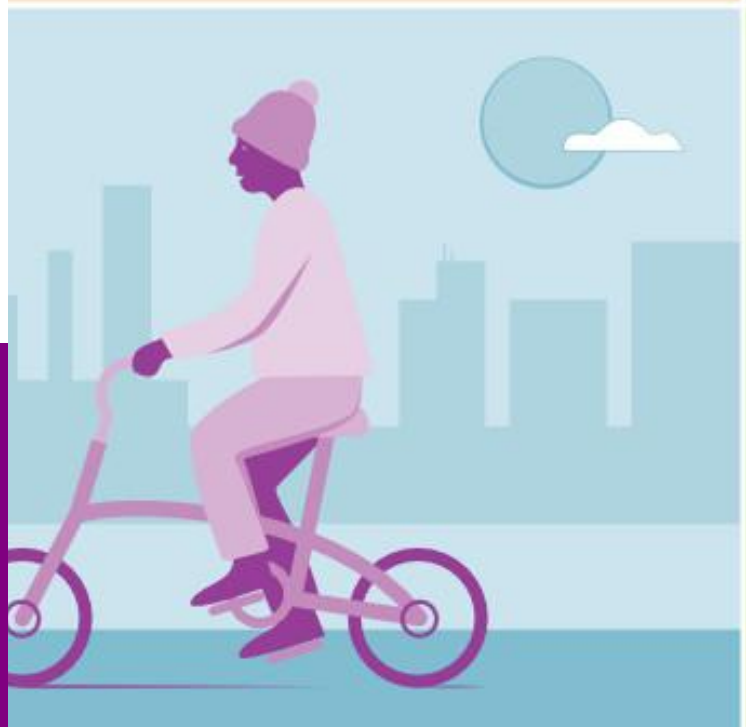




**The Health and
Social Care
Alliance
Scotland
(the ALLIANCE)**



**Equality and Human Rights
Mainstreaming Strategy
ALLIANCE response**

3 February 2025

Introduction

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the Equality and Human Rights Mainstreaming Strategy consultation¹. We had previously urged the Scottish Government to commit to such a strategy in their programme for government and are pleased to see work being taken forward.

Whilst we welcome the publication of this consultation, and agree with much of it, at this stage it is difficult to fully evaluate the contents of the proposed strategy, action plan and toolkit.

We are also concerned that the delay to the Human Rights Bill will limit the potential of the final strategy. We consider that some of the proposals may lack “teeth” without the Bill, and the absence of formal duties to comply with or have due regard to human rights treaties may limit the scope for widespread and meaningful adherence to the strategy across the Scottish Government and wider public sector.

Question 1: Do you agree with the vision?

Don't Know.

The ALLIANCE agree with the general thrust of the vision, in particular the aspiration to “advance and improve Scotland’s position as a global leader in equality and human rights.” We have previously called for an equality and human rights mainstreaming strategy to be developed, and we are pleased that the Scottish Government are now taking this forward.

We do however believe that this strategy should sit alongside a comprehensive Human Rights Bill. Given that the government’s stated intention now is not to bring such a Bill forward until following the 2026 Scottish Parliament election, it is likely that this strategy, action plan and toolkit could operate without a Bill for much or all its intended duration. We are concerned that the differential between some rights being incorporated, and others not, will limit the potential to achieve this vision.



We recommend amending the first sentence of the vision to add the words ‘equality and the full’, as follows: “To support the continued growth of strong communities across Scotland, built on a solid foundation where everyone enjoys **equality and the full** realisation of their human rights.”

We also recommend amending the last sentence of the first paragraph of the vision, to add the words ‘and building the capability of the Scottish Government and public bodies to respect, protect and fulfil human rights’, as follows: “We are committed to tackling the persistent and entrenched systemic inequalities that still exist in Scotland **and building the capability of the Scottish Government and public bodies to respect, protect and fulfil human rights.**”

Question 2: Do you agree with the objectives?

Don’t Know.

The ALLIANCE agree with the objectives in principle, but as noted in our response to question 1a we are concerned that without the Human Rights Bill, the potential to achieve these objectives will be limited.

We strongly recommend that explicit reference is made to financial decision making, as well as policymaking, in the objectives. For example, the second bullet point could be amended to include the words ‘and financial, as follows: “improve how policy **and financial** decisions are made and delivered”.

