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Convener
Equalities, Human Rights and Civil Justice
Committee

By email: EHRCJ.committee@parliament.scot

21 February 2024

Dear Convener,

Thank you for sharing a copy of the Equality, Human Rights and Civil Justice Committee's report following your inquiry into asylum seekers in Scotland. I have set out below my response to the matters raised and the specific recommendations or requests made to the Scottish Government.

Illegal Migration Act

1. The Scottish Government has been clear in our strong opposition to the Illegal Migration Act 2023 and notes clear agreement in the evidence considered by the Committee, which is drawn out in the report. The 2023 Act seeks to abdicate the UK's moral and international legal obligations to uphold the 1951 Refugee Convention, to which the UK was a founding signatory. It restricts the right to seek asylum in the UK, and contributes to the UK Government's attempts to relocate people to third countries to have any protection claims considered there. This policy is not centred on considering people's need for protection but on the route they have had to take to seek that protection. It does nothing to tackle criminals exploiting people and, rather than improving or increasing the limited safe and legal routes available, it begins a process to cap the number of people who can access them.
2. We continue to request information from the UK Government on full implementation plans for the Act. This clarity is essential to inform any potential mitigations we can take in Scotland, including potential public sector training or guidance needs to understand the implications of the Act. The Act will significantly impact in areas of devolved responsibility including human trafficking and unaccompanied asylum-seeking children. Further detail on this is set out below.

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Human Trafficking

3. The 2023 Act is intended to prevent victims of trafficking who are deemed to have entered the UK 'illegally' from accessing the safety and support available in Scotland (or elsewhere in the UK) to stabilise and begin rebuilding their lives, unless limited exceptions apply.
4. The Scottish Government remains committed to providing support and assistance to victims of trafficking who reside in Scotland. We will use our devolved powers, within the bounds of the law, to ensure where possible victims of trafficking are provided with support and assistance.
5. However, this is a complex matter, and it is necessary for Scottish Ministers to balance their statutory duty to provide support, whilst also operating within the boundaries of UK law. As such, policy officials continue to engage across the Scottish Government and with human trafficking support services to explore the operational complexities and legal challenges of mitigative options.
6. The Scottish Government has assessed in detail the suggestion of a Scottish human trafficking identification system.
7. The Human Trafficking and Exploitation (Scotland) Act 2015 ("2015 Act") provides Scottish Ministers with powers through regulations to make provisions about the circumstances in which victims of human trafficking are identified for the purposes of support and assistance. However, under the current constitutional arrangements, immigration is wholly reserved to the UK Government. As such, other than British nationals or those with status to remain in the UK, all other potential victims of trafficking entering a 'Scottish NRM' would be subject to UK immigration law. As such, the UK Government would retain the power to remove individuals regardless of any decision made under a Scottish system.
8. Further, there are provisions contained within the Illegal Migration Act which provide significant powers to the Secretary of State. Specifically, should Scottish Ministers make regulations under section 9(8) or section 10(1) of the 2015 Act, the UK Government might consider amending the Illegal Migration Act in response and it could be used to prevent Scottish Ministers from providing support to victims of trafficking who are within scope of the duty to remove. The UK Government may also consider including a requirement to notify Home Office of persons who enter any Scottish system and where immigration status is unknown.
9. At present, decision-making under the National Referral Mechanism sits with the Home Office. Under the terms of the Council of Europe Convention on Action against Trafficking in Human Beings ("ECAT"), states are to provide victims with a recovery and reflection period of a minimum of 30 days from their rescue, as well giving consideration to whether the victim needs, as a result of their personal circumstances, to be issued with a residence permit. The Scottish Government is not able to do this as leave to remain is an immigration matter, as is granting non-UK nationals leave to work in the UK whilst they are here. Therefore, without involvement of the UK Government or a change to the current constitutional arrangements, it is not possible for the requirements of ECAT to be met.

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10. Further, if only Scottish Ministers were aware of a victim's presence in Scotland, and the UK Government were not, this would result in victims of trafficking having no prospect of gaining settlement status in the UK and with it access to work or mainstream support.

