

ANNEXE

EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE FURTHER INFORMATION AND UPDATES TO THE COMMITTEE OF 14 SEPTEMBER 2021 SCOTTISH GOVERNMENT RESPONSE

Human Rights legislation

An update on detailed work that had been undertaken so far.

The Scottish Government has accepted all 30 of the progressive, bold and ambitious recommendations from the National Taskforce for Human Rights Leadership for a new human rights framework for Scotland. As part of taking forward these recommendations, a new Human Rights Bill will be introduced to Parliament during the 2021-2027 parliamentary term.

A multi-treaty Human Rights Bill of this nature is innovative and ambitious. Therefore, careful thought and further extensive engagement will be required, throughout its development and implementation, to ensure it is done right. In terms of the timetable, the Bill will not be introduced in the 2021-22 Parliamentary year which may be helpful for the Committee to note for work planning purposes.

Since the Taskforce report was published in March this year, work to progress development of the Bill policy has been undertaken, particularly to consider the intersectional aspects of the treaties that will be incorporated to ensure best effect. Governance and accountability and accordingly we established an Executive Board comprised of senior decision makers from public authorities to ensure there is adequate capacity across the public sector to implement the Bill.

A stakeholder Bill Advisory Board has also been established which will serve as a sounding board in providing advice on complex issues arising out of Bill development and other stakeholder engagements. The Advisory Board met for the first time on 9 September, the Executive Board has met twice and minutes of these meetings, once agreed, will be published on the Scottish Government website (<https://www.gov.scot/groups/human-rights-bill-governance-engagement-advisory-board/>), alongside the Terms of Reference and memberships of these groups. In addition to these two formal groups, there are other internal and external forums and groups that we are working with that will play a key role in developing this Bill.

As you would expect there will be the usual Government bill policy consultation process and further extensive public engagement throughout the Bill development process. As outlined in the 2021/22 Programme for Government, we will consult on the Bill in the coming year. The Scottish Government also agrees with the view set out in the Taskforce report that meaningful ongoing participation is vital to ensure we get this right for everyone. We understand the importance of hearing directly from those with lived experience of these issues. We will be seeking input from individuals with lived experience, to help inform and shape the development of the Bill as we go forward. We are formalising those plans, with input from relevant stakeholders and individuals, and will be happy to share those plans with the Committee at a later date.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



**INVESTORS
IN PEOPLE**

Accredited
Until 2020



The Cabinet Secretary for Social Justice, Housing and Local Government will be the lead Minister for the Human Rights Bill. The Minister for Equalities and Older People will continue to lead on human rights work out with the Bill, as well as chairing the Bill Advisory Board. The Deputy First Minister and Cabinet Secretary for COVID-19 Recovery has oversight of the cross-government aspects of the Bill alongside his cross-government co-ordination of COVID-19 recovery policies and reviews.

Impact of COVID-19 pandemic on equalities and human rights – Ethnic Minorities

How will the Scottish Government work with those groups that have been disproportionately impacted by the pandemic? How can we help to guide that recovery?

The Scottish Government recognises that the COVID-19 pandemic has exposed and exacerbated health inequalities in Scotland and across the world. As a result, improving equity in health care has been at the heart of our work since the pandemic began. We know that supporting individuals – both patients and staff - from all backgrounds is paramount in ensuring we deliver the best care for the people of Scotland.

In response to emerging evidence on the disproportionate impact of COVID-19 on ethnic minorities, the Scottish Government convened an Expert Reference Group (ERG) on COVID-19 and Ethnicity. The group brought together academics and other experts to advise the Scottish Government response to the disproportionate impact of COVID-19 on Minority Ethnic people. It provided advice and recommendations in relation to data, evidence, risk and systemic issues. Ministers accepted all of the ERG's recommendations in November 2020.

We are committed to pursuing equity with a fresh focus on Minority Ethnic groups by implementing the ERG recommendations including improving the ethical and inclusive collection and use of ethnicity data within Health & Social Care.

The Race Equality Immediate Priorities Plan (IPP) published on 14 September 2021 now acts as the vehicle to maintain momentum on the implementation of the ERG's recommendations and existing race equality commitments. Across Health & Social Care a lot of energy and effort is going into implementing the actions, with some good early progress.

We have established a new National Minority Ethnic Forum, for the NHS to work with Scottish Government and Health Boards, as a collective voice to drive systemic change in the workplace. The Forum will help produce an action plan with annual progress targets for health and social care employees. It will also enable colleagues to share resources and support one another. In addition, we are developing a national online resource to help facilitate better communication, networking and resource sharing.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



We have published COVID-19 Guidance on Individual Occupational Risk Assessment (<https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-individual-risk-assessment-for-the-workplace/>) in July 2020 for staff across all industries. This guidance includes a simple risk assessment tool that incorporates personal characteristics such as ethnicity, age, gender, Body Mass Index, and health conditions, to assess each individual's overall vulnerability to COVID-19. We continue to work collaboratively with clinicians and health specialists to ensure that guidance on distancing at work, testing, and Personal Protective Equipment etc. is based on clinical and scientific evidence and kept under review to account for newly identified risks.

We have embedded inclusion as a key aspect of our national COVID-19 vaccination programme and future vaccination and immunisation programmes. This includes a fortnightly National Inclusive Steering Group with membership representing Minority Ethnic communities.