We also recommend making explicit reference to monitoring and accountability in the last objective by adding these words, as follows: “embed **monitoring, accountability, and** transparency so it is easier for those affected by decisions to hold Scottish Government and the wider public sector to account”.

Question 3: Do you agree that strengthening leadership is a key driver for mainstreaming equality and human rights?

Yes.



The ALLIANCE agrees that leadership is essential for mainstreaming equality and human rights. We welcome the recognition of the need to improve understanding of human rights, and of the role of leadership in ensuring that rights are threaded throughout the work of government.

Question 4: Do you agree with the focus on different levels of leadership?

Yes.

We agree with the principle of developing leadership across political, executive and public sector levels. However, it is important to recognise that the capacity for leadership extends beyond people in formal leadership roles. Everyone can show leadership in how they work and engage with others. Whether an individual is responsible for strategic or budgetary decisions, for the administration of a service, or for direct delivery – everyone in the public sector has the potential to contribute to the realisation of human rights.

This potential must be nurtured so that everyone feels capable of and confident about showing leadership, in a range of ways. Leadership might include changing how someone interacts with the people they are delivering a service to, modelling that change to their peers, and advocating for that approach to be more widely used. It might include asking difficult questions and challenging those in formal positions of leadership.

Although the strategy does acknowledge the importance of the workforce under the “public sector leadership” section, this is only a very brief reference and does not necessarily make clear the importance of individual leadership. We recommend that this driver is expanded to emphasise the importance of developing a culture of leadership on human rights for everyone, not just those typically considered leaders.

Question 5: Have we captured the core elements of strengthening leadership within the context of mainstreaming?

Yes.



We welcome the emphasis placed upon improving understanding of equality and human rights. To provide leadership on human rights, people must be well-educated about rights, why they matter, and how they are relevant to their field. We would be keen to see more detail about how the Scottish Government plans to ensure appropriate education and training about human rights is available across the public sector, at all levels.

The inclusion of language around adequate and protected resources for equality and human rights is also positive. The mainstreaming strategy, actions and toolkit can only be successful if adequate resource is dedicated to delivery at every level. This resource should be seen as a contribution to the progressive realisation of economic, social and cultural rights, and to the use of maximum available resources towards that end.

The consultation document refers to political leadership having an “awareness of the impact of decisions and priorities on marginalised/underrepresented groups”. We recommend this is widened to include all those whose rights are most at risk.

As Scotland’s second National Human Rights Action Plan (SNAP 2) notes², the PANEL principle of non-discrimination and equality calls for the prioritisation of people who are in the most vulnerable situations and who face the biggest barriers to realising their rights, i.e. those whose rights are most at risk. People whose rights are most at risk can vary from issue to issue/decision to decision, and concrete actions by duty bearers are needed to ensure that they are identified on a regular, ongoing basis. This would support the strategy’s proposed heterogenisation approach.

The consultation document also notes that, “Ministers ensure their portfolios and agencies reflect commitment to equality and human rights through sustainable, long-term policy solutions for the benefit of the people of Scotland.” The ALLIANCE recommends that reference is also explicitly made to financial solutions, in addition to policy solutions.

Finally, on executive team leadership, we recommend reference is made to international human rights treaties as well as “the goals and objectives laid



out in the National Performance Framework.” Although there is currently a National Outcome on human rights, it is helpful to restate Scotland’s international obligations – irrespective of incorporation status – at this point in the strategy.

Question 6: What actions would you recommend to ensure strengthening leadership as outlined above will contribute to mainstreaming?

The ALLIANCE recommend mandatory and periodically refreshed training on human rights for all senior public sector employees. This should include information on the basic principles of human rights, the details of what rights Scotland has an international obligation to uphold, and practical guidance on how to embed a human rights focus through their work, amongst others. This would help to ensure that leaders are equipped with the knowledge and understanding necessary for mainstreaming.

Although the ALLIANCE have emphasised the importance of leadership at all levels, not simply in formal leadership positions, we recognise that many of the people involved in direct delivery of services are often very pressed for time. As such, whilst training and information on human rights should be made available to the whole workforce on request, we are less certain about making it mandatory for everyone in the short term. In the longer term, human rights and equality should be part of the induction and training process for public sector roles.