Unaccompanied Asylum Seeking Children

11. I am extremely pleased that the statutory Guardianship Service, Guardianship Scotland, launched on 1 April 2023. The service is delivered by a consortium of the Scottish Refugee Council and Aberlour Children's Charity and provides vital, specialist support to unaccompanied children in Scotland.
12. The Guardianship Scotland service is experiencing increased demands as the numbers of unaccompanied children arriving in Scotland continued to rise throughout 2022-23. Uncontrollable Home Office delays have compounded this challenge, and we are currently working with the service provider to assess the impact and exploring options to address the continued high levels of demand.
13. The Committee shares Scottish Government concerns regarding the Illegal Migration Act 2023 and the impact it will have on unaccompanied asylum-seeking children (UAS children). Uncertainty remains about the new power to remove unaccompanied children from local authority care; I can assure the Committee that Scottish Government officials are engaging with COSLA, the Home Office and Department of Education to consider the implications for UAS children receiving support from Scottish local authorities. The Committee may be aware that the Scottish Government requested an amendment to the then-Bill, so that exercise by UK Ministers of the regulation-making power which extends the provisions relating to the care of unaccompanied children to Scotland should not take place without first seeking the consent of Scottish Ministers. This request was rejected by the UK Government. We continue to regularly engage with Home Office and other relevant UK Government departments and will consider any action that can be taken to safeguard vulnerable UAS children as the Act is implemented.
14. On age assessment, the Scottish Government has been clear in voicing its opposition to the Nationality and Borders Act 2022 which establishes a National Age Assessment Board (NAAB) to conduct age assessments in place of local authorities, and which seeks to introduce unproven scientific techniques to carry out age assessments. The Minister for Children, Young People, and the Promise, Natalie Don, wrote to the UK Government's Minister for Immigration most recently on 30 January, reiterating our concerns around Home Office age assessment policy and practice.
15. We are aware that some local authorities are experiencing significant challenges with age assessment, partly as a result of the UK Government's asylum dispersal policy. To assist all local authorities, the Scottish Government is funding age assessment training in the coming months. In addition, the Scottish Government is engaging the UK Government on age assessment challenges in Scotland via various fora, including the four nations UASC Taskforce, led by Home Office and Department for Education permanent secretaries, and the recently established NAAB User Group. The Group aims to create opportunities for consultation and engagement about the operational and policy development of the NAAB and provisions in the Nationality and Borders Act.

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16. Several local authorities have confirmed that hotels have been used - on an emergency basis only - to accommodate UAS children and young people over the age of 16 while a suitable placement is found. One increasingly common reason for UAS children to be accommodated in hotels is that they have been placed in an adult dispersal hotel in Scotland by the Home Office and have stated that they are a child only after their arrival. In these circumstances, the young person may continue to be accommodated in a hotel until they have been assessed by the local authority and a suitable placement has been found. The Scottish Government continues to work with COSLA and local authorities to better understand the issues they are experiencing, and will continue to make the case for more UK Government funding which is currently insufficient to meet the costs incurred by councils in providing support for unaccompanied children.

Communications in relation to asylum

17. The Committee asked for clarity as to what communications have or are taking place with the Home Office and in which areas. The Committee also requested that the Scottish Government write to the Home Office on a number of matters, some of these matters have already been raised and reference to relevant correspondence is set out in this response. I have also written to the UK Government to raise any outstanding matters of interest to the Committee. I also note the call from the Committee to be proactive in encouraging use of more compassionate language during any discussions with the Home Office.

18. Scottish Government Ministers have written to the Home Office on a number of matters which impact people living in Scotland. This communication takes place as need arises and the Committee will find reference to relevant letters in this response.

19. Scottish Government and Home Office officials also communicate on a range of matters. In relation to asylum, the most regular communications take place through the Asylum and Refugee Partnership Board which is attended by Scottish Government and Home Office officials. The Partnership Board is convened by Glasgow City Council and the Committee heard evidence from the Board Chair, Susanne Millar, during your inquiry. The Partnership Board also includes representatives of Mears Group and it is through this structure that Scottish Government officials regularly meet with Mears Group, alongside representatives of other organisations including the Home Office, local authorities, COSLA, and Migrant Help.

