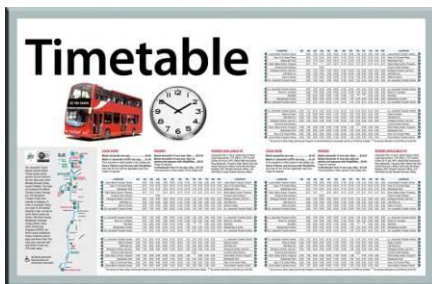


132. One group member told us about a friend who uses a wheelchair and who finds it hard to do things last minute because often **transport is not that flexible. This stops**

disabled people from living independently.



133. Sometimes transport staff are unwilling to help you or to give you the right information. **There should be good training for transport staff to improve attitudes and understanding of what support people with learning disabilities need.**



134. Timetables need to be much more accessible.



135. There is a group of young people supported by ENABLE Scotland who are running a campaign aimed at transport organisations like Scotrail, called HUBS, which stands for 'Help Us

Be Spontaneous.'



136. HUBS say that having to book rail transport 24 hours in advance means that people do not have the same freedom and cannot be as spontaneous as people who do not have to do this.



137. HUBS want to be able to book rail transport without having to give so much notice.



138. They also want transport companies to check what disabled people think about the support that they have received on their journey.



139. **People with learning disabilities should be involved in designing and assessing transport services. Transport companies should make sure that they ask people with learning disabilities about different aspects of travelling. Public authorities can make sure that they ask transport companies to do this well.**



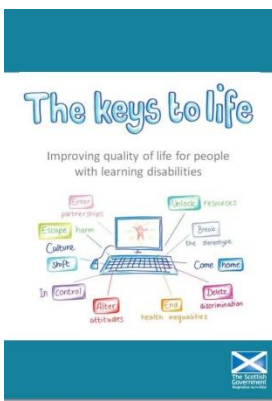
Article 19 – The right to live independently in the community



140. It is good that we have the Independent Living in Scotland project which is there to help make independent living real for disabled people.



141. It is good that there is an action plan to achieve independent living in Scotland between the Independent Living in Scotland project, NHS Scotland, the Convention of Scottish Local Authorities and the Scottish Government.



142. It is good that the new learning disability strategy 'The keys to life' has a section on living independently.



143. However, even though Independent Living in Scotland has a very good definition of living independently, we do not think that the idea of independent living is always very well understood by public authorities. Sometimes this means that their idea of what independent living is can be quite narrow.

144. Some members of our group have very personal experiences of barriers to living independently.



145. One member of the group, Donna, recently moved out of a group home into her own house. However, she did not get any choice about where she was going to live or who she was going to live with. She had to seek advocacy support to get some choice and control in the decision. This is not what Article 19 (a) of the UNCRPD

says should happen. We do not think that this is the only example of this kind of thing happening.



146. We said that being able to choose where you live and who you live with is very important. Not everyone with learning disabilities in Scotland gets to have this choice. This is not what the UNCRPD says should happen.



147. Some people with learning disabilities still end up living in places which are like the old long-stay learning disability hospitals, although they are not called the same. This sometimes happens for people who have high support needs or complex needs. We do not think that just

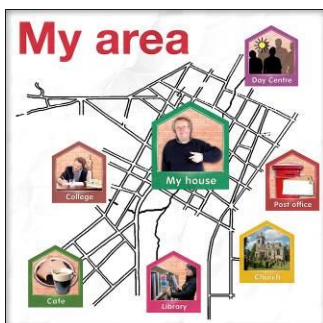
because you have high support needs you should not get the chance to live in the community. This is not what the UNCRPD says should happen.



148. Most people with learning disabilities live in the community now. But we think that often people still find it hard to get good, flexible, personalised support which enables them to live independently in the community. This is not what Article 19 of the UNCRPD says should happen.