We are funding targeted engagement with third and community sector organisations to support and promote vaccine uptake amongst Minority Ethnic communities. In addition, we are co-creating vaccination information materials with organisations such as the Scottish Refugee Council, translating them into a range of community languages.

We are currently exploring options to deploy QCovid® in Scotland in the coming months. QCovid® is an evidence-based model developed by the University of Oxford that uses a range of factors such as age, sex, ethnicity and existing medical conditions to predict risk of death or hospitalisation from COVID-19.

The follow up question to the above was: Throughout the pandemic, as everybody knows, a lot of ethnic minority people have been really affected, especially front-line doctors and nurses. Is the Government doing any work in that regard? With Christmas coming up, and the flu coming—although I hope that it does not—we might go through the same situation again. How do we protect our doctors and nurses who are from ethnic minority groups?

The First Minister and Health Secretary have both been clear in their assessment that this will be the most difficult winter that our health and social care services have ever faced.

The wellbeing of our health and social care workforce, wherever they work, remains a key priority and we are working to ensure that the right level of support is offered across the system. We are actively listening to colleagues to understand where the current pressures are, and what actions can be taken to mitigate their impact on staff.

We are providing an £8 million package to support the wellbeing of those working in health and social care, to supplement local staff support arrangements. This includes targeted support to the primary care and social care workforce of £2 million.

We will continue the 24/7 National Wellbeing Helpline, the National Wellbeing Hub, Coaching for Wellbeing, Workforce Specialist Service and additional funding for psychological interventions and therapies, as well as developing further practical support measures and additional resources for Boards as they respond to winter pressures.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Supplementary Question on neurodiverse people

Support for neurodiverse people and whether it may be relevant to include discussion on our approach to conversion therapy.

Conversion Therapy is not well defined in relation to neurodevelopmental conditions and we are not aware that it is an issue in Scotland. We welcome further discussion to understand the concerns underlying why this question has been raised.

We support the position of the neurodiversity movement, that neurodevelopmental differences are not viewed as deficits that would need to be fixed. Individuals with neurodevelopmental differences present with a diverse range of strengths and support needs. Support can happen through adaptations in naturally occurring environments of home, school, the workplace and community settings.

A range of evidence based or evidence informed approaches and interventions are recommended in clinical guidelines which guide practitioners (e.g. SIGN and NICE). No single intervention is suitable to meet every need and therefore decisions about the most appropriate support, which is proportionate in a particular context, should be matched to the needs of the individual and the demands of the environments they are in.

Our belief is that much of addressing this is through education and empowerment – promoting understanding of autism and respect for human rights. The diversity that is inherent in our country. The Scottish Government supports human rights based and strengths based individualised planning and support.

Support and intervention are provided by a wide range of health, education, social care and third sector providers for people across the lifespan. We promote the development of consistent and up to date approaches across sectors.

The Scottish Government has already taken action to address this, through the publication of our Learning/Intellectual Disabilities and Autism: Towards Transformation Plan in March this year. It puts Human Rights at its core and a number of actions directly target raising awareness.

Within Health and Social Care, NHS Education Scotland (NES) develops and delivers education and training to ensure health and social care staff have the skills and training to support people with neurodevelopmental differences.

Similarly, we have worked with Education Scotland to develop the Autism Toolbox, a free online resources designed to support inclusive practice in school and early learning settings. The resources in the toolbox to support the development of inclusive school environments.

We welcome further discussion on this important topic as it is right that we do everything we can to meet our aspirations of a Scotland where the human rights of people with neurodevelopmental differences are respected.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Equally Safe Strategy

Plans the Scottish Government has to support people not just reactively when they have experience gender based violence but proactively to understand root causes.

Throughout the pandemic, it has remained a priority for the Scottish Government that the safety and wellbeing needs of women and children experiencing domestic abuse are protected and that support services remain open so people can access the help they need to keep them safe from harm.

We will continue to implement Scotland's Equally Safe Strategy to prevent and eradicate all forms of violence against women and girls. This has a clear and decisive focus on primary prevention of violence, and we are dedicating resources to advancing gender equality and tackling inequality within every space for women and girls. Our Equally Safe Strategy continues our collaborative work with a wide range of partners in the sector via the Equally Safe Joint Strategic Board and a refresh of our Equally Safe Delivery Plan to build on the many achievements of the previous iteration is underway.

We created a new Delivering Equally Safe Fund (£19 million per annum) and have recently confirmed allocations to 121 projects from 112 organisations working to provide services and prevent gender-based violence.

On 25 August we launched our "Equally Safe at School" project, which applied a whole school approach to tackling gender inequality and gender based violence, launched a website with toolkits and specialist resources for our schools. Our whole schools approach and prevention interventions are evidenced to challenge and change the attitudes that permit sexual violence, equipping and empowering young people, particularly young men, with the knowledge they need to navigate consent and healthy relationships.

We reviewed Personal and Social Education, including how the issue of sexual consent is taught in Scottish schools. The review identified 16 recommendations to strengthen the delivery of PSE in schools, including teaching about sexual harassment.

We funded YoungScot to host an online resource with information on gender based violence for young people, named That's Not Ok. The content has been co-designed with young survivors and specialist support organisations.

