



17 June 2020

Dear Colleagues,

At the Committee's virtual meeting on 18 June to inform its inquiry on the 'Impact of COVID-19 pandemic on equalities and human rights', I wanted to enquire if the focus will be on evaluating delivery of laws already passed and policies announced by Government?

MSPs have approved a series of laws to address institutional and systemic failures to communicate inclusively and to give people the right to receive and impart information which they understand. That two-way process is key to enable evidence led decision making. Therefore, compliance with laws on inclusive communication will improve the quality and relevance of decision making and deliver economic, social, cultural, civil, political and environmental rights with equal outcomes.

The legal framework can be enabled by the Inclusive Communication Hub which is funded by the Scottish Government¹ but the potential solution is underused as Inclusive Communication remains largely aspirational. Yet the Government's financial and policy response to the COVID-19 presents an opportunity to change practice via:

- Section 6 of the Coronavirus (Scotland) No 2 Act 2020².
- Section 6 (7)(b) of the Consumer (Scotland) Act 2020³
- Section 4(2) of the Social Security (Scotland) Act 2018⁴.
- British Sign Language (Scotland) Act 2015⁵

Scottish Ministers clearly want to see action as at the COVID-19 Committee session on 19 May, the Minister said: 'The Government agrees that, with the public being asked to do extraordinary and difficult things, it has never been more vital to communicate in an inclusive way about what is being asked and what is changing.'⁶

¹ At <https://inclusivecommunication.scot/>

² At <https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

³ Available at <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/consumer-scotland-bill/stage-3/bill-as-passed-consumer-scotland-bill.pdf>

⁴ Available at <http://www.legislation.gov.uk/asp/2018/9/section/4/enacted>

⁵ Available at <http://bslscotlandact2015.scot/>

⁶ Official Report 19th May 2020 at

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12646>



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Scotland willingly seeks to comply with human rights treaties ratified at the United Nations as well as the Sustainable Development Goals (SDGs). Specifically, 'A Fairer Scotland for Disabled People' is the Scottish Government's delivery plan for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It covers the period 2016-2021 and aims to make equality of opportunity, access to services and independent living a reality for all disabled people in Scotland. The plan has five ambitions and Inclusive Communication is essential to make each a reality:

1. support services that meet people's needs and promote independent living
2. decent incomes and fairer working lives
3. places that are accessible to everyone
4. protected rights

I wish the Committee well in its deliberations and hope that a positive legacy from the COVID-19 tragedy is that Inclusive Communication becomes mainstream rather than exceptional and delivery of human rights is a priority in ensuring we recover better.

As an independent Third Sector organisation we assure the Committee that we are happy to offer oral evidence to answer questions and provide further information and analysis of our work.

In the meantime, overleaf, we have drafted some questions which we hope you will find useful in identifying workable solutions to established problems.

Yours sincerely,

Janis McDonald
Chief Officer



Equalities and Human Rights Committee Meeting on 18 June 2020

- Evidence led issues and way forward

General

1. Do the Scottish Government and public sector understand and are sufficiently responsive to, persons with disabilities, in all their diversity? Are there specific examples available which can serve to inspire others?
2. Has the Scottish Government closely consulted with and actively involved persons with disabilities, including those with communication support needs, and their representative organisations, in framing a rights-based response to the pandemic?
If yes, are there specific examples available?
3. Does the Committee believe people with disabilities, including those with communication support needs, and their representative organisations are experiencing a rights-based response to the pandemic?
If yes, are there specific examples available?

Rights of people affected by deafness in Scotland

1. The Scottish Parliament has taken deliberate steps to deliver Inclusive Communication through Section 6 of the Coronavirus (Scotland) No 2 Act 2020⁷, Section 6 (7)(b) of the Consumer (Scotland) Act 2020⁸, Section 4(2) of the Social Security (Scotland) Act 2018⁹ and via the British Sign Language (Scotland) Act 2015¹⁰. Can the Committee recommend that the 'new normal' will embed Inclusive Communication in all that we do?
2. Article 21 of UNCPRD relates to 'freedom of expression and opinion, and access to information'. Does the Committee think enough is being done to deliver this right especially the duty to 'provide information in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and to facilitate the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions'?
3. Article 31 of the UN Convention on the Rights of Persons with Disabilities requires the Scottish Government 'to collect appropriate information, including statistical and research data, to enable them to

⁷ At <https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

⁸ Available at <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/consumer-scotland-bill/stage-3/bill-as-passed-consumer-scotland-bill.pdf>

⁹ Available at <http://www.legislation.gov.uk/asp/2018/9/section/4/enacted>

¹⁰ Available at <http://bslscotlandact2015.scot/>



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formulate and implement policies to give effect to the present Convention'. Does the Committee think sufficient data and information is annually gathered and published in respect of people who are affected by deafness, for example, in respect to their role in the economy, take up of 'access to work' benefit, PIP, etc?

4. Covid-19 **physical distancing** profoundly impacts people affected by deafness. What measures does the Committee believe should be put in place to help them hear, understand, communicate and be heard so they are not excluded from a recovery?
5. Article 9 of the UNCRPD requires the Scottish Government to 'enable persons with disabilities to live independently and participate fully in all aspects of life'.

Is this being delivered, sufficiently for Scotland's 1 million deaf and hard of hearing people of all ages?

6. Can the Committee recommend that the Public, Third and Private Sector adopt more explicitly the Principles of Inclusive Communication and use the resources available through the Inclusive Communication Hub?

UNCRPD is available at

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>