20. The inaugural Home Office Interministerial Group (IMG) for Safety, Security and Migration met via videoconference on 1 February 2023. The second IMG was held via videoconference on 11 July 2023. At both meetings, Ministers discussed issues relating to the three core themes of the group - safety, security, and migration - and they agreed the importance of the IMG in promoting closer relations and effective cooperation. The third meeting of the Group was due to take place on 5 February 2024 however this was postponed at the request of Home Office Ministers. No new date has been set.

21. As the Committee heard in evidence, and as was evident from published Home Office statistics, a significant backlog in asylum decision making had been allowed to build up, leaving people waiting years for a decision and increasing pressure on the UK asylum system. In a letter of 28 October 2023 to then Immigration Minister, Robert Jenrick MP, I set out Scottish Government's long held position that the UK Government needs to invest in the UK asylum system to increase the speed and quality of asylum decisions. Making

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good quality decisions in good time will reduce the risk of people who have been forced to flee in search of safety spending years living with uncertainty and fear for their future, while subject to restrictions including on right to work.

22. I welcomed the UK Government's recognition that the asylum decision backlog must be tackled, but I made clear that the approach being taken is completely unacceptable and reckless, as it shifts a significant burden onto local authorities without providing financial support. I called for the UK Government to provide funding to local authorities and work constructively with them to ensure that newly recognised refugees, who have received a positive asylum decision, are supported to move on from asylum accommodation without creating unmanageable pressure on housing and homelessness services over a short space of time.
23. I also sought assurance that the UK Government will not allow decision making times to fall back again once the backlog is cleared. The UK Government has been defining the backlog on their own terms, with reference to the passing of the Nationality and Borders Act 2022 and the introduction of what is now the Illegal Migration Act 2023. People who have applied for asylum since these legislative changes should not become a future backlog, their applications should be considered in good time and with high quality decision making.
24. In a reply of 3 January 2024, the new Immigration Minister, Tom Pursglove MP, confirmed to me that no additional funding is currently available to local authorities as a result of the increase in asylum support cessations.
25. The Committee requested that the Scottish Government write to the Home Office to seek clarification on what data and information is collected from Mears. I have written to the Home Office to draw their attention to the Committee report and raise this matter.
26. I agree with the Committee view that asylum seekers should be able to work while awaiting a decision and I note the Committee's request for the Scottish Government to engage with the UK Government on this issue. In line with our wider approach to migration, Scottish Ministers are advocating for a humane approach for those seeking asylum, including exploring options around allowing the right to work. Right to work for asylum seekers would enable people to use and develop their skills, make connections within a work environment, help to support themselves and their families, contribute to our economy and restore people's dignity. The Scottish Government will develop a pilot proposal throughout 2024, to be submitted to the UK Government, with the intention of enabling asylum seekers to work in Scotland. Development of this pilot proposal will be informed by the findings of independent research undertaken by the Expert Advisory Group on Migration and Population and the National Institute for Economic and Social Research, published in December 2023.

Dispersal, asylum accommodation and newly recognised refugee housing

27. The Scottish Government supports the widening of asylum dispersal in principle, but we have been clear with the UK Government that if it is to be successful it must include appropriate funding for local authorities as well as improved partnership working, data and information sharing. Local authorities need to be able to plan and prepare for asylum dispersal. The Asylum and Refugee Partnership Board provides a structure for these

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discussions, including for individual local authorities to identify any issues that are unique to them and raise them with the Home Office and their contractors.