We are looking at ways to encourage higher education providers to include gender equality in their training of early learning professionals.

Schools must continue to be a critical focus. Our Gender Based Violence in Schools Working Group, jointly chaired by Scottish Government, Rape Crisis Scotland and Zero Tolerance, has been established to develop a national framework to prevent and respond to harmful behaviour and gender based violence in schools. The group is developing a National Approach guidance document, which will help to ensure consistency in messages on sexual harassment and gender-based violence to everyone working with children and young people. The Working Group will also carry out a review of existing resources and identify examples of effective practice, as well as developing new resources.

Following the conclusion of this work, and the work of our Harmful Sexual Behaviour Delivery Group, we will commission an independent review to establish positive practice and further areas for improvement, during this Parliamentary term.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



The proactive protection of women and girls is a key priority for this Government and there is no place for hatred or misogyny within our Society. The Hate Crime and Public Order (Scotland) Act received Royal Assent in April this year and it sends a message that hatred and prejudice will not be tolerated in Scotland. The Independent Working Group to specifically look at Misogyny in Scotland will inform policy to address the many forms of violence, transgression and abuse experienced by women which emanate from misogyny.

You provided the Committee with details on work being carried out in schools particularly around consent and advised of the Equally Safe at School online Platform and website. You also gave details of partnership working with Rape Crisis Scotland and the University of Glasgow in relation to research alongside the pilot and the final online platform. You offered to provide the committee with more information about these initiatives. The committee would welcome any additional details and updates on the work being carried out in this area.

Equally Safe, Scotland's strategy to prevent and eradicate violence against women and girls, recognises gender inequality as the foundation of forms of sexual violence like sexual harassment, rape and sexual assault. We want every child and young person in Scotland to develop mutually respectful, responsible and confident relationships with other children, young people and adults. Improving gender equality across all areas of schools, from uniform policies to subject selection to equal access to facilities and more, could reduce the rates at which these forms of sexual violence are experienced in schools by pupils and faculty.

This is a piece of development work which followed from the Rape Crisis Scotland (RCS) Sexual Violence Prevention programme; prevention workers noted schools were seeking support with wider issues and that schools faced challenges in understanding and tackling gender inequality and everyday manifestations of gender based violence (GBV). The aim was to develop a model for schools to enable them to take a multi-level and joined-up approach to promoting gender equality, preventing GBV and responding effectively when it does occur.

Drawing on models developed in England (e.g. Preventing Violence Promoting Equality) RCS worked with Zero Tolerance (ZT), University of Glasgow Social and Public Health Sciences Unit and Dr. Nancy Lombard and Glasgow Caledonian University to develop and evaluate the model. They received £127,500 (from 2017-2021) funding award through the Equally Safe Violence Against Women and Girls (VAWG) fund to pilot this over 3 years in 8 schools.

Rape Crisis Scotland and Zero Tolerance worked closely in each school with management, staff and students to develop activities and tools and find the best ways of integrating them into the schools' ethos, culture, curriculum and policy framework. Facilitated by the coordinator and with support from ZT, staff and students took part in an assessment, formed an action group and began delivery of a plan, took part in training, enhanced gender equality across the curriculum and developed their policy framework. Through these activities young people took the lead in making support more accessible, developing videos and posters on sexual harassment and supporting staff to develop their understanding of social media and peer group issues. Each school has a sustainability plan to help continue to roll out the programme and continue to develop the work already underway. The Equally Safe at School website will support schools to address gender inequality by providing materials and guidance on a whole school approach.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Equality data

Are there any gaps in equality data and how these may impact on policy development.

Scottish Government and its Agencies collect, analyse and publish evidence and analysis by equality characteristic across a wide range of policy areas - this evidence is presented for policy makers and other users on the Scottish Government's Equality Evidence Finder (<http://www.equalityevidence.scot/>). The new National Performance Framework (NPF) indicators are now presented within the Equality Evidence Finder, ensuring that the two are more joined up and that equality is better considered within the NPF.

However, there are many costs and challenges to collecting, analysing and reporting intersectional equality data and despite improvements in recent years, there remain significant gaps in Scotland's equality evidence base. The COVID-19 pandemic has highlighted these gaps and the critical importance of equality data for understanding the disproportionate effects of the virus and our response to it on different groups. This includes data gaps noted by the Social Renewal Advisory Board and particular gaps relating to ethnicity highlighted by the Expert Reference Group on COVID-19 and Ethnicity.

The Equality Evidence Strategy 2017-2 (<https://www.gov.scot/publications/scotlands-equality-evidence-strategy-2017-2021/pages/7/>) sets out the Scottish Government's vision that Scotland's equality evidence becomes more wide-ranging and robust, enabling policy makers to develop sound, inclusive policy. If this vision was fully realised, Scotland could move to a position where analysts and policy makers across the public sector have:

- developed a good evidence base to understand the structural inequality in outcomes within their areas;
- the knowledge and expertise to be able to use this evidence to tailor policy to reduce inequality by protected characteristic and socioeconomic disadvantage; and,
- the data, knowledge and skills to use their evidence base to monitor and evaluate the impacts of their policies on an ongoing basis.