149. Places like Winterbourne View, a small assessment and treatment unit in England, also exist in Scotland. The people with learning disabilities who lived in Winterbourne View went there for care and support but they were abused. This was against the law and against people's human rights.



150. We do not think that it was right that people were not supported in their own communities. Sometimes this is because of the way that the NHS and local authorities decide to pay for and provide services.



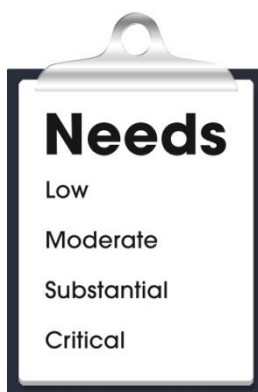
151. We know that sometimes people with learning disabilities might need to spend some time in non-community based settings. However, we think this should only be for a short time until better support can be arranged.



152. **We would like to know how many people there are in these kind of settings in Scotland, why they are there and what plans are being made to help them live in the community. We would like to know how long it takes for people to move from these kinds of settings into the community.**



153. We have already said that there is not a lot of money in the public finances at the moment. Local authorities, which have a duty to assess and meet the needs of disabled people, have a hard job to do with not much money. They are trying to save money.



154. One way that they are saving money is by changing the rules about who can get support from them. Now disabled people often have to have high support needs to get a support service from the local authority.



155. Some local authorities have also started to charge disabled people for some of the support they need. Sometimes the support is not good either!



156. We think that this means that some people who need support are missing out. This means that they cannot achieve their goals of living independently. We are worried that this will mean that some people cannot be included in the community. We think this is bad for people themselves and bad for the community too.



157. At the same time as being charged for care and it being harder to get services and support, many disabled people, including people with learning disabilities, are being affected by changes to welfare benefits. We talk more about this under Article 28.



158. However, we wanted to say it again here because it means that disabled people are coping with lots of different pressures at the same time. All of these mean that it is harder to live independently.



159. We do not think that the impact of all of these changes on the people's right to live independently are being taken into account.



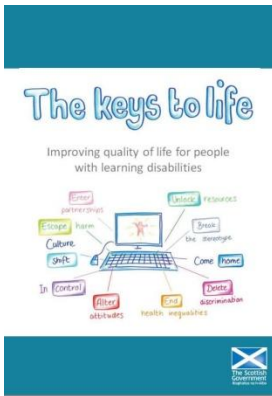
Article 25 – The right to work and employment



160. Statistics collected every year show that less than 10% of people with learning disabilities who are known to Scottish local authorities have a job.¹⁰ About 5% of people with learning disabilities who are known to Scottish local authorities are in training for a job.



161. We think that lots more people with learning disabilities would like to work. We think that people with learning disabilities have skills and a contribution to make.



162. We are pleased that ‘The Keys to Life’ recognises that this is a big problem for people with learning disabilities. ‘The same as you?’ and ‘The keys to life’ both say that public authorities should employ people with learning disabilities.

¹⁰ Scottish Consortium for Learning Disability, 2013, ‘Adults with learning disabilities known to local authorities in Scotland, 2012’ Glasgow: Scottish Consortium for Learning Disability <http://www.sclld.org.uk/sclld-projects/esay/publications-and-resources/statistics-releases>



163. Programmes like Project Search, which the Scottish Government is supporting, are important to help people with learning disabilities get a job. This has happened in some public authorities and programmes like Project Search can help. However, we think that there are chances to do more. **We would like to know what individual public authorities are doing to employ people with learning disabilities.**



works well for both.

164. We think that a good way to support a person with learning disabilities to get a job is to work together with them. Find out what people's hobbies and skills are and then try to match them to a job. Work together with the person and the employer to come up with a role which



165. However, we still think that there are lots of barriers to people with learning disabilities getting a job.



depend on where you live.