28. On 25 September 2023, I wrote to then Immigration Minister, Robert Jenrick MP, about the announcement of UK Government's maximisation policy, which requires unrelated adults to share rooms in contingency asylum accommodation. In that letter, I raised issues with the funding model for local authorities where asylum accommodation has been procured and called for the UK Government to urgently address the gap in resource. The current funding model does not provide any funding to local authorities for hotels procured in their area at the point of procurement, nor for any additional bed spaces created (including under the maximisation policy) during the year. Instead, the current model has provided local authorities with a one-off payment for occupied bed spaces on a single day of the year. It is worth noting that funding for local authorities was only introduced in 2022 and there has not been a clear long-term commitment. Funding has been provided by the UK Government in 2022 and 2023. As outlined above, I also raised funding for local authorities in a letter of 28 October.
29. The UK Government also needs to recognise that it will take time for services to develop in areas that are new to dispersal, particularly specialist services including legal advice and third sector support.
30. The Committee noted a suggestion that all asylum seekers could pass initially through Glasgow, where staff and services are concentrated, prior to wider dispersal, and sought a commitment to work with COSLA to review existing provision and consider options before reporting back to the Committee. The Scottish Government will not be undertaking work to consider this proposal because, as the Committee is aware, asylum is reserved to the UK Parliament and handled by the Home Office. The Scottish Government has no control of asylum accommodation and would not be able to introduce such a model, even if work to consider options identified benefits.
31. I can confirm for the Committee that there are no Mother and Baby Units in operation to provide asylum accommodation in Scotland. A unit previously used in this way by the Home Office asylum accommodation contractor stopped operating as a Mother and Baby Unit in 2022.
32. The Scottish Government remains absolutely determined to address levels of homelessness and improve the supply of social and affordable housing. The Minister for Housing has been meeting with housing convenors across the country since last summer to discuss challenges and will continue to do so. We have invested over £90m in Discretionary Housing Payments (DHPs) in 2024-25 which is an increase of over £6m on 2023-24. We spend more per person than any UK nation on DHPs and these payments mitigate the worst impacts of UK Government welfare reform, reducing poverty and helping struggling households to remain in their home. In addition to this, we have committed £35m for specific action to end homelessness and reduce the number of households living in temporary accommodation, over and above the funding provided to local authorities through the local government settlement to deliver homelessness services. We will also invest £556m in 2024-25 to increase the delivery of more affordable homes.
33. The Scottish Government collects and publishes an annual and bi-annual update on homelessness statistics.

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Supporting integration for people seeking asylum

34. Scotland's approach to supporting integration, as set out in the New Scots refugee integration strategy, is distinct because it is clear that integration should begin from day one of arrival, including where someone has made an asylum application and will be waiting for a decision from the UK Government.
35. I recognise the significant contribution that the third sector makes in supporting people seeking asylum as members of our communities, and the challenges faced by such organisations based outside Glasgow where there has not previously been asylum dispersal. The complex nature of the UK asylum system can make it challenging for third sector organisations supporting people within our communities.
36. The Committee asked the Scottish Government to ensure adequate resource is available to third sector organisations based outside Glasgow so they may continue to provide individuals with information about their rights and services available to them. Scottish Government is considering what resource it will be possible to provide as part of the New Scots delivery plan, which is due to publish in summer 2024, following the publication of a refreshed New Scots refugee integration strategy in March. This will include consideration of the best way to meet needs and priorities across Scotland, using resource available. I also note the Committee asks the Scottish Government and local authorities, as part of our relationship with Mears Group, to encourage continued involvement of third sector organisations in relation to asylum dispersal preparations.
37. Local authorities also play a significant role in supporting people seeking asylum living in our communities. One of the key challenges for people seeking asylum is the impact of the UK Government's No Recourse to Public Funds (NRPF) policy which restricts access to certain public funds. As part of work progressed under our Ending Destitution Together strategy, the Scottish Government and COSLA co-commissioned guidance to help support local authorities when making decisions in line with their statutory duties and in light of NRPF restrictions; this guidance was updated in 2023. This Migrants' Rights and Entitlements guidance helps local authorities to make decisions about support which people seeking asylum, including families with children, can access. This guidance will help to support people to realise their rights, however it remains important to note that reserved immigration legislation and rules which restrict access to certain public funds continues to impact people living in Scotland, including families with children living in temporary accommodation like hotels.
38. The Ending Destitution Together strategy was developed in partnership with COSLA and sets out our approach to prevent and mitigate destitution arising due to the application of NRPF conditions. There are limits on action that can be taken because immigration and nationality, including NRPF policy, are reserved to the UK Parliament.
39. The Committee asked specifically about how the Ending Destitution Together strategy is helping people who have been refused asylum and are appeal rights exhausted, as they are subject to NRPF they are included in the people the strategy aims to support. Through the strategy, the Scottish Government has funded the Scottish Refugee Council to deliver a Diagnostic Legal Advice and Advocacy project, in partnership with Fair Way Scotland. The project provides a coordinated approach to triage needs, identify where specialist legal advice may be able to resolve underlying status issues or access to

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support, and provide third sector advice for other (non-legal) issues. The project operates with a National Helpline, enabling people in all 32 local authorities to seek advice and access triage. People with underlying status issues or other legal advice needs identified during triage are referred to specialist legal advice. The Scottish Government funds the project to provide triage and coordination of the partnership approach; improving access to legal advice and advocacy through referral, while enabling legal advisors to focus on legal matters because of third sector wraparound support for other needs. Wrap around support for non-legal needs includes provision of advice, advocacy, and signposting to support services. All cases are assessed holistically to look at all areas of need including health, length of stay in the UK and social connections, as well as legal access.

