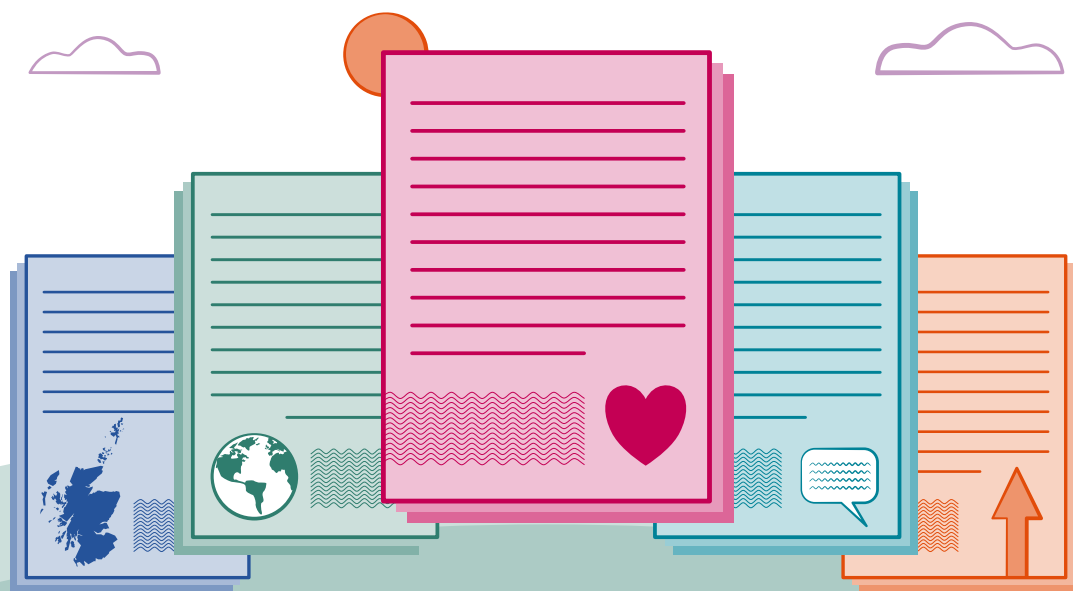


Issues towards incorporation

# Analysis of the live research from the “Opportunity is Now” report launch

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**ALLIANCE**  
HEALTH AND SOCIAL CARE  
ALLIANCE SCOTLAND  
people at the centre

**April 2023**

**branch**  
social research

# Contents

<b>Context</b>	<b>1</b>
<b>Methodology</b>	<b>2</b>
<b>Q1. What kind of training is needed (in your organisation) around human rights and incorporation?</b>	<b>3</b>
'Everyday' application	3
Responsibilities and accountability	4
Built into practice	5
Mapping	5
Word cloud	6
<b>Q2. What more can be done by the Scottish Government to engage civic and wider society in the human rights agenda?</b>	<b>7</b>
More inclusion and resources	7
Government cohesion	8
'Positive' framing	9
Public education	9
Word cloud	10
<b>Q3. What are the main barriers to the incorporation of human rights?</b>	<b>11</b>
Resources and capacity	11
Will	12
Ownership	13
Clarity	13
Word cloud	14
<b>About the ALLIANCE</b>	<b>15</b>

# Context

On Thursday 23 February 2023, the Health and Social Care Alliance Scotland (the ALLIANCE), and branch social research, launched the 'Opportunity is Now' report. [It can be read here.](#)

The report explores human rights in health and social care in Scotland and researched four case study areas:

**What next for human rights policy and health and social care in Scotland?**

**Learning from the 'pandemic experience'**

**Human rights in healthcare education**

**Reflections and aspirations for Scotland's National  
Action Plan for Human Rights (SNAP)**

The report was launched at the ALLIANCE Digital Gathering in February 2023. The launch consisted of a presentation of the key findings and recommendations, a question and answer session with the researchers, and a live research portion where the expertise of attendees was sought on some key issues raised on the report.

This is a short research report which analyses the live research.

