

FINANCE COMMITTEE

DRAFT BUDGET 2014-15

SUBMISSION FROM CAPABILITY SCOTLAND

Summary

1. Capability Scotland acknowledges that the Scottish Government is making progress in many areas of its Performance Framework. We are, however, concerned that this progress is not enjoyed equally by disabled people. For this reason we would urge the Scottish Government to use the budgeting process as an opportunity to take targeted action to reduce inequalities in Scottish society. This is not only morally imperative; it is a legal requirement under the Equality Act 2010.

2. The benefits of promoting equality of opportunity through the budget will not only lead to improved outcomes for traditionally disadvantaged groups; it will also lead to better outcomes for Scotland as a whole. Research has repeatedly shown that more equal societies have lower rates of crime, better social cohesion and increased good health across the board¹.

3. While we support the use of the National Performance Framework to underpin spending decisions we urge the Scottish Government to ensure such decisions are also considered from the perspective of equality and human rights. Such an approach would involve consideration of how to avoiding discrimination, meet minimum essential levels of socio-economic rights and apply the human rights principle of non retrogression.

Our Response

4. Capability Scotland acknowledges that the Scottish Government is making progress in many areas of its Performance Framework. However, we are concerned that this progress is not equally enjoyed by disabled people. For this reason we would urge the Scottish Government to use the budgeting process as an opportunity to take targeted action to reduce inequalities in Scottish society. This is not only morally imperative; it is a legal requirement under the Equality Act 2010 which places a duty on the Scottish Government to take steps to reduce inequalities.

Wealthier and Fairer

5. We are deeply concerned that disabled people are not becoming wealthier and that in many ways Scottish society is becoming increasingly unfair for disabled Scots. Concerns which must be addressed in the 2014/15 Budget include the impact that welfare reform on disabled household.

6. Of particular concern are the UK Government's under occupation criteria, popularly known as the bedroom tax. The bedroom tax is disproportionately affecting disabled people, partly due to the overrepresentation of disabled people within the

¹ See, for example *The Spirit Level: Why Equality is Better for Everyone* ; Richard Wilkinson and Kate Pickett (2010)

social rented sector². In Scotland 80% of the households deemed to be under occupied contain at least one disabled person³. Capability Scotland research clearly indicates that as a result of the bedroom tax, disabled people are finding it much harder to meet housing costs and are being forced to choose between unsuitable housing and poverty⁴. 76% of respondents indicated that the cost of the bedroom tax would force them to cut down on basic household costs. Of these, 80% would make cuts to heating, 60% to food bills and 51% to clothing bills.

7. This poverty is unacceptable in a modern Scotland and there is a need for the Scottish Government to invest to mitigate the effects of the policy. We would urge the Scottish Government to invest in advice and budgeting support as well as making a fund available to Registered Social Landlords to ensure they are not forced to evict disabled tenants as a result of the tax.

8. Capability Scotland is also concerned about the future of the Independent Living Fund (ILF) in Scotland. The ILF has been abolished by the UK Government, which intends to transfer current spending of £55.7 million to the Scottish Government. Given that the fund was closed to new applicants in 2010, there is a serious concern that £55.7 will be insufficient to ensure access to the fund for those with newly acquired disabilities and disabled young people who have recently turned 16. This will undermine the ability of thousands of disabled people to live independently. In many cases young adults will be forced to live in residential care because there are insufficient funds to allow them to live independently in the community. We are concerned that this will result in Scotland failing to satisfy its duties under the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Article 19 of the UNCRPD highlights that in order to ensure disabled people can live independently states must ensure that they “*have a right to live in the community, with the support they need and can make choices like other people do*”.

9. Without adequate, ring-fenced funding being made available to local authorities it is unrealistic to expect that they will be able to fill the financial void created by the removal of the ILF. As the Scottish Government is well aware, local authority resources are under ever increasing pressure and in many cases these pressures are being passed on to disabled people, either in the form of restrictive eligibility criteria and reduced services or an increase in care charges. We therefore call upon the Scottish Government to subsidise the ILF to ensure it is available to new applicants.