A stronger and more complete equality evidence base would also allow them to more effectively contribute to the collective effort across the public sector to fulfil the requirements of the Public Sector Equality Duty.

In April 2021, the Scottish Government launched the first phase of our Equality Data Improvement Programme (EDIP), which will be undertaken over the next 18 months, leading to the publication of a revised equality evidence strategy and a second phase of the programme in late 2022. The first phase comprises a series of projects led by the Scottish Government that will be undertaken over a 12 to 18-month period. The purpose of this phase of the EDIP is to focus on the process elements of equality data collection. It aims to understand barriers to equality data collection; to understand how to increase response levels; and, to develop good practice guidance and case study examples. It will also allow public bodies to input their views of how we can best support the data element of the further roll-out of mainstreaming work in the public sector.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



As part of this work, an Equality Data Audit is underway which will enable us to understand particular gaps in data gathering. Analysts from each of the portfolio areas across Scottish Government are assessing their data sets across the protected characteristics with a view to developing an Equality Data Improvement Plan early next year. Recognising gaps in gaps in intersectional data and analysis a parallel intersectionalities project is underway, including a literature review of what is meant by intersectionalities and how the concept of overlapping /interconnected protected characteristics can be utilised when analysing data.

Specifically recognising highlighted data gaps regarding ethnicity, our IPP for Race Equality (<http://www.gov.scot/isbn/9781802013474>), published 14 September, has at its heart the data improvement and systemic change recommendations made to us by the Expert Reference Group (ERG) on COVID-19 and Ethnicity. The IPP aims to ensure a fair and equal recovery from COVID-19 for minority ethnic communities, as well as advancing race equality, tackling racism and addressing barriers that prevent people from minority ethnic communities from realising their potential. Around half of the ERG recommendations were to do with data acquisition and handling, specifically at the intersection of ethnicity and health. We aim to implement the recommendations of the Expert Reference Group, both systemic and data-focused, by early 2023. The data-focused recommendations cover improving ethnicity coding in data infrastructure, improving the collection of ethnicity data, as well as improving reporting, accountability and governance.

Embedding equalities and human rights into the budget process

What steps the Scottish Government is taking to build the capacity of all Scottish Government members and officials to ensure that budget spend advances our equalities and human rights agenda and how we ensure that our budget processes are as transparent as possible. Information on the 10 key risks that were identified in the equality and fairer Scotland budget statement and information on progress against each of the recommendations of the equality budget advisory group.

We are committed to further embedding equality and human rights within all stages of the Scottish Government's Budget process. We are building on the work taken forward over a number of years to improve in this area and are committed to ensuring our spend advances equality and human rights for all of Scotland's people.

Budgets have the potential to reduce barriers that people face and to promote equality. To fully understand the potential impacts of policy and budget change on the people of Scotland it is not enough to consider the 'average person' or the 'average place'. Rather, it is critical to understand the starting position for different individuals or places, the barriers they might face and how these barriers relate to services and public budget decisions. This approach is central to the purpose and outcomes of the NPF and to the 'leave no one behind' agenda of the UN's international Sustainable Development Goals (to which the NPF is aligned).

The publication of the Equality and Fairer Scotland Budget Statement (EFSBS) alongside the Scottish Budget highlights the consistent commitment of the Scottish Government to examining the impact of the Scottish Budget on Scottish citizens. Its purpose is to show how Scottish Government spend promotes equality in relation to protected characteristics and socio-economic disadvantage. The promotion of equality is an important obligation on the Scottish Government arising from the Public Sector Equality Duty.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



The publication of the EFSBS is an important milestone in the budgeting year is not the only time when analysis of public budgets and spend in term of equality impacts is relevant. We are continuing to improve our understanding of inequality in outcomes and their relationship to budgets and spend throughout the budget cycle.

The 2021-22 EFSBS provided a clearer focus on the main challenges that are faced in relation to socio-economic equality on the basis of the protected characteristics in the Equality Act 2010 and on the realisation of human rights. It also set out the main ways that these challenges are being addressed through our budget decisions.

The Equality Budget Advisory Group (EBAG) is responsible for providing strategic advice to the Scottish Government to help shape the equality and human rights approach to the budget. Earlier in 2021 this group presented Ministers and Scottish Government with a comprehensive set of recommendations to enable further embedding of equality and human rights into the budget process. These were presented under 4 key themes:

- Improving processes - New commitments and their intended outcomes should be developed on the basis of advancing equality and human rights, as for their consistency with the Programme for Government, NPF and other targets.
- Communications - Improve transparency and public participation in the budget process
- Organisation and culture - Finance, policy and analyst staff work closely together to produce equalities and human rights analysis of spend, and processes are established to facilitate this joint working.
- Knowledge and understanding - Invest in building knowledge and capacity on understanding equality evidence and human rights international standards in order to improve equality and human rights assessment and evaluation of outcomes.

We are considering the detailed recommendations as part of wider work to update and improve our budget processes. A full response will be provided to EBAG in Spring 2022 and this will also be shared with the committee. In addition, we are considering the National Advisory Council on Women and Girls' call to give intersectional Gender Budget Analysis a statutory footing and our response to this will be included in our response to the Advisory Council's 2020 recommendations which we hope to publish shortly.