In addition to this, all Scottish Government Ministers must show a clear commitment to human rights in their areas of responsibility, through a cross-Cabinet ‘equality and rights first’ approach to mainstreaming. As in the workplace more generally, equality and human rights should not be considered the sole preserve of the Cabinet Secretary for Social Justice and the Minister for Equalities. Mainstreaming must start at the top otherwise equality and rights risk being misunderstood as a ‘bolt on’ or remaining an afterthought.



Question 7: Do you agree accountability and transparency are a key driver for mainstreaming equality and human rights?

Yes.

Accountability is a fundamental human rights principle, as duty bearers must know and understand their obligations and people must be able to name and claim their rights. Ensuring that this works in practice requires people to be able to easily access information about their duties and their rights, as well as mechanisms to enable rights holders to seek redress where their rights have been breached, and duty bearers to deliver remedies when rights have been infringed.

Question 8: Have we captured the core elements of accountability and transparency within the context of mainstreaming?

Yes.

This driver captures a wide range of elements relating to accountability and transparency, including public bodies with scrutiny roles and the United Nations Universal Periodic Review processes. We particularly welcome the recognition that “information in accessible formats is the foundation of transparency”. Inclusive communication is essential to ensuring that everyone can access information about their rights and the services they are accessing. Information should be available in a range of accessible formats, including but not limited to Easy Read, braille, BSL, and community languages.

Question 9: What actions would you recommend to ensure greater accountability and transparency contributes to mainstreaming?

The ALLIANCE are longstanding advocates of a human rights budgeting approach and would recommend that it is embedded throughout the public sector. Human rights budget work, as set out by the Scottish Human Rights Commission³, “involves thinking about how people’s rights are impacted by the way that money is raised, allocated and spent.”



Transparency is an essential component of human rights budget work, ensuring that people can “follow the money” and understand how decisions have impacted on rights. We welcome the progress being made by the Scottish Government, for example with the publication of an Equality and Fairer Scotland Budget Statement⁴.

However, more could be done to ensure national budgeting is carried out through an equality and human rights lens, and much more is needed at sub-national levels. Adopting a human rights budgeting approach and setting out how the government and public bodies intend to use their budgets to advance human rights, would be a concrete way of mainstreaming equality and human rights in financial decision making.

We also note the reference to provisions within the proposed Human Rights Bill to expand the powers of the Scottish Human Rights Commission (SHRC). The ALLIANCE have repeatedly called for the SHRC’s powers to be expanded, including the right to raise proceedings in their own name⁵. As noted in our response to other questions, we are therefore concerned that delaying the Bill until the next session may undermine progress towards greater accountability and transparency through this strategy. We recommend that legislation to expand the SHRC’s powers is brought forward separately from and earlier than the Human Rights Bill.

Question 10: Do you agree that ensuring an effective regulatory and policy environment is a key driver of mainstreaming equality and human rights?

Yes.

We agree that an effective regulatory and policy environment is a precondition for mainstreaming equality and human rights. The provision of a clear regulatory framework is essential for accountability, creating clear obligations and duties on public services, and outlining mechanisms for redress. It also provides the framework for senior leadership to work towards, and to ensure that the data and evidence necessary for monitoring purposes is collected.



Question 11: Have we captured the core elements of ensuring an effective regulatory and policy environment within the context of mainstreaming?

Don't Know.

The proposed Human Rights Bill would be a key part of this driver. We therefore again express our concern that the delay to the Bill limits the potential for this strategy to fully deliver on its aims in the period up until 2030. We strongly recommend that the proposed strategy, actions and toolkit are based upon international treaty obligations, whether incorporated into domestic law or not.

Nonetheless, we welcome that the Scottish Government are working to develop a human rights impact assessment framework. It is essential that human rights are considered more fully in the decision-making process, and we look forward to receiving a further update on how this is progressing.

Question 12: What actions would you recommend to ensure that an effective regulatory and policy environment will contribute to the achievement of mainstreaming?

We recommend that Scottish Government could achieve system efficiency by combining equality and human rights impact assessments into one tool, for example the Equality and Human Rights Impact Assessment as designed by the SHRC and EHRC⁶. Going further, an 'Integrated Impact Assessment' could be developed to combine the assessment of proposed decision making against several different criteria, including equality, human rights, children's rights and wellbeing, the Fairer Scotland Duty, health, environmental impacts, as for example in Aberdeen City Council⁷.

Question 13: Do you agree that utilising evidence and experience is a key driver for mainstreaming equality and human rights?

Yes.