# Methodology

The event was held online via Zoom. During a 30 minute session, participants were asked three questions relating to their thoughts – and their organisations’ experience – on human rights reform:

- 1 What kind of training is needed (in your organisation) around human rights and incorporation?
- 2 What more can be done by the Scottish Government to engage civic and wider society in the human rights agenda?
- 3 What are the main barriers to the incorporation of human rights?

Slido was used to capture participants’ written answers to the questions, and some of the answers were then verbally discussed within the room.

branch social research – Barry Black, Paul Pearson and Dr. Jo Ferrie – exported the written data into NVivo qualitative software and performed a thematic analysis on each question. Two researchers who attended the event and one who did not were involved in this. At points some of the contextual information which was raised in the verbal discussion at the event has been used.

All participants are anonymous.

Throughout the writing:

- **‘One’** – means one response is being referred to
- **‘Some’** – means more than one and less than five
- **‘Many’** – means five and over
- **‘A majority’** – means more than half

The report should be read and understood in conjunction with ‘The Opportunity is Now’ report, but also provides useful information with regards to human rights reform in its own right.

No conclusions are drawn, and the writing is merely a presentation of participants’ data.

# Q1. What kind of training is needed (in your organisation) around human rights and incorporation?

The first question participants were asked aimed to explore what training they felt was needed around human rights in preparation for the incorporation legislation. The question aimed to gain insight into participants' organisations' training needs. This enables responses to be viewed in an 'applied' manner to identify specific gaps in training needs.

There were 18 responses to this question. .

## 'Everyday' application

There was an overwhelming response that 'applied examples' are needed to help participants (and their organisations) understand how human rights incorporation is going to impact on their practice, change their responsibilities and alter their ways of working. This was primarily described in terms of everyday examples of how a human rights based approach works in frontline practice, about breaking down legal and top-level language (such as the [PANEL Principles](#)) into meaningful examples based on the reality of service provision.

A majority of responses were included in this theme. Some examples included:



how international law applies at an everyday level



Understanding of PANEL principles, case studies of what these mean in practice, guidance on meaningful public engagement



...particular training about what incorporation will mean in practice would be essential for when it comes into force



Being able to recognise what good looks like...

Of particular interest was one response which noted training around understanding of current practice and how this may – or may not – need to be adapted is needed:



Something that compares what's currently used e.g. "person centred", "self management", and what the relevant rights-related law, standards, practice is.

## Responsibilities and accountability

Closely linked to this was a desire for training to focus on what new responsibilities incorporation will bring. This was in terms of the new expectations that rights holders should have of duty bearers, and what changes to current responsibilities the reforms would bring.

Some participants highlighted that their preference for training on this issue should not be rooted in legal language but in 'easy' terms that can be understood by all staff. The same participants also noted that it is essential for such training to take place now, ahead of any implementation.

Part of the need for this, one participant commented that:



There is fear sometimes around incorporating these due to the accountability factor but this [type of training] would strengthen understanding and reduce discrimination and it shouldn't be feared.

## Built into practice

Some participants focused on the process of training, rather than its direct focus. They highlighted that human rights training needs to be an integrated part of professional practice and development, and not an 'add on' or 'extra' training that is offered.

One participant noted that it also needs to be continuous:



...keep building on this and building staff's knowledge and confidence around it and how we build it into our work

## Mapping

Some participants emphasised that raising human rights literacy in the population would increase the awareness within organisations too. It would also make it easier for organisations to engage with people they work with on these issues.

One participant said that 'mapping' the human rights landscape to increase awareness in the sector of what organisations were doing what, and who was responsible for what, would be helpful in raising understanding of the reforms, concluding:



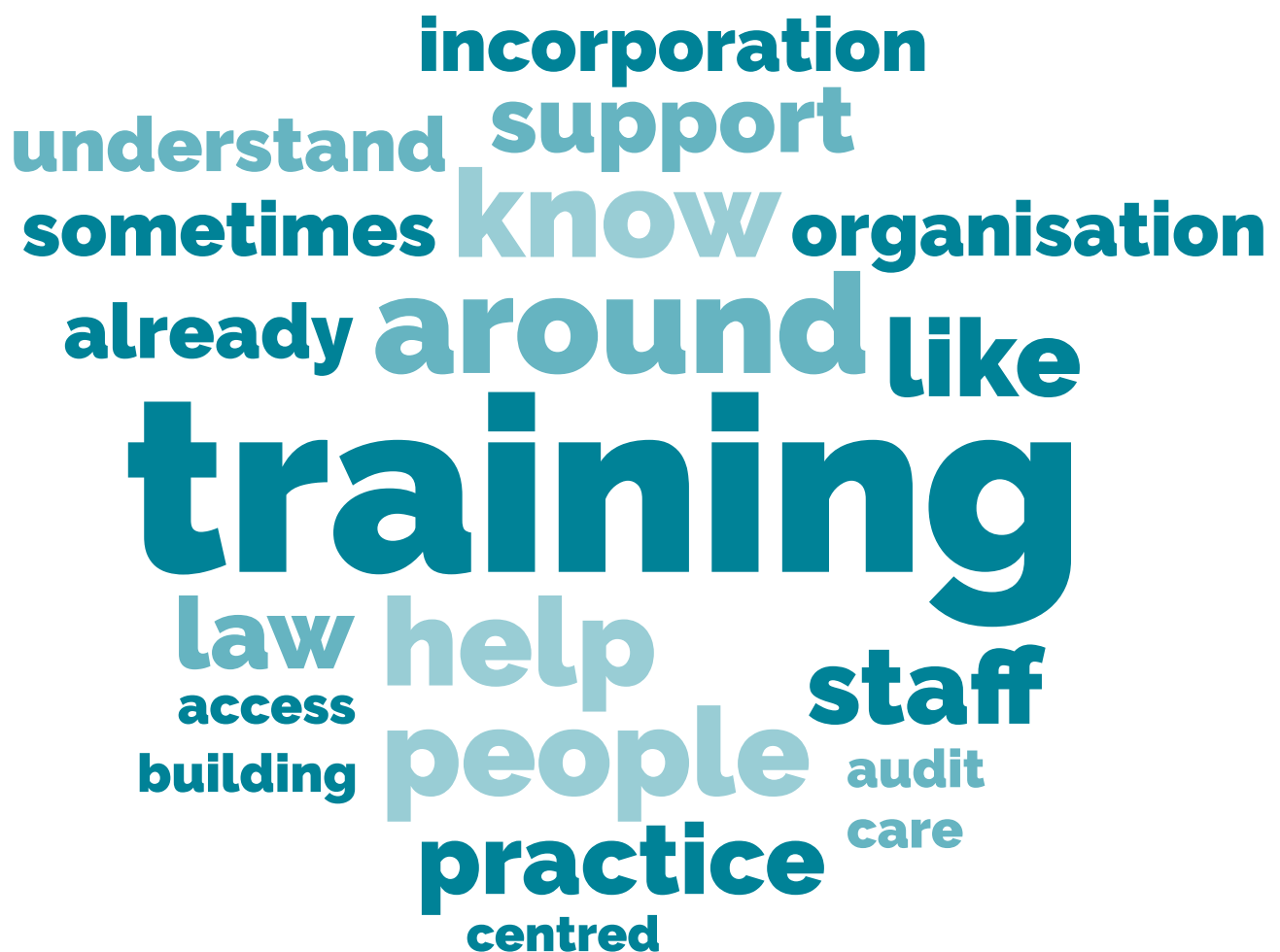
...it would really help to know the human rights obligations of other organisations.



## Word cloud

Below is a visual representation of the responses to this question. The word cloud contains the twenty most frequent words, with 'human' and 'rights' excluded. The larger the word appears, the greater its frequency.

The words, in order of highest frequency, are: training, around, know, help, people, practice, support, incorporation, understand, organisation, already, like, staff, law, access, building, audit, care, centred.





# Q2. What more can be done by the Scottish Government to engage civic and wider society in the human rights agenda?

The second question focused on participants' perceptions of what more could be done by the Scottish Government to engage with the sector and wider society regarding the human rights reforms.

12 participants responded to this question.

## More inclusion and resources

Many participants highlighted that there could be more inclusion – particularly of the sector – with regards to the reforms. There were different interpretations of what this meant throughout the responses.