The EBAG recommendations include investing in improving knowledge and understanding and we recognise this is a critical area. Investment in development is underway with recent recruitment of a specific team to develop a strategic approach to building the Scottish Government's and wider public sector's capability and capacity in equality, inclusion and human rights. The wider strategic approach to capacity building will form part of the mainstreaming strategy, a draft of which will be consulted on in 2022. While one strand of this work is a comprehensive needs analysis, equality and human rights budgetary analysis training and supporting skills have already been identified as an area of focus. Specific areas highlighted by EBAG are already being addressed including revised training on human rights currently at pilot stage and improving use of equality data which is being addressed through the Equality Data Improvement Programme.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Furthermore, we have provided £220,000 funding to the Scottish Women's Budget Group to work with civil society groups and local authorities to develop awareness, training and understanding of the contribution that gender budgeting can make to a fairer and more equal Scotland.

The EBAG recommendations state that 'public participation in formulating budget commitments and to ensure the integration of lived experience of policy decisions is essential'. As part of our response to these recommendations we will be considering how this is best achieved and through what routes. We recognise that there is work to do to improve both transparency and participation in the budgeting process.

As part of a wider objective to make Scottish fiscal information more accessible and understandable, the current Fiscal Transparency Programme is intended to help with the publication of timely fiscal information in an accessible way, for example using data visualisations, infographics and open data – with clear explanations of the context. This approach is intended to support improved understanding of how the Scottish Government's budget is allocated and spent and thereby improve scrutiny by external and internal stakeholders, with facilities for queries and feedback, leading to ongoing iterative improvements in the outputs. The programme is taking into consideration international example of good practice in fiscal transparency, for examples portals in the US, Mexico and Australia.

The development of the equality and human rights budget process will build on the 10 key emerging risks in the next Equality and Fairer Scotland Budget Statement. In the interim, we have set out below how the 10 key risks identified during the 2021-22 budget assessment are being addressed through actions with the Fairer, Greener Scotland Programme for Government 2021-22.

Overview of 10 Key Emerging or Existing Risks identified within the Equality and Fairer Scotland Budget Statement 2020-2021

Key Risk 1. Heightened risk that existing structural inequalities in the labour market will be entrenched and worsened.

We will invest an additional £500 million across this Parliament with future plans set through future budgets to support the new, good and green jobs of the future, including upskilling and reskilling people to access those.

We will support those most impacted by the pandemic, and the existing inequalities it has exacerbated, into fair work including young people, women and lone parents, disabled people, Minority Ethnic communities, and lower income households.

As part of this overall funding commitment we will invest £200 million over the next five years in adult upskilling and retraining opportunities.

We have also committed to investing a further £15 million over the next two years (in addition to the £23 million to date) for our Parental Employment Support fund which is targeted at the 6 child poverty priority family types including young parents, lone parents, disabled parents and those from minority ethnic communities.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Key Risk 2. Elevated risk of poorer labour market outcomes and disproportionate impacts on young people due to COVID-19.

We continue to deliver our Young Person's Guarantee to provide the opportunity of a job, apprenticeship, further or higher education, training programme or volunteering for every 16-24 year old who needs it. Supported by up to £70 million this year, in addition to £60 million last year, this will provide at least 24,000 new and enhanced opportunities for young people, across a range of sectors and projects.

Key Risk 3. Risk that women's unfair responsibility for unpaid care and domestic work might get worse and reduce their ability to find paid work and income.

As of this August we have delivered on our commitment to expand entitlement to funded early learning and childcare from 600 to 1140 hours a year for all 3 and 4 year-olds and some 2 year-olds (those with experience of care, children of care-experienced parents, and those from lower income families). The new entitlement will save families in Scotland an estimated £4,900 per child, and benefit around 130,000 children a year.

By the end of this Parliamentary term, we will: build a new system of "wraparound" childcare for school age children. This year we will publish a 5-year delivery plan for this commitment. To inform this plan we will undertake an evaluation of 18 current pilot projects, establish a public panel and engage with sector stakeholders. provide access to funded early learning to all 1 and 2 year-olds - starting in this Parliament with children from low income households.

We will provide access to early learning to all 1 and 2 year-olds starting in this Parliament by targeting at those children who need it most.

We will drive forward our commitment to support 2,000 women to transition back to work following a career gap, backed by £2 million this year.

We will establish a Women's Business Centre backed by £50 million across this Parliament supporting the provision of accessible, relevant advice and support to women-led businesses. As part of this funding we will provide a grant scheme providing support 100 women a year with up to £30,000 each.

Key Risk 4. COVID-19 mortality and health inequalities.

We will pursue equity with a fresh focus on minority ethnic groups by implementing the ERG recommendations on COVID-19 and Ethnicity to improve collection and use of ethnicity data within Health & Social Care.

Women and girls face particular health inequalities resulting in differing levels of care and poorer outcomes. Within its first 100 days the Scottish Government has published a new Women's Health Plan to improve outcomes and services for women and girls with immediate actions this year. A detailed implementation plan will be developed this year with progress reported through Implementation Reports from 2022.

Key Risk 5. Drug and alcohol deaths remain unacceptably high with the impact of COVID-19 unclear.