The ALLIANCE have consistently called for an improved approach to disaggregated, intersectional data gathering and publication, as outlined in our response to the consultation on the Equality Evidence Strategy in 2022⁸. We look forward to seeing progress on both of these areas.

We also agree that the involvement of people with lived experience, including through lived experience panels, is vital. The ALLIANCE facilitate a variety of lived experience panels which feed into the Scottish Government's work, and we look forward to continued support for this model of engagement.

Question 14: Have we captured the core elements of utilising evidence and experience within the context of mainstreaming?

Don't Know.

Although we welcome the reference to lived experience engagement, it is unclear how this will be used to shape either the strategy, actions, toolkit, or policy work going forward. The reference appears to be quite general; an acknowledgement that lived experience is important to include, but lacking associated actions or clear guidance on when or how to do so.

We recommend that the final version of the strategy, or the accompanying toolkit, expand on what is meant by "meaningful" and "effective" engagement. We also recommend that clear guidance on best human rights based practice is produced on how to convene and support lived experience panels. The ALLIANCE has a range of available resources in this area available via our Knowledge Hub⁹.

Question 15: What actions would you recommend to ensure that utilising evidence and experience as outlined above will contribute to the achievement of mainstreaming?

The ALLIANCE recommends that the strategy and its actions recognise the vital role that civil society organisations, including the ALLIANCE and our members play in facilitating engagement by and with rights holders, in addition to panels convened directly by the Scottish Government and other public bodies.



Question 16: Do you agree that enhancing capability and culture is a key driver for mainstreaming equality and human rights?

Yes.

Culture is one of the most important drivers of – or barriers to – change in any organisation. We therefore agree that it is essential that equality and rights are firmly rooted within the culture of the Scottish Government and wider public sector. We welcome the recognition that human rights and equality should not be seen solely as something for a small number of expert staff, but part of the thinking for the whole workforce.

Question 17: Have we captured the core elements of enhancing capability and culture within the context of mainstreaming?

Yes.

In line with our responses to the questions relating to leadership, we welcome the recognition in this driver that it is important for all staff to have some skills and understanding of human rights. We agree that equality and human rights should be integrated into management processes as well, including recruitment, promotion and performance management.

The ALLIANCE is surprised and disappointed that there is no reference anywhere in the consultation document to SNAP 2¹⁰. This driver – and others – could make a valuable contribution towards the SNAP 2 action: “Develop and deliver a strategic programme across Scotland to significantly increase understanding of human rights, human rights law and a human rights-based approach amongst rights holders – particularly those whose rights are most at risk – and those who work in public services. The programme will enable community level engagement to promote human rights understanding, embed human rights in professional and occupational training and education, and include evaluation and impact measurement from the outset to continually learn from experience and shape the programme to be as effective as possible.”



Question 18: What actions would you recommend to ensure that enhancing capability and culture as outlined above will contribute to the achievement of mainstreaming?

In line with our response to the questions on the leadership driver, it is important that training on equality and human rights is made widely available to the workforce. Whilst it may not be possible at the outset, given limitations on capacity, to make training mandatory for everyone, this should be the ultimate goal. In the meantime, training should be available to all public sector employees on a voluntary basis and made a mandatory part of the induction process for all roles.

We are also keen to receive more detail on the “Centres of Expertise” referenced in the consultation document, which may have the potential to generate useful case studies and information for the proposed toolkit.

Question 19: Do you agree that this Strategy will provide a foundation to influence a culture of mainstreaming equality and human rights within Scottish Government and the wider public sector?

Don't Know.

Whilst we welcome the development of this strategy, as stated in our response to several other questions we are concerned that the delay to the Human Rights Bill will negatively impact on delivery. The lack of legislative underpinning and duties to comply or have due regard may result in only weak adherence to the strategy, risking a perception of being a “tick box exercise” rather than meaningful framework for mainstreaming.

Question 20: Do you agree that improving capacity is a key driver for mainstreaming equality and human rights?

Yes.

The success of this strategy will be largely dependent on the level of resource made available for it. Whilst the toolkit that is proposed to accompany the strategy may offer practical guidance, we would be concerned if implementation of the strategy was entirely dependent on an



often already stretched workforce being expected to implement it in a voluntary and self-guided way. We therefore welcome the recognition in this driver of the need to improve capacity in terms of people, time and finance.

Question 21: Have we captured the core elements of improving capacity within the context of mainstreaming?

