

# Proposed Wheelchairs (Short-term access) (Scotland) Bill

## Introduction

A proposal for a Bill to ensure the provision of wheelchairs to anyone assessed as needing one on a short-term, as well as on a long-term, basis. The consultation runs from 8 April 2019 to 30 June 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

## About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

*No Response*

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of

Please select the category which best describes your organisation

Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level. The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues set out within this proposal relevant to women including access to health and social care. As an organisation that gathers women's real contributions, the SWC stresses the need to underpin legislation with catalysts for societal and cultural change that taken together will ensure an approach to equality that eradicates discrimination against women in its many forms.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Scottish Women's Convention

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

## Aim and Approach

Q1. Which of the following best expresses your view of establishing a duty to provide a wheelchair to anyone who has been assessed as having a short-term need for one (defined as less than 6 months)?

Fully supportive

**Please explain the reasons for your response.**

Women are in agreement that maximum support for them and their specific needs should be co-opted into statutory duties. The maximum facilitation of recovery for women when it may fall under the criteria of short term illnesses can often be missed due to this lack of joined up approach in legislation in regards to short term wheelchair access. In terms of strategic oversight, establishing a duty to wheelchair provision for those assessed as having a short term need should be looked upon as a preventative measure. Support over this period cannot be looked upon in a vacuum, it affects every aspect of a woman's day to day life such as transport, housing and employment accessibility. The additional burdens placed on women such as unpaid caring and inflexibility of working conditions mean that those who would fall under the remit of "short term" within this particular definition are often left at fault. Anything which can be done to support these individuals should be seen as beneficial. There is a strong indication that enacting a duty would greatly benefit a number of service users and alleviate the potential negative consequences of the likes of social isolation and extended recovery time periods. Informing users of their rights is seen as key by women with professional assessments that take account of the individual's unique circumstances and needs seen as paramount. It should also be noted that whilst the required definition here of short term falls into a category of under six months that for many women in this situation, this is not a short term problem. Failing to provide a wheelchair for those less than 6 months does not take into account those who may be actually "chronically" ill over a certain number of years and need a chair but continue to fail to meet the established criteria of "long term" illness. For instance: In terms of those currently receiving social security

Q1. Which of the following best expresses your view of establishing a duty to provide a wheelchair to anyone who has been assessed as having a short-term need for one (defined as less than 6 months)?

payments, the DWP have protocols in place to offset sanctioning such as home visits for those with mobility issues. However, many with short term mobility issues have faced hostility when confronted with this leading to sanctioning. Whilst provision of a wheelchair may not counter all these problems, it would at least allow some form of access. A number of women spoke of growing loneliness and isolation. This is not confined to those with simply short term conditions. They noted that there are community groups and initiatives to encourage integration but many must be accessed outwith the home. Delays in discharge from hospital due to inadequate access to wheelchairs can lead to complications in many patients mental and physical wellbeing. A number of women may be forced to rent chairs in order to be able to continue in employment meaning costly financial implications for those who are already on low incomes. Given that an individual may be on basic statutory sick pay during an illness, then has to rent a wheelchair privately, places an extreme financial burden on women and their family when returning to work. A number of women pointed to the rise in State Pension Age for women and the effect that having to stay on in employment has on ill health. Access to short term wheelchairs may be beneficial for work. Employment for those suffering from health difficulties can put them at risk of discrimination and being forced out of a job. Wheelchair access could go some way to alleviating this. The inconsistency expressed across Scotland in terms of current provision means that many women may completely go without wheelchair access leading to a host of problems including being housebound as well as leading to a lack of confidence in public services by users. Other issues raised included that inadequate mobility provision may lead to an over-reliance on carers in terms of friends and families which not only limits the patient's opportunities but adds extra burden to unpaid carers.

Q2. What is your view on setting a target for providing a wheelchair to a person who (a) has been assessed as having a short-term need for one and (b) is otherwise ready to use it?

Unsure

**Please explain the reasons for your response**

Women are in agreement that the shortest amount of time where it is practicable should be given in order to provide the maximum quality of care in a timely and responsive manner. This has the added benefits of ensuring timely discharge from hospital. Whilst enshrining within legislation a target can be seen as beneficial in that it provides grounds for a statutory duty to ensure patients are given a response in a timely and proficient manner, there are also downsides. For instance, whilst 24 hours is given as the shortest time possible here, it is also felt that the strain that may be placed on the NHS where demand may be extremely high should also be taken into account, in order to not place any unnecessary burdens.

Q3. Which of the following best expresses your view of where the Bill should place the duty to provide short-term access to wheelchairs to people assessed as needing them?

Unsure

**Please explain the reasons for your response.**

At present, many women are unaware of current provisions or where to go in order to access wheelchairs in terms of the voluntary sector leading to them assuming they do not meet proscribed criteria and subsequently going without. Provision should ensure that all localities within Scotland can meet demands placed upon them by enactment of a Statutory Duty for short term wheelchair access. The present "postcode lottery" system is discriminatory and leaves many women ill-informed of their rights. For instance, given that it is not an obligatory duty, many women were unaware that they could approach the likes of third sector organisations for wheelchair access, believing that they instead "fell short" of the criteria. Wherever the duty is placed, patients should be communicated with in a cooperative and inclusive manner to ensure they are aware that needs are being accounted for and that access is provided on the basis that appropriate discharge from hospital is appropriate, rather than them feeling "pushed out". It should be noted, for instance, that those with short-term needs are not a homogeneous group and many individuals may not actually take up the offer of wheelchair access for their individual requirements.