Some participants noted that there needs to be greater appreciation that the reforms are a 'shared' goal and that principle needs to be evident in the development and implementation of the legislation. One response noted that the Scottish Government has to try and '*avoid being suspicious of civil society/rights holders/human rights defenders as having ulterior motives*', but provided no further detail on what they felt those 'motives' were perceived as.

Many participants felt that greater resources are needed to allow all relevant stakeholders to meaningfully engage in the development of the reforms:



Ensure that civil society is properly resourced so it can be meaningfully and fully involved.



Working closely with civil society organisations in order to ensure that people whose rights are most at risk - and who are often marginalised and excluded from things - can participate freely and meaningfully.

Some participants mentioned that those groups who are furthest from realising their rights are the groups that need to be most actively engaged. One participant also discussed the need to better understand barriers to engagement:



Push for decent capture of demographic data so that we can begin to understand barriers to civic engagement in an intersectional way, and create targeted systemic changes to resolve this.

## Government cohesion

Some participants also mentioned that there needs to be greater Government cohesion in relation to the reforms, including greater cross-sector work:



It should be threaded throughout the government if we are serious about human rights it shouldn't be siloed but throughout every single aspect of government to ensure that all those intersectional points are thought about hitting all those protected characteristics.



Ministers and portfolios working together on issues. Inclusive of this, more cross-party working publicly to spread information on the Incorporation Bill.

One participant brought these two themes together, raising concern that the reforms should not become primarily based on a political agenda, but delivered collaboratively.

One participant noted that political leadership can help this collaboration:



Demonstrating leadership is important - showing that human rights are a priority for government tends to bring organisations along

## 'Positive' framing

Some participants felt that more needs to be done to 'frame' human rights positively; rather than a political focus on human rights when there are violations, a focus on human rights as a benefit to all generally:



Making rights accessible to everyone and not just highlighting when major rights have been breached...[provides] more ways for the general public to engage with rights and understand them

## Public education

Many participants noted that wider public awareness surrounding human rights – either through public awareness campaigns or education schemes – would help societal and cultural engagement with the reforms, particularly with a focus on making rights 'relevant':



Connect human rights law in a public education campaign to the value of respect for human dignity, as language that people tend to feel an intuitive connection



Demonstrate the relevance of human rights to our daily lives - education, communication, resourcing, monitoring and accountability



I think some public campaign would be useful to raise awareness of HR bill and what it could mean. This could be followed up with public engagement aimed at most marginalised communities.

## Word cloud

Below is a visual representation of the responses to this question. The word cloud contains the twenty most frequent words, with 'human' and 'rights' excluded. The larger the word appears, the greater its frequency.

The words, in order of highest frequency, are: working, everyone, understand, people, government, public, groups, society, organisations, ensure, agenda, changes, education, bill, civic, campaign.



# Q3. What are the main barriers to the incorporation of human rights?

The third question aimed to directly explore what participants thought were the main barriers to the incorporation of human rights.

14 responses to this question were received.

## Resources and capacity

Many of the themes observed within the responses to this question were similar to those in question two. The majority of responses focused on a lack of resources or a lack of capacity within the sector as the main barriers to the realisation of incorporation:



...not enough resource



Lack of resource and capacity in the third sector...



Lack of resources, time and capacity leading to resistance to change

Capacity as a barrier, for some participants, was linked to human rights being an 'add on' that they have to consider over and above their role, instead of being integrated into what they do:



Organisationally, we are so busy fire-fighting and supporting individuals that we have no spare capacity



bureaucracy - especially for large organisations which need to go through complex decision making processes before anything happens

One participant also noted that 'burnout' was a barrier, and too much of a belief that the reforms will 'fix everything'

## Will

Some participants mentioned political will and the will of organisations as a barrier. Referencing the election for a new First Minister, one participant said:



A First Minister who doesn't believe in universal human rights.

Another participant noted that there needs to be understanding, and buy in, from organisations and sectors not currently engaged or familiar with human rights approaches as they will be equally as impacted.

## Ownership

Some participants also raised 'ownership' as an issue, with one saying:



Top down approach. Often pursued as a political agenda (priorities varying with each government) rather than a peoples' agenda for all time.