Yes.

The acknowledgement of the vital role played by civil society in this section is especially welcome. A meaningful commitment – with associated proactive action – to “fair and sufficient grant funding” is vital for the many third sector organisations that have experienced significant pressure in recent years. The ALLIANCE have discussed these pressures at length, including in our ‘Stretched to the Limit’ report on the third sector and the cost of living crisis¹¹; a follow up survey of organisational members ahead of the 2024-25 financial year¹²; and in our response to the UK Government’s proposed increase to employer National Insurance Contributions¹³.

Question 22: What actions would you recommend to ensure that improving capacity will contribute to the achievement of mainstreaming?

The Scottish Government have given repeated commitments to fair funding for the third sector, yet progress in this area has been slow. We recommend that the Scottish Government accelerate work towards multi-year funding, with appropriate inflationary uplifts, which meet the full costs of delivery.

As noted in our response to the accountability and transparency driver, the ALLIANCE recommend that a human rights budgeting approach¹⁴ is embedded throughout the public sector. This will help to prioritise human rights in financial decision making, as well as to make sure that sufficient resource is dedicated to mainstreaming equality and human rights.



Question 23: Do you think the proposed approach to a collated Action Plan will drive change?

Don't Know.

In principle, the ALLIANCE agree with the proposal for an Action Plan. We recognise the benefits of collating existing equality and human rights mainstreaming actions and commitments in one location, particularly in relation to monitoring, accountability and transparency. We also welcome the suggestion that the key drivers outlined in the document will be accompanied by concrete actions, with associated annual reporting duties.

However, we do not feel that it is possible to say for certain whether the resulting Action Plan will drive change without knowing its exact contents, which we recognise cannot be set out at this stage.

Question 24: Do you think there is a need for a cross-public sector toolkit to support mainstreaming of Equality and Human Rights?

Yes.

The perception that human rights are a complex or difficult topic can act as a barrier to engagement, and consequently to mainstreaming. We also recognise that there can be some confusion about the interplay between equality and rights and lack of understanding that these are aligned and complementary, not in conflict with each other. We therefore welcome the proposal of an accessible, well-maintained toolkit and portal to support mainstreaming. Developing a single shared reference resource also has the potential to support a common approach and understanding of equality and human rights mainstreaming across the whole public sector, helping to ensure consistency of delivery.

Similar to the Action Plan however, we do not feel able to comment more fully on the proposed toolkit without knowing its exact form or contents.



Question 25: What practical steps would you include to make the toolkit an effective resource?

The toolkit should be made available in accessible and easily consumable formats, including Plain English, Easy Read, British Sign Language (BSL), Braille, or clear and large print, so that it can be utilised by anyone working in the public sector. This should be supplemented by shortform audio-visual content which enable the toolkit to be used and consumed more easily and where appropriate.

Question 26: What are your views on establishing additional reporting requirements?

Don't Know.

The ALLIANCE acknowledge that there are a range of existing or proposed reporting requirements, and that introducing new requirements may lead to confusion or duplication. However, as per our response to several previous questions, we note that some of the reporting requirements relate to proposals within the Human Rights Bill which has been delayed until the next session of parliament.

Even working on the assumption that the Bill will be brought forward in the next parliament, and that it then passes into law, it would only come fully into effect towards the end of the 2025-30 period that this strategy is intended for. It may therefore be the case that in the intervening period there is no or limited dedicated reporting in relation to the rights contained within the treaties the Bill is intended to incorporate.

If that is the case, it may prove difficult to fully evaluate the progress towards mainstreaming in those areas. We strongly recommend that the Scottish Government and public bodies report on the rights that the Human Rights Bill would incorporate, which remain binding even if not yet directly incorporated within domestic law. This would also align with the reporting necessary under the United Nations Convention on the Rights of the Child (Incorporation) Act.



Question 27: To what extent do the drivers capture the full range of activity required to mainstream equality and human rights?

Captures most of the range.

Overall, we consider that the drivers identified are important parts of mainstreaming equality and human rights in Scotland. We once again note however that without the legislative underpinning of the Human Rights Bill in the near future, this may result in practical limitations on the actions taken to mainstream equality and human rights.

Question 28: Please provide any more information that you think would be useful, which is not already covered in your previous responses?