We are establishing a national mission to reduce harm, promote recovery and tackle the increase in drug-related deaths. This is supported by a £250 million investment over this Parliament in ensuring better outreach, treatment, rehabilitation, and aftercare services in every local authority.

This year we will work to implement standards to ensure people have access to same-day treatment and a wider range of treatment options as well as improving integration between addiction and mental health services and primary care.

In this year we have also made £18 million available in new funds to increase capacity in community and third sector organisations and to improve outreach services with dedicated support for women in response to rising numbers of female drug deaths.

Key Risk 6. High and rising mental health problems made worse by COVID-19.

We will work to improve national wellbeing with increased investment in mental health by at least 25% over this Parliament.

This year we will provide £120 million to support the recovery and transformation of services, with a renewed focus on prevention and early intervention and full implementation of the National CAMHS Service Specification, clearing historic waiting lists.

Key Risk 7. As work, public service and home schooling moved online it highlighted a real digital divide.

Building on the £25 million invested in 2020/21 which provided over 72,000 devices for disadvantaged learners across Scotland. The Scottish Government will ensure every school-aged child has access to a digital device, helping an estimated 700,000 children by 2026.

We will ensure a connected Scotland and tackle the digital divide, improving access to superfast and gigabit capable broadband and bringing 4G to rural and island communities, and extending the Connecting Scotland programme to get 300,000 households online by March 2026

To tackle any digital divide in further and higher education we will invest £5 million a year over the course of this Parliament, starting this year, for universities, colleges, and community learning providers to purchase digital equipment and provide access to Wi Fi to enable students who, owing to low incomes, can't otherwise access online learning.

Key Risk 8. Risk that economic impacts and decisions about Universal Credit could increase poverty and particularly child poverty.

We are driving forward a national mission to end child poverty, rolling out Scottish Child Payment to children under 16 years-old by the end of 2022 and doubling it to £20 per week as quickly as possible thereafter. This year and next, ahead of full rollout, we will provide £520 "bridging payments" for around 150,000 children and young people in receipt of free school meals on the basis of low income.

With respect to free school meals directly, the roll-out of universal provision now includes all children in primary school year 4 (this started in August 2021) and it will be further expanded to include all children in primary school year 5 starting in January 2022, ahead of them being rolled out to all primary school children from August 2022. This year and next, ahead of full rollout, we will provide a £520 “bridging payment” for every child in receipt of free school meals.

The national minimum school clothing grant has now been increased from its previous level of £100 to £120 for children in primary school and £150 for young people in secondary school. Furthermore, the Scottish Government will now increase the grant every year in line with inflation.

Key Risk 9. Risk that gaps in attainment and skills levels will have been made worse by periods of blended and virtual learning.

We will:

- invest a further £1 billion starting this year over the Parliamentary term to tackle the poverty related attainment gap and support the recruitment of 3,500 additional teachers and 500 classroom assistants; This will be over and above the 1,400 extra teachers recruited during the pandemic.
- undertake a refresh of the Scottish Attainment Challenge starting next year and continue work to implement the recent OECD recommendations on curriculum and assessment.
- take action to reduce the costs of the school day and ensure children can access the subjects and opportunities they want regardless of family income.
- we will give every child a device and a connection to get online over the Parliamentary term and ensure every primary and secondary pupil can go on curriculum related trips.

This summer, we have already abolished music, arts and core curriculum charges and provided funding to expand free school lunches to primary school year 4 and 5 pupils.

Key Risk 10. Evidence of rising levels of domestic abuse and reporting of sexual abuse crimes against women and children as well as risk of rising hate crime due to COVID-19 and EU Exit.

Starting this year we will invest £100 million to support frontline services and focus on prevention of violence against women and girls from school onward. This includes the enhanced Delivering Equally Safe Fund that we have increased by £12 million to £38 million.

We allocated £5 million to violence against women frontline specialist services within the first 100 days of forming a new government to deal with the additional waiting list pressures that have occurred during the pandemic.

The Hate Crime Security Fund for places of worship will be launched this year and provide £500,000 for security measures to protect places of worship against hate crime.



We are taking action to build more inclusive and resilient communities, making it clear hatred and prejudice will not be tolerated. We will publish a Hate Crime Strategy in 2022 which will include ensuring more people are aware of what hate crime is and how to report it; and continue to work with partners to ensure effective safeguarding of those individuals who may become vulnerable to divisive and radicalising narratives, in a way that aligns with the needs of communities and the Scottish context.

We will implement the Hate Crime and Public Order (Scotland) Act 2021. The Act also includes a power to add the characteristic of 'sex' to the hate crime legislative framework. We have established an independent Working Group, chaired by Baroness Helena Kennedy QC, to specifically look at Misogyny in Scotland and explore whether there should be a specific offence to tackle misogynistic conduct and whether a 'sex' characteristic should be added to the hate crime framework. The Working Group is on target to produce its findings and recommendations in a report by February 2022.

In addition, the Committee had a number of questions that they were unable to cover as a result of time constraints but would be very grateful for any updates if available on the following:

Public Sector Equality Duty Review – an indication of scope and anticipated timescale

The Scottish Government is currently progressing the review the operation of the Public Sector Equality Duty (PSED) in Scotland. In March 2021 we completed stage one of the review by publishing our stage one report which set out learning from an extensive programme of stakeholder engagement and from the experience of mainstreaming over COVID-19 pandemic. The report drew some initial conclusions and suggested areas of focus for the second stage of the review.