166. We think that people with learning disabilities need support to recognise and develop their skills. We think that supported employment is a good way to do this, but not everyone in Scotland can get help from supported employment schemes. Sometimes getting help from these schemes can



167. Having a job can affect the welfare benefits which you get. This has a big impact on people with learning disabilities because lots of people receive income-based benefits. It means that sometimes people can only work a few hours a week.



168. Some people with learning disabilities need support with the practical side of having a job, for example, getting ready in the morning, getting there and getting home. There are some good schemes out there like Access to Work, but sometimes people and employers do not know about these.



169. Mainstream employability organisations are sometimes not very skilled or experienced at supporting people with learning disabilities.



170. Some employers do not realize that people with learning disabilities can work. Employers need to stop making assumptions about what people can and cannot do!



171. We think that employers can be unfair towards people with learning disabilities in job interviews. The group members said that they did not think that they got a chance to talk about their skills in job interviews.



Office

172. People with learning disabilities do get chances to volunteer. This can be really good for people to help them get skills. However, sometimes people only get the chance to do unpaid work, even when they could do paid work. Research evidence about this in Scotland shows that some people with learning disabilities end up moving between lots of different voluntary jobs without ever getting to do a paid job.¹¹



Supermarket

173. One person in our group, Stuart, had worked in three voluntary jobs at a supermarket, but never been paid, even though other people doing the same job were paid.



Work Place

174. Some people in our group thought that sheltered employment like Remploy was a good opportunity for people with learning disabilities, but other people thought that people with learning disabilities in Scotland should not have to work in separate workplaces to other people. They thought that people should get the chance to work in workplaces where anyone can be employed.

¹¹ Scottish Government, 2012, 'The same as you? 2000-2012 Evaluation of progress from the perspectives of people with learning disabilities and family carers.

http://www.sclد.org.uk/sites/default/files/the_same_as_you_evaluation_final_report_010612_0.pdf



Article 28 – The right to an adequate standard of living and social protection

175. Article 28 of the UNCRPD says that disabled people have the right to an adequate standard of living.



176. The UK and Scottish Governments are responsible for making sure this happens.



177. Disabled people have the right to **social protection**. **Social protection** means things like social housing and welfare benefits.

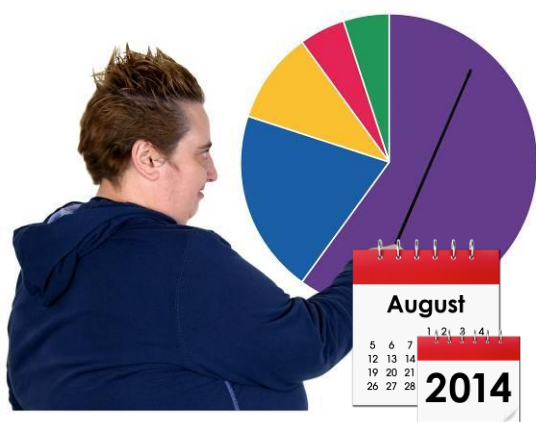


178. Governments should make sure that standard of living goes up by using as much money as possible to help people. The UN says that it is OK to change things gradually, but things need to keep improving.

179. In our group we talked about whether this right was real for people with learning disabilities.



180. We said that lots of people with learning disabilities in Scotland are poor and live in deprived areas.



SCLD will publish some evidence about the levels of deprivation in which people with learning disabilities in Scotland live in August 2014. The report will be published on the SCLD website here:

<http://www.sclد.org.uk/sclد-projects/esay/esay-statistics-releases>.

We cannot include it there because it is part of an Official Statistics report so

we can only publish it at that time.



181. We think that changes to the welfare benefits system are affecting people with learning disabilities badly. This is happening at the same time as people are finding it harder to get supports and services from local authorities and also being charged for supports and services.