On the whole, whilst the ALLIANCE agree with much of the proposed content of the strategy, what has been outlined in the document is rather general. That may simply reflect the fact that at this stage the consultation is intended to help shape what will be a more comprehensive strategy, with defined actions and a clear indication of who is responsible for delivery of them. As a consequence, however, it has not been possible to fully evaluate the proposed strategy or its potential.

About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for health and social care, bringing together a diverse range of people and organisations who share our vision, which is a Scotland where everyone has a strong voice and enjoys their right to live well with dignity and respect.

We are a strategic partner of the Scottish Government and have close working relationships with many NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

Our purpose is to improve the wellbeing of people and communities across Scotland. We bring together the expertise of people with lived experience,



the third sector, and organisations across health and social care to inform policy, practice and service delivery. Together our voice is stronger and we use it to make meaningful change at the local and national level.

The ALLIANCE has a strong and diverse membership of over 3,700 organisations and individuals. Our broad range of programmes and activities deliver support, research and policy development, digital innovation and knowledge sharing. We manage funding and spotlight innovative projects; working with our members and partners to ensure lived experience and third sector expertise is listened to and acted upon by informing national policy and campaigns, and putting people at the centre of designing support and services.

We aim to:

- Ensure disabled people, people with long term conditions and unpaid carers voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change that works with individual and community assets, helping people to live 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 cross-sector understanding and partnership.

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¹ Scottish Government, 'Equality and human rights mainstreaming strategy: consultation' (October 2024), available at: <https://www.gov.scot/publications/equality-human-rights-mainstreaming-strategy-consultation/>

² Scotland's National Action Plan for Human Rights, 'SNAP 2: Scotland's second National Human Rights Action Plan (2023-2030)' (March 2023), available at: <https://www.snaprights.info/wp-content/uploads/2023/03/SNAP-2-March-2023-FINAL-PDF.pdf>

³ Scottish Human Rights Commission, 'Human Rights Budget Work', available at: <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-budget-work/>

⁴ Scottish Government, 'Scottish Budget 2025 to 2026: Equality and Fairer Scotland Budget Statement' (December 2024), available at: <https://www.gov.scot/publications/scottish-budget-2025-2026-equality-fairer-scotland-budget-statement/>

⁵ The ALLIANCE, 'The ALLIANCE responds to the Human Rights Bill consultation' (October 2023), available at: <https://www.alliance-scotland.org.uk/blog/news/the-alliance-responds-to-the-human-rights-bill-consultation/>

⁶ Scottish Human Rights Commission, 'Equality and Human Rights Impact Assessment', available at: <https://eqhria.scottishhumanrights.com/>

⁷ Aberdeen City Council, 'Equality and Human Rights Impact Assessments', available at: <https://www.aberdeencity.gov.uk/services/people-and-communities/equality-and-diversity/equality-and-human-rights-impact-assessments>

⁸ The ALLIANCE, 'ALLIANCE response to the Equality Evidence Strategy 2023-25' (October 2022), available at: <https://www.alliance-scotland.org.uk/blog/news/alliance-response-to-the-equality-evidence-strategy-2023-25-consultation/>

⁹ The ALLIANCE, 'Knowledge Hub', available at: <https://www.alliance-scotland.org.uk/lived-experience/knowledge-hub/>

¹⁰ Scotland's National Action Plan for Human Rights, 'SNAP 2: Scotland's second National Human Rights Action Plan (2023-2030)' (March 2023), available at: <https://www.snaprights.info/wp-content/uploads/2023/03/SNAP-2-March-2023-FINAL-PDF.pdf>



¹¹ The ALLIANCE, 'Stretched to the Limit: Scotland's Third Sector and the cost of living crisis' (September 2023), available at: <https://www.alliance-scotland.org.uk/blog/news/stretched-to-the-limit/>

¹² The ALLIANCE, 'ALLIANCE member survey highlights continuing pressure on third sector finances' (March 2024), available at: <https://www.alliance-scotland.org.uk/blog/news/alliance-member-survey-highlights-continuing-pressure-on-third-sector-finances/>

¹³ The ALLIANCE, 'ALLIANCE member survey highlights third sector fears on employer National Insurance Contributions' (December 2023), available at: <https://www.alliance-scotland.org.uk/blog/news/alliance-member-survey-highlights-third-sector-fears-on-employer-national-insurance-contributions/>

¹⁴ Scottish Human Rights Commission, 'Human Rights Budget Work', available at: <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-budget-work/>

