

# The role of commissions and commissioners in Scotland and the UK

## Executive Summary Easy Read Version



**CHILDREN, EDUCATION AND SKILLS**

# The Role of Commissions and Commissioners in Scotland and the UK - Executive Summary

## Easy Read Version

### Introduction and context



Last year the Scottish Government asked Research Scotland to do some research.



This report was done to find out how well **commissioners** and **commissions** support human rights in Scotland and the UK.



This research will help decide what the new Learning Disability, Autism and Neurodiversity Bill should say.



It will help the Scottish Government decide if a Learning Disability, Autism and Neurodiversity Commissioner in Scotland is a good idea.

## What is a **commission**?



A **Commission** is an organisation that is set up to get people their rights.



Sometimes the **Commission** is for a group of people that face discrimination, like children



Sometimes the **Commission** is for an issue where some people do not get their rights, like mental health.



**Commissions** always work separately from the government.



The powers that they have are always set out in law.



A **Commissioner** is one person who speaks for a certain group.



A **Commissioner** is usually supported by a team of staff.



The Scottish Parliament  
Pàrlamaid na h-Alba

In Scotland **Commissioners** are always picked by the Scottish parliament.



There are already a number of **Commissions** and **Commissioners** in Scotland.

What powers do **Commissions** and **Commissioners** have?



Some of the different powers that Commissions and Commissioners in Scotland have are listed below:



The power to spread information and ideas about the best way to do things.



The power to do research.



The power to give advice and guidance to people.



The power to provide education and training.



The power to get public organisations and the government to respond to them.



The power to gather information and make it public.



The powers to review and recommend changes to the law and government policy.



The power to investigate issues with certain organisations and the power to get people to give evidence and show documents which will help with this.



The power to investigate people and organisations when they might be breaking the law.



The power to look into whether people and organisations are following the rules or not.



The power to enter an organisation which might be closed off and to interview and talk to people in certain places.



The power to give people and organisations notices which will force them to follow the rules.



The powers to make organisations agree to start acting in a better way and the power to report them if they do not do this.



The power to take people and organisations to court and the power to provide legal assistance for people.



The power to look and individual cases and make sure the law is being followed.



## Thoughts on these powers that Commissions and Commissioners have



**Commissions** and **Commissioners** thought it was important to have their powers set out in law.



It should be easy to understand what powers each **Commission** or **Commissioner** has.



Some of the people interviewed said they only used these legal powers as a last resort.



They said it was always best to have conversations and discussions with people and organisations before using their powers.



Some people said they didn't like using legal powers a lot because it could be seen as punishing people.



Using legal powers can be very expensive.



Most people said the most important part of their work was making sure that organisations knew what the best ways to support people are.



However many people said that their organisations did not have enough money to do this as much as they wanted.



**Commissioners** said that these conversations helped the rest of their work.



Most **commissions** worked to help write government policy and review it afterwards.



Some people said policy work could be harder and take longer to do than their other work.



Some **commissioners** liked to work closely with the Scottish Government on policy but others liked to make sure that they stayed separate.



Some **commissioners** were unhappy because they did not have the power to take people and organisations to court.



Some said that they tried not to do too many investigations because they are expensive.



Some people said that they would often have to work with other **commissions** when they were doing investigations.

## Lived experience and **commissioners**



**Commissions** and **Commissioners** said that including **people with lived experience** was one of the most important parts of their work.



**Lived experience** is when you have the experience of something yourself instead of hearing about it from someone else.



For example, people with learning disabilities have **lived experience** of having a learning disability.



**Commissioners** said that it is expensive to make sure that people with **lived experience** are part of the work but it is something which always needs to happen.

## How to make sure people with lived experience take part



Here are some different ways in which **Commissions** and **Commissioners** have tried to involve people with lived experience in their work:



Employing experts to help find out what the best ways of talking to people with **lived experience** are.



Making sure that all staff members know the value of making sure the voices and views of people with **lived experience** are heard in all their work.



Paying people for their time.



Working with people with **lived experience** to design projects or create guidelines.



Getting people with **lived experience** to review the **Commissioner's** work.



Making sure people with **lived experience** are always directly involved with investigations.



People with **lived experience** should be involved with running the organisation including inspecting it to make sure it is running properly and recruiting new people.



Speaking to other organisations who have members with **lived experience**.

## Joint Working



**Commissions** and **Commissioners** often have to work with other **Commissions** and **Commissioners** and other public bodies to do their work.



Sometimes it says in the law how they have to work with each other.



Sometimes **Commissions** and **Commissioners** have a legal duty not to do the same work as each other.

Some said they had written agreements with other **Commissions** and **Commissioners** while others worked with each other in ways which were more casual.



Some people said that it was easier to work with other organisations when they had different roles and powers from their own.



Working together also helped **Commissions** and **Commissioners** to share skills and money with each other.



Some people said that even with an agreement sometimes rules had to be set out on how to talk to other organisations.



Sometimes it was not clear how **Commissions** and **Commissioners** should work together when they were working with other organisations who had a similar role.







Most **Commissions** and **Commissioners** felt they had a good relationship with the Scottish Government but also thought it was important that they stay separate from the Scottish Government.

## Creating a new commissioner



People said their organisations have not thought a lot about the idea of a **Commissioner** for Learning Disability, Autism and Neurodiversity.



Most people thought that more support was needed for people with learning disabilities, autism and neurodiversity but they were not sure that a **Commissioner** was the best way to do this.

## Concerns about the creation of a new **Commissioner**



Some of the main things that worried people about the introduction of a **Commissioner** for Learning Disability, Autism and Neurodiversity are listed below:



If **Commissioners** are created for certain groups this might mean too many **Commissioners** being created in the future.



A **Commission** which only protects certain groups could not make sure that the rights of other groups are protected.



A new **Commissioner** might not have all the powers they need because many laws on human rights and discrimination are decided by the UK Government.



A new **Commissioner** should not do the same work as existing **Commissioners**.



A new **Commissioner** should not take power away from existing **Commissioners**.

## Other Options



People suggested some other ways to protect the human rights of people with learning disabilities, autism and neurodiversity.



There are listed below:



Disabled people's organisations should have more money.



Existing **Commissions** and **Commissioners** for human rights and equality should have more money.



There should be people in public bodies who are there to speak for people with learning disabilities, autism and neurodiversity.



There should be new guidance and rules to make sure organisations do their best when supporting people with learning disabilities, autism and neurodiversity.



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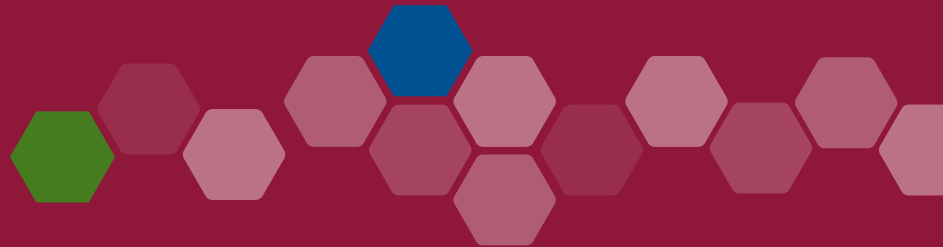
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