We are currently undertaking stage two of the review, where we have carried out further stakeholder engagement and will publish a full public consultation in late 2021 on potential regulatory changes to strengthen duties on relevant public bodies, with a view to progressing the areas of focus identified in the stage one report in order to improve the operation of the PSED in Scotland. As per commitments in our Programme for Government, this will include consulting on proposals to expand the existing duties on public authorities to publish information on their gender pay gap to include reporting on ethnicity and disability pay gaps. Fairer Scotland Duty - Will there be a review of public authorities' implementation of the Fairer Scotland Duty? And when will final guidance be published?

A review has been undertaken and on 2 March 2021 the Equality and Human Rights Commission published its report 'Evaluating the Socio-economic Duty in Scotland and Wales'. The final guidance will be published during Challenge Poverty Week (week commencing 4 October 2021).

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020- What progress has been made on the implementation of the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 and when is it likely to be fully in force.

Work on the implementation of the Female Genital Mutilation (Protection and Guidance) Act is underway, and a meeting of the Female Genital Mutilation (FGM) Network to inform this work was held on the 22nd September 2021.

Over the coming weeks, we will be working with stakeholders to set up engagement sessions with people with lived experience of FGM to inform our approach to drafting statutory guidance on FGM. We will then consider our next steps in terms of convening a drafting group to take forward the development of the statutory guidance before it goes to public consultation.

We are also engaging with stakeholders to inform future work that will be conducted in conjunction with the Scottish Courts and Tribunals Service on the new court rules related to FGM Protection Orders.

Civil Partnership (Scotland) Act 2020 - When does the Scottish Government intend to introduce the remaining secondary legislation required to bring the Civil Partnership (Scotland) Act 2020 fully into force particularly the secondary legislation required under sections 4 and 5 of the 2020 Act.

Section 4 of the Act is about regulations being made so couples can, if they wish, change (or “convert”) their marriage to a civil partnership. We expect to lay regulations under section 4 in 2022.

This is a priority area that involves complexities, for example if a couple change their marriage to a civil partnership, we need to consider when their civil partnership should be treated as having started from. This is a particular issue if they entered into marriage before civil partnerships were established in the UK as a whole on 5 December 2005.

There are also possible links with rights and responsibilities in reserved UK legislation.

Section 5 is about making regulations to recognise in Scotland marriages converted to civil partnerships in England and Wales and in Northern Ireland. The UK regulations on converting marriages to civil partnerships in England and Wales are not yet in place. Once these are in place, we will proceed to prepare regulations under section 5 of the Civil Partnership (Scotland) Act 2020.

As often happens with primary legislation, we are commencing the 2020 Act in stages. We expect to lay a further set of commencement regulations on 7 October.

We are also planning a Scottish Statutory Instrument (SSI) to make minor changes on recognition of overseas dissolutions to reflect that civil partnership is no longer just a same sex relationship.

In addition, we will work with the Jewish Community on an SSI to allow the civil courts to postpone a decree of dissolution where a religious impediment to remarriage exists. There are similar regulations already in place to allow the courts to postpone a decree of divorce in these types of cases.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



There are also provisions in the 2020 Act on extending the legislation against forced marriage to forced civil partnership. We will need to engage with criminal justice agencies in this area. We expect the provisions on forced civil partnership will come into force later in 2022.

Finally, we are also working with the UK Government on two Orders under section 104 of the Scotland Act 1998 at Westminster, on reserved and cross-border legislation.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill -How has the reference of the UNCRC to the supreme court delayed or impacted the implementation of the Bill

The most significant impact of Supreme Court reference is the resultant delay of the UNCRC Bill receiving Royal Assent. The Bill provides for commencement of the main provisions of the Bill 6 months after Royal Assent. It also contains powers for the Bill to be commenced earlier than 6 months from Royal Assent. Whilst the reference means that the Bill cannot receive Royal Assent at this stage, the majority of work in relation to implementation can and is continuing, consistent with the fact that the case is before the UK Supreme Court. The Court will be issuing its judgment on 6 October and we will consider the implications of that judgment carefully.

The Scottish Government remains committed to the incorporation of the UNCRC into Scots law to the maximum extent possible and to a three-year implementation programme in collaboration with public authorities and children and young people. Between now and March 2024 we will invest £4 million over three years to support delivery of a fundamental shift in the way children’s rights are respected, protected and fulfilled in Scotland. Since July, the UNCRC Strategic Implementation Board has met monthly to provide strategic vision and oversight of a comprehensive and joined-up implementation programme.”

Fairer Scotland for Women action plan: the gender pay gap - How has the pandemic impacted the gender pay gap and women’s employment more generally and if the Scottish Government has any plans to address this.

We know that labour market inequality existed before the pandemic but it is clear from analysis such as “The Impacts of COVID-19 of Equality in Scotland” report (<https://www.gov.scot/publications/the-impacts-of-covid-19-on-equality-in-scotland/>) that women’s work has been further impacted. It is important for us to recognise and address this going forward as we build a nation which has fair work and wellbeing at its core.