Safer and Stronger

10. Capability Scotland is deeply concerned about the increase in Hate Crime against disabled people in Scotland. The number of charges reported against disabled people was more than double the previous year at 138. While we accept that this is likely to reflect the introduction of the Offences (Aggravation by Prejudice)

² 35% of disabled adults live in the social rented sector, compared to 15% of non-disabled adults; Scottish Household Survey 2010

³ Scottish Government; ‘Welfare Reform (Further Provision) (Scotland) Act 2012 Initial Report’ (28 June 2013) page 22

⁴ Capability Scotland Survey into Housing Benefit (May 2013) Conducted by Scotinform.

(Scotland) Act in March 2010, which specifically addresses prejudice relating to disability, we believe there is no room for complacency and would urge the Scottish Government to invest in specific measure to reduce incidences.

11. Disabled people have also expressed concern that the increase in Hate Crime is a result of the increasingly negative portrayal of disabled people in the media and through political discourse. In particular, disabled people feel they are being constructed as scroungers and benefit cheats. We would therefore urge the Scottish Government to invest in a positive publicity campaigns in relation to disabled people. Campaigns such as the 'See Me' which tackled negative attitudes to mental illness have been massively successful in the past⁵.

Healthier

12. Capability Scotland believe there is a need for immediate investment in social care services in Scotland. People who use Capability Scotland's services are increasingly seeing cuts to their care packages resulting in deterioration in their health and in their ability to live independently. In many cases believe these cuts represent a violation of individual's right to private and family life and their right to be free from inhuman and degrading treatment.

13. While we are aware that local authorities are responsible for the funding and provision of social care services we believe there is an urgent need for the Scottish Government and COSLA, in coproduction with disabled people to publically set out what they plan to do to address the crisis in funding for social care in Scotland. We recommend that local authorities be required to gather data to fill gaps in their knowledge around the costs of social care and that they be obliged to record unmet need.

14. Capability Scotland have previously expressed concern that there is no independent tribunal which has jurisdiction to hear appeals and make binding decisions in relation to local authority social care decisions. We would therefore urge the Scottish Government to consider identifying funds to establish such a body⁶.

Are the national indicators and purpose targets are an effective means of measuring the performance of government?

15. We are concerned that the National Indicators and targets do not allow for the comparative importance and urgency of outcomes to be considered. While we agree that all the national indicators are important, we believe that funds should be targeted in line with human rights principles and that spending should be targeted at areas where failure to improve would result in human rights violations. This is in line with the Scottish Government's Minimum Core Human Rights Obligations as established by the UN.⁷ According to the UN Committee on Economic, Social and

⁵ Evaluation of See Me campaign; Social Research Team 2009

http://ec.europa.eu/health/mental_health/eu_compass/reports_studies/seeme_report.pdf

⁶ See Capability Scotland briefing for MSPs on the need for an independent tribunal

<http://www.capability-scotland.org.uk/consultation-responses>

⁷ General Comment 3 of the UN Committee on Economic Social and Cultural Rights

<http://www2.ohchr.org/english/bodies/cescr/comments.htm>

Cultural Rights, where resources are limited, states still have an obligation to provide at the least minimum essential levels of each of the rights before diverting spending elsewhere. We believe that the minimum essential level of the right to live independently, for instance, cannot be achieved without resources being made available to enable people to remain in their community rather than entering residential care. We would therefore urge the Scottish Government to use human rights principles as well as national indicators when making funding decisions.

How could the data used to measure any of these indicators or targets be improved?

16. It is essential that spending and progress towards the achievement of outcomes is disaggregated by protected characteristic. This will help to ensure that particular groups are not excluded from the benefits of economic growth. We would also urge the Scottish Government to ensure that people with protected characteristics are involved in evaluating progress towards the National Outcomes. This will help to ensure that improvements seen on paper are felt equally across Scottish society.

About Us

17. Capability Scotland campaigns with, and provides education, employment and care services for, disabled people across Scotland. The organisation aims to be a major ally in supporting disabled people to achieve full equality and to have choice and control of their lives by 2020. More information can be found at www.capability-scotland.org.uk.