



The Scottish Parliament  
Pàrlamaid na h-Alba

## Finance and Public Administration Committee

Karen Adam MSP  
Convener, Equalities, Human Rights  
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By email

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Dear Karen,

### **Disability Commissioner (Scotland) Bill**

As you are aware, the Finance and Public Administration Committee (the Committee) is responsible for scrutinising Financial Memorandums (FMs) to Bills. As such, the Committee ran a call for views on the FM for the Disability Commissioner (Scotland) Bill. This consultation closed on 17 May 2024 and received responses from Disability Equality Scotland, East Ayrshire Health and Social Care Partnership and the Scottish Courts and Tribunals Service (SCTS)<sup>1</sup>.

The submissions received highlight potential costs to the SCTS in relation to the creation of a new offence and penalty, as well as additional costs for local authorities arising from investigations carried out by the Disability Commissioner. We would also draw your attention to comments made by Disability Equality Scotland that the Bill “could have an indirect implication of reduced funding” for the organisation, as funds may be diverted towards the Disability Commissioner.

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<sup>1</sup> [Published responses for Disability Commissioner \(Scotland\) Bill: Financial Memorandum - Scottish Parliament - Citizen Space](#)

As part of our wider scrutiny of FMs, and particularly given our continuing interest in the creation and funding of SPCB-supported bodies, the Committee took evidence from the Member in charge of the Bill, Jeremy Balfour MSP, at our meeting on 25 June 2024<sup>2</sup>.

You may also be aware that the Committee has recently concluded evidence-gathering for our inquiry into Scotland's Commissioner Landscape: A Strategic Approach<sup>3</sup>. Our inquiry explores the evolution of the Commissioner landscape in Scotland since devolution and the extent to which a more coherent and strategic approach to the creation and development of Commissioners in Scotland is needed and how this might be achieved. During our evidence-taking, we heard concerns regarding the addition of new Commissioners to an already cluttered landscape, including the impact of additional costs at a time of significant pressure on public finances, the potential for overlap and duplication, and confusion around who individuals should approach. These issues, and the extent to which they apply in relation to the creation of a Disability Commissioner, were explored during the evidence session on 25 June.

The Bill's FM states that, although the Disability Commissioner will be an independent officeholder, in exercising their statutory functions they will be accountable to the SPCB, and the creation of the Commissioner will result in additional costs on the Scottish Parliament budget. These are estimated to reach a maximum of £378,539 for set-up costs and between £574,717 and £878,005 ongoing annual costs. The FM further notes that, in drafting the document, "reference was also made to the Scottish Parliament Finance Committee Report on Accountability and Governance" from Session 2. The FM states that "in line with the principles set out in the report, the member's view is that, where possible, the Commissioner should share services and accommodation with other public bodies and avoid duplication of work".

The potential duplication of functions between the proposed Disability Commissioner and other organisations including the Equality and Human Rights Commission, Scottish Human Rights Commission and the Mental Welfare Commission was acknowledged in the Policy Memorandum and during evidence. We note the Member's view that "memorandums of understanding could be put in place between relevant organisations in order to set out which types of work can be carried out by each organisation and setting out procedures for how potential overlaps of work should be dealt with"<sup>4</sup>.

We further note the Member's view, as stated during evidence, that "the costs incurred in establishing a disability commissioner [would] be an investment in disabled people that is long overdue".

While it is not for this Committee to consider the merits or otherwise of an individual Commissioner, I would draw your attention to the evidence we have received as part

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<sup>2</sup> [Meeting of the Parliament: FPA/25/06/2024 | Scottish Parliament Website](#)

<sup>3</sup> [Scotland's Commissioner Landscape: A Strategic Approach | Scottish Parliament Website](#)

<sup>4</sup> [Policy Memorandum accessible \(parliament.scot\)](#)

of our wider inquiry into Scotland's Commissioner Landscape, and the views expressed by stakeholders of the need to consider alternative ways of addressing systemic failures in public policy delivery. Our report on the inquiry, due to be published in autumn 2024, will set out the Committee's conclusions and recommendations in relation to the Commissioner landscape.

In the case of the Disability Commissioner (Scotland) Bill, we invite the Equalities, Human Rights and Civil Justice Committee to consider, as part of your wider scrutiny of the Bill, the evidence received by this Committee on the FM, alongside the conclusions and recommendations in our upcoming report on Scotland's Commissioner Landscape: A Strategic Approach.

Yours sincerely,

**Kenneth Gibson MSP**  
**Convener**  
**Finance and Public Administration Committee**