182. Citizen's Advice Scotland, a charity which supports people to get advice and information in all areas of life, recently found that 'impact of welfare changes on disabled people will be huge. Disabled people and their families in Scotland stand to lose over £1 billion in benefit payments. This includes

over 100,000 claimants losing sickness benefits, over 50,000 losing entitlement to disability payments, and 83,000 disabled households affected by the 'bedroom tax.'¹²

183. We talk about the different changes to welfare benefits which affect disabled people below. First is the Under Occupancy Charge or 'Bedroom Tax'



184. The Bedroom Tax affects people who receive housing benefit, live in social housing and are thought to have a 'spare room.'

185. These people have to pay some money back every week. In some cases this can be £14 a week, which is a lot of money for someone on low income. The idea is that

people will move to smaller houses. One member of our group, Stuart, was being affected by the Bedroom Tax.



186. Citizens Advice Scotland found that most of the people who are affected by the Bedroom Tax are disabled people. Two thirds of people who visited the Citizens Advice Bureau to get help with the Bedroom Tax were disabled.¹³



187. Sometimes people have had their house adapted to support them to live there. They do not really have the option to move to a different place, but they still have to pay the extra money. It is not sensible for a local authority to have to pay for another house to be adapted. Citizens Advice Scotland think that there

¹² Citizens Advice Scotland, July 2013, 'The Effect of Government Policies on Disabled People' <http://bit.ly/1lybJ5z>

¹³ Citizens Advice Scotland, November 2013, 'Voices from the Frontline: The Bedroom Tax and Disabled People' <http://bit.ly/1iStSHI>

might be thousands of disabled people who are in this situation.



188. The UN Special Rapporteur on Housing visited the UK recently and found that the Bedroom Tax was affecting disabled people more than others. Her report says that changes to housing and decisions about housing have put disabled people's right to live independently in danger.¹⁴



189. Here is what UN Special Rapporteur on Housing said. This is not very accessible language. "I would like to refer now to the package of welfare reform and its impact on a number of human rights, but especially on the right to adequate housing, such as for those seeking to live independent and dignified lives with physical and mental disabilities. The so-

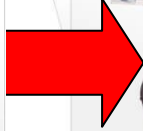
called bedroom tax is possibly the most visible of the measures. In only a few months of its implementation the serious impacts on very vulnerable people have already been felt and the fear of future impacts are a source of great stress and anxiety....Of the many testimonies I have heard, let me say that I have been deeply touched by persons with physical and mental disabilities who have felt targeted instead of protected."¹⁵

¹⁴ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, Mission to the United Kingdom of Great Britain and Northern Ireland, 30 December 2013,

<http://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx>

¹⁵ Press Statement by the United Nations Special Rapporteur on adequate housing: End mission to the United Kingdom of Great Britain and Northern Ireland, 29 August to 11 September 2013,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13706&LangID=E>



190. Disability Living

Allowance is a benefit designed to support people with the extra cost of having a disability. It is changing to Personal Independence Payment and some people will not get support for the

extra needs which they have. This is not what the Convention says should happen.



191. Some people with learning disabilities are being told to get a job but there are not enough jobs out there for everyone. It's hard for people with learning disabilities to get jobs! At the same time, people are not getting the right support to get a job.



192. The welfare benefits system likes to focus on what people cannot do. You have to prove that you cannot do something to get support. This does not seem to support the idea of people with learning disabilities as having skills and abilities.



193. Lots of people are experiencing anxiety and ill health because of the changes and because of poverty. People's mental health is affected. People are losing their confidence. People are getting stuck in the house. People can't get out and about. It means they are lost and don't know

what to do!



happening.

194. There is not enough accessible information or communication about any of these things. A lot of people do not understand the changes to benefits. People need good quality support and information to understand what is

195. We think that the changes to welfare benefits are unfair and they are affecting disabled people more than others. We think that it is making people who are already poor, poorer. We also think that it is creating bad feeling towards disabled people, which we talked about under Article 8.



196. These changes are barriers to people with learning disabilities getting a better life. We should be knocking down the barriers together!

made with