With employment powers reserved under the Scotland Act, the Scottish Government is limited in what action it can take to bring about fairer working practices. Devolving all employment powers from Westminster to the Scottish Parliament will enable us to fully implement policies to meet Scotland’s distinct needs. It is imperative however that we continue to take forward measures within devolved power. Our ambition – shared by the Fair Work Convention – is for Scotland to be a leading Fair Work Nation by 2025 which includes tackling the gender pay gap to ensure women’s labour market. This autumn we are consulting on the action that will be needed to achieve and continue to build on this vision and how we will measure success. Fair Work and tackling inequalities is also at the heart of Scotland’s Covid Recovery Strategy (<https://www.gov.scot/publications/covid-recovery-strategy-fairer-future/>).

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Since 2018 the Scottish Government has invested over £550,000 to deliver two Women Returner programmes supporting over 500 women with access to skills, training, peer support and work experience to facilitate their transition back to work. This year we are investing up to £2 million to continue this programme of work with Skills Development Scotland managing the programme on our behalf. Successful projects should be announced within the next month.

Through our Fair Work First criteria on grants and procurement, we ask employers to commit to a range of Fair Work actions including tackling the gender pay gap and offering flexible working. The Workplace Equality Fund which was launched in 2018 was designed to address long standing barriers in the labour market preventing positive outcomes for specific equality groups including minority ethnic people, women, disabled people, older workers (those aged over 50 - including menopause support). In 2020/21 the fund focussed on short, sharp labour market interventions in response to early evidence highlighting exacerbation of inequalities (including in the labour market) by the pandemic. Since its launch the fund has provided over £1.8 million funding to 58 projects.

Previous rounds of the fund have funded projects focussing on the over 50's workforce, women, disabled people, those from a minority ethnic backgrounds, women transitioning through the menopause, victims of domestic abuse and workers who experience social isolation and loneliness (such as unpaid carers).

An evaluation of the efficacy of previous funds in achieving their stated outcomes and aims was undertaken at the beginning of 2021. The report (https://www.employabilityinscotland.com/media/inrpzcvz/wef_final_impact-report-2021.pdf) gave key recommendations including increasing the project delivery time and implementing a robust monitoring and evaluation process. These recommendations will be taken forward through the new multi-year version of the Workplace Equality Fund. The new fund will launch before the end of 2021 with up to £800,000 committed to the fund in 2021/2022.

Does the member agree that when ScotRail is brought into public hands, it should also be subject to those duties?

Whilst we wish to apply the principles of the legislation to the new publicly-operated railway we are assessing the legal implications of ScotRail Trains Ltd or ScotRail Holdings Ltd falling within the scope of the 2012 regulations. An update will be provided to the Committee once this is available.

The committee would welcome any available updates on the following working groups.

National Advisory Council for Women and Girls

The National Advisory Council on Women and Girls (NACWG) has now come to the end of their 2018 – 2021 Work plan. In its 2021-22 Programme for Government, The Scottish Government committed to continue its work with the NACWG Chairs to take forward the proposals in its Next Steps report, to ensure that we continue to build on the ambitious recommendations of the Council to advance gender equality.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



In March 2021, the NACWG submitted its a 'Next Steps' report to the First Minister, recommending that it adopt a scrutiny and accountability role for a further 3 years. If agreed by Ministers, this Phase 2 NACWG would monitor delivery of the recommendations already accepted by the Scottish Government, rather than make new recommendations. The current NACWG co-chairs, Louise Macdonald OBE and Dr. Ima Jackson have agreed to continue in their role during this transition phase.

Working group on non-binary equality

The Working group on Non-binary Equality will consider how best to improve equality for non-binary people in Scotland, taking account of international best practice, existing and possible future research, and the expertise and lived experience of the Group's members.

The Group is currently operating with an external Chair, ensuring that all members of the Group are able to continue to contribute to discussions and that the Group works together in a spirit of co-production. All minutes and relevant papers from the Group are made available publicly (<https://www.gov.scot/groups/non-binary-working-group/>) in line with Open Government commitments.

The Group's initial output is expected to take the form of a suite of recommendations to Scottish Ministers, delivered within one year of the Group's inaugural meeting, by March 2022. Following from that, we will develop an action plan by spring 2023, setting out how we will take forward their recommendations and our next steps in achieving equality for non-binary people as was stated in the Programme for Government 2021-22.

The Group continues to progress their work and have held three meetings to discuss issues in relation to progressing non-binary equality, including a meeting on healthcare on 16 June 2021. Member-led Subgroups to discuss mental health, Gender Identity Clinics, primary care and fertility preservation have also taken since this meeting and members are drafting recommendations around these issues.

The Group last met on Thursday 16 September 2021 to discuss data and evidence gathering. This meeting looked at the Scottish Household Survey, work of the Sex and Gender in Data Working Group, Equality Evidence Strategy 2017-2021, Equality Impact Assessment (EQIAs) and recognition in legislation. Minutes of these discussions will be made available publicly online in due course. Subgroups also will meet soon to discuss evidence and data issues in more detail and to draft recommendations.

A fourth meeting is planned to take place in November to discuss access to services.

The proposed working group on faith and belief

We are currently engaging with faith and belief partners to consider the role, remit and membership of the Faith and Belief Engagement Working Group which will be established by the end of October 2021.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrews House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020