One participant also raised the Scottish Parliament Bill on Incorporating the United Nations Convention on the Rights of the Child, and how the Bill was struck down by the Supreme Court. They noted that a barrier exists in Holyrood passing competent legislation.

## Clarity

Some participants also highlighted the need for clarity over what the legislation means in practice is needed:



There needs to be clear duties and enforcement/accountability not just tick box actions in order to see transformation.



clarity of legislation and what it means in practice

Some participants also noted that while they are focused on making their own organisations internally incorporation compliant, they had not yet been able to get clarity on how they need to change external services.

## Word cloud

Below is a visual representation of the responses to this question. The word cloud contains the twenty most frequent words, with 'human' and 'rights' excluded. The larger the word appears, the greater its frequency.

The words, in order of highest frequency, are: capacity, accountability, lack, legislation, approach, government, passed, law, based, incorporation, agenda, resource, practical, organisations.





# About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a growing membership of over 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

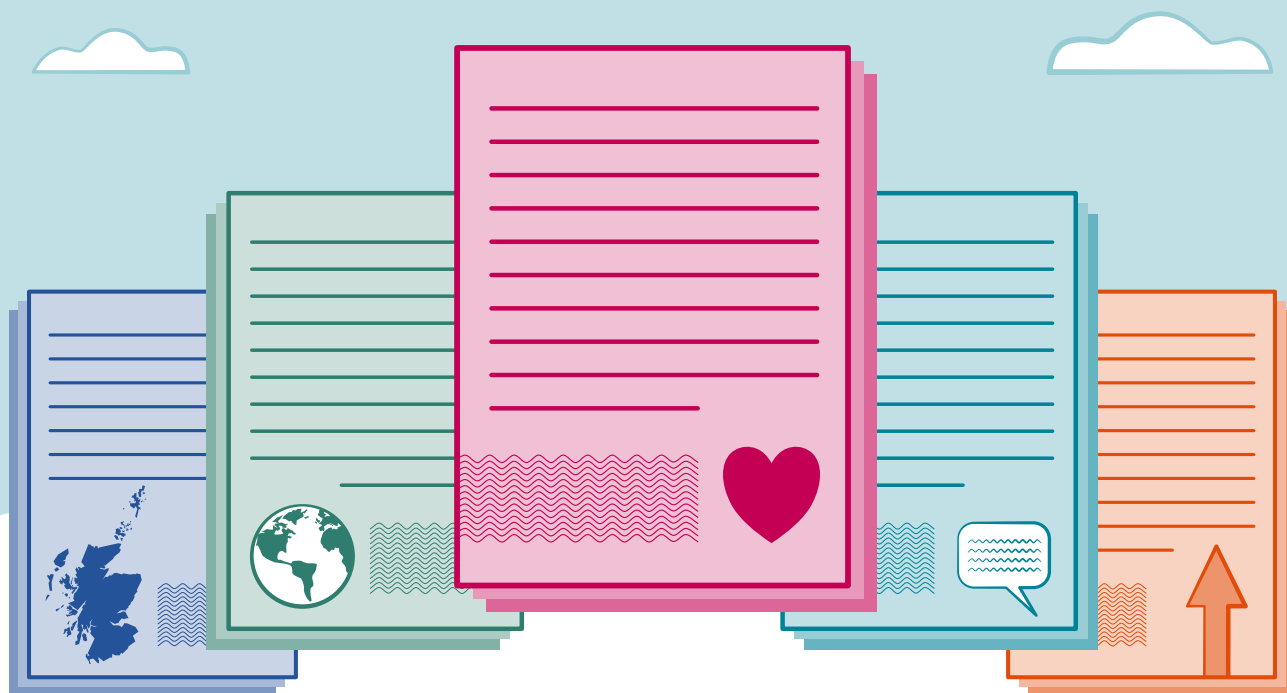
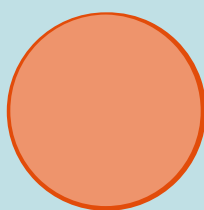
Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims. We seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.



**ALLIANCE**  
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