



**Scotland's Commissioner for
Children and Young People**

85 Holyrood Road,
Edinburgh, EH8 8AU
Tel: 0131 558 3733
Young Persons Freephone: 0800 019 1179
Fax: 0131 556 3378
Email: enquiries@sccyp.org.uk
www.sccyp.org.uk

30 October 2008

Wheelchair and Seating Service Modernisation Draft Action Plan
The Scottish Government
St Andrews House (Mailpoint 1)
Regent Road
Edinburgh
EH1 0BR

Dear Sir/Madam

Wheelchair and Seating Service Modernisation Draft Action Plan

As Scotland's Commissioner for Children and Young People, my role is to promote and safeguard the rights of children and young people. In doing so, I may promote best practice by service providers and keep law, policy and practice under review with a view to assessing their adequacy and effectiveness. I also raise awareness and understanding of children and young people's rights. In carrying out these statutory functions, I must have regard to the United Nations Convention on the Rights of the Child (UNCRC).

I welcome the opportunity to comment on the Wheelchair and Seating Service Modernisation Draft Action Plan. Children with disabilities have been central to the work of my office in recent years and I have often heard from them and from their parents about the difficulties they experience in accessing wheelchair services. Deficiencies in wheelchair services were raised regularly during focus groups and interviews with children and parents in the context of my work on the moving and handling of children with disabilities. For example, a parent of a young wheelchair user described inadequate wheelchair services as being one of the biggest problems faced by her family. She described severe delays in the provision of equipment, the result being that by the time it was delivered, the equipment had been outgrown and was no longer suitable. She also questioned the quality of the equipment, noting that it frequently required repair. Of particular concern was the treatment she experienced when dealing with her regional wheelchair centre – she struggled to speak with a staff member who was knowledgeable about wheelchairs and was left explaining difficulties to administrative staff who in turn passed the information on to technical staff. The parent found this process inadequate and frustrating, describing it as “*Chinese whispers*”.

A report of my work on moving and handling, entitled *Handle With Care* (available at www.sccyp.org.uk), raises a number of issues and makes recommendations relevant to the current consultation. The report also describes the rights to which children with mobility difficulties are entitled, many of which are relevant to the current consultation.

Relevant rights

The UNCRC sets out the rights to which all children, without discrimination, are entitled. The UNCRC was ratified by the UK in 1991. The UK is thus committed to bringing its law, policy and practice into line with the Convention. Several rights enshrined in the UNCRC are relevant to the current consultation, including:

- Article 3(1) requires that in all actions concerning children, the best interests of the child shall be a primary consideration;
- Article 4 requires the government to take all appropriate measures for the implementation of the rights recognised in the UNCRC. These measures should be taken to the maximum extent of the available resources;
- Article 12 states that the views of the child must be given due weight in all matters affecting the child in accordance with their age and maturity;
- Article 23 makes particular provision for children with disabilities, stating that mentally or physically disabled children should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Articles 23(2) and 23(3) set out the rights of the disabled child to special care and assistance, emphasising his or her individual development and fullest possible social integration; and
- Article 24 states that children shall enjoy the highest attainable standard of health and shall have the right to facilities for the treatment of illness and rehabilitation of health.

In the context of providing a holistic service to children and meeting all their needs, including social needs, it is also worth noting their right under Article 31 to rest and leisure, to engage in play and recreational activities and to participate in cultural life and the arts. Article 31 requires States to promote this right and encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

It is also worth noting that the UN Convention on the Rights of Persons with Disabilities applies equally to children as to adults. While not yet ratified by the UK, the UK has nevertheless indicated its intention to proceed towards ratification which will result in the UK (including the Scottish Government and other public bodies) being bound to fulfil the obligations contained in the Convention. The Convention sets out the rights to which those with disabilities are entitled.

Among the Convention's general principles are the following:

- respect for inherent dignity and individual autonomy, including the freedom to make one's own choices, and independence of persons;
- full and effective participation and inclusion in society;
- accessibility; and
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 20 of the Convention on the Rights of Persons with Disabilities requires States to take effective measures to ensure personal mobility and independence. This includes:

- facilitating access to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries;
- providing training in mobility skills to persons with disabilities and to specialist staff working with them; and
- encouraging organisations that produce mobility aids to take into account all aspects of mobility for persons with disabilities.

The Draft Action Plan

I have benefited from reading the consultation response submitted by Quarriers. I would support this response and would urge the Government to take it into consideration in finalising its Action Plan. In addition, I would like to raise the following points.

Children and young people and their particular needs are noted occasionally in the draft action plan. I am pleased to see this and would welcome continued acknowledgement of children's particular rights and needs in the final plan and in its implementation. I welcome in particular the attention to anticipatory approaches to provision given that the needs of children and young people change as they grow and develop.

With regard to patient information, I welcome the action set out on page 8 of the draft action plan that "*Patient information will be developed in partnership with service users and other providers*". I would like to emphasise the importance of providing accessible and age appropriate information to children and young people, as well as the importance of involving young service users in the development of the information to be provided.

The *Moving Forward* report recommended that facilities be family friendly and suitable for children. Although this is alluded to in the draft action plan, there is no associated action point and I am therefore concerned that this recommendation will be lost at the implementation stage. I would urge the Government to ensure this recommendation is addressed in the final draft.

Finally, the document was difficult to understand in places due to the use of terminology such as 'rapid improvement events' and 'lean principles'. While this might be common parlance for some, especially in the health sector, these terms are not universally understood and perhaps the final action plan could be clearer (for example, a glossary of terms may have been useful). This is particularly important if the action plan is to be used and implemented across sectors and by a range of professionals.

Thank you again for the opportunity to comment on this draft action plan. Should you require any further information, please do not hesitate to contact me.

Yours faithfully



Kathleen Marshall
Scotland's Commissioner for Children and Young People