Q4. Which of the following best expresses your view of how further provision about wheelchair access (e.g. assessment criteria and eligibility) should be made?

It should be left to NHS Boards or Integrated Authorities (as the case may be) to develop criteria for themselves

**Please explain the reasons for your response.**

After consultation, it is felt that NHS Boards or Integrated Authorities may be the best way forward in deciding how further provision around wheelchairs access should be made. Given that this would include input from stakeholders with expertise who are in the optimum position to decide patient's interests, the fact that assessment criteria would be decided by those with a wealth of knowledge was seen as the best way forward. Co-ordinated support around hospital discharge for those with short term needs was seen as extremely important including around delivery of support within the home and community context. Provision of mobility equipment such as a wheelchair was seen to have a positive effect on the individual's welfare and lead to better physical and mental health. This should be underpinned by rules and guidance including caveats to assess individual's on a case by case basis in line with principles embedded throughout the Health and Social Care system. The use of a wheelchair as a preventative measure to avert further injury is also beneficial.

Q5. Which of the following best expresses your view of requiring Scottish Ministers to report back to the Parliament on the operation of the legislation?

Duty to report every three years

**Please explain the reasons for your response.**

Whilst views were mixed on the applicable time procedure for Ministers to report back to the Scottish Parliament concerning the legislation, it was felt that between two and three years was optimum, most especially where legislation has just been brought in. This was seen as beneficial in allowing scoping and planning provisions as well as allowing sufficient time for providers to analyse demand and offset the likes of further costs that may be incurred.

## Financial Implications

Q6. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
<b>Government and the public sector (including the NHS, local authorities)</b>		X				
<b>Businesses (including makers and suppliers of wheelchairs)</b>			X			
<b>The third sector (including charities and voluntary bodies)</b>						X

Q6. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

<b>supporting those with mobility issues)</b>						
<b>Individuals (including people with mobility issues and their relatives)</b>					X	

**Please explain the reasons for your response.**

Third Sector: Dependent on the impact of administration cost on the third sector, women are unsure of the economic impacts. Taking account of where the Duty becomes applicable to, this may mean a tendering out of services to a third sector body. Many women consulted have stressed the key role that third sector organisations play at present in provision of wheelchair services for those with short term conditions, especially for those of limited financial means. Individuals: Enactment of a duty to ensure that provision of wheelchairs for those in short term need is met would have the greatest impact on women with a much lower income. As well as the financial benefits for individuals – particularly those lower down the income scale – this would also help those for whom employment may be an issue, for instance. "If you are under money pressure and on benefits, how can you afford a wheelchair yourself?" Framing this as a socio-economic issue is imperative. It is individuals that are lower down the income scale who suffer the most where provision for short term wheelchair access is denied. This is further compounded through inaccessibility to the likes of employment and welfare reform for these individuals. Rural issues may also impact on women. Being in a decentralised area where local amenities are further away means that those with restricted mobility may struggle to perform simple day to day tasks. Leaving the fact that a wheelchair can be accessed solely to chance is discriminatory and shirks away from the underlying principles of dignity and respect. The limited availability at present for short term wheelchair services leads to a real concern about the impact of social isolation. Without partaking in the likes of work and social activities, this runs the risk of leaving behind vital support networks. There is also the impact on quality of care to consider. Throughout Scotland, women make up the vast majority of unpaid carers. The effect that wheelchair access may give in helping the provision of care by friends and family, giving someone the ability to be more self-sufficient cannot be underestimated.

## Equalities

Q7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

**Please explain the reasons for your response.**

Given that the likelihood of impairments increases with age, the effect that this Bill is seen to have on older women was overwhelmingly positive. As outlined above, this would encourage shorter hospital stays and decrease the likes of social isolation and mental health issues. Any public service at all levels of decision making should be measured against the highest standards of equality both for service users and workers. This should include a robust procurement process including equality checks for any services outlined here that end up being outsourced. Women have underlined the need for any services brought forward through the likes of this Member's Bill to be underpinned by robust data analysis including gender impacts, to ensure any impact on women is identified and appropriated as such as part of public service delivery.

Q8. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Negative impacts that women stated which may incur from the Bill tended to focus on wider societal issues around discrimination, particularly in the likes of public transport. Furthermore, establishing a Duty should not be seen as a standalone "quick fix" in order to free up hospital space.

One of the major issues which may come to fruition in terms of any negative impacts would be where hospital discharge happens earlier than is actually required for an individual simply because they have been given the aid of a chair.

A number of women also noted that the proposal could result in some individuals with caring responsibilities being required to take on additional duties if the individual they care for leaves hospital earlier than they would have done. This would need to be considered during any assessment for provision by medical professionals.

## Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

**Please explain the reasons for your response.**

When deliberating on the economic factors of this particular proposed Duty, it must be kept in mind practicalities that may be encountered. For instance, the accessibility of an individual's accommodation if they are short term injured with many homes simply not being wheelchair accessible. Due to this, robust assessment procedures carried out by both Health and Social Care professionals in consultation with the individual must be placed on the highest level.

## General

Q10. Do you have any other comments or suggestions on the proposal?

Other issues raised by women in relation to the Proposed Bill include:

- Ensuring joined up multi-agency working and protocols are in place with individuals knowing their rights.
- Quality care within the community in order to effectively rehabilitate those with short-term illnesses.
- Crucial that those with complex needs are not overlooked.
- Having effective hospital discharge procedures in place to prevent early departure just because a wheelchair can be accessed which may affect an individual's health and well being.
- Practical adjustments within homes need to be taken into account.