40. The Committee heard calls from Scottish Refugee Council for a radical humanitarian strategy, and in light of this asked the Scottish Government to explore such a strategy. As already communicated to Scottish Refugee Council, a new strategy would not be able to change the fundamental issues in reserved legislation, rules, or policy which are causing the most significant concerns they and others are raising. The Scottish Government will not undertake to explore a new strategy, but will continue our work across government and through engagement with partners to deliver existing strategies and to refresh our approach in key areas, like the New Scots refugee integration strategy.

Travel support for people seeking asylum

41. On 30 October 2023, Transport Scotland announced that £2 million would be made available in the 2024-25 Budget to progress free bus travel for people seeking asylum in Scotland, and that work will continue to establish the most appropriate way to extend free bus travel to all people seeking asylum.
42. This funding commitment is for financial year 2024-25 only. It will be used to establish and deliver a scheme, building on the local and regional pilots delivered by third sector organisations over recent years, to provide free bus travel to those people seeking asylum not covered by the existing National Concessionary Travel Schemes on the grounds of age (60+ or under 22) or disability. Around a third of people seeking asylum in Scotland are thought to already be eligible for the existing National Concessionary Travel Schemes through age or disability criteria.
43. A working group has been established, bringing together people with lived experience of asylum and organisations with expertise supporting them, to inform how best the £2 million resource can be used next year. Work will also continue on establishing the most appropriate way all people seeking asylum in Scotland can be supported to access travel in the longer term.

Language: ESOL and interpreters

44. On 5 December 2023, the Minister for Higher and Further Education announced an independent review for Community Learning and Development (CLD) which includes ESOL learning. The review will look at the various elements of CLD including the impact on learners.

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45. The Adult Learning strategy will be paused for the duration of the review, until such time as the future shape and strategic orientation of CLD is considered. We are expecting the review to provide recommendations to Scottish Ministers and the Scottish Government in June 2024 as work continues towards reforming Scotland's education and skills system.
46. Due to the independent nature of this review, the Scottish Government is unable to comment or discuss elements which may be subject to review. More information and an outline of means to engage with the work of the review is available on the Scottish Government website: [Community learning and development \(CLD\): independent review - gov.scot \(www.gov.scot\)](https://www.gov.scot/Topics/Community-learning-and-development/CLD-independent-review)
47. Engagement of interpreters or interpreter services is undertaken by service providers or in connection with need related to particular functions, and any requirements would be set out by the organisation engaging the interpretation service. The Scottish Government has no role in overseeing general standards or accreditation of language interpretation.
48. In terms of interpreters for asylum applicants as part of the asylum process, this will be managed by the Home Office. 339ND of the Immigration Rules sets out that the Secretary of State shall provide at public expense an interpreter for the purpose of allowing the applicant to submit their case, wherever necessary and shall select an interpreter who can ensure appropriate communication between the applicant and the person conducting the interview. I understand that there is an associated Code of Conduct to explain the role and expectations of interpreters when engaged to act on behalf of the Home Office.

Healthcare access, including mental health

49. Scottish Ministers have long been clear that refugees and people seeking asylum have the right to access NHS healthcare, including registering with a GP. Information about accessing healthcare is set out on the NHS inform website.
50. We published our new [Mental Health and Wellbeing Strategy](#), jointly with COSLA, in June and [Delivery Plan](#) and [Workforce Action Plan](#) in November 2023. We worked closely with stakeholders to gather evidence and develop our Strategy and Delivery Plan to ensure it has equalities and human rights at its core, recognises the importance of taking a trauma-informed approach, and is informed by lived experience. This has included working closely with our Equality and Human Rights Forum, which members include groups representing asylum seekers such as the Scottish Refugee Council. This evidence has been published in the [Scottish Government Mental Health Equality and Evidence Report](#), which will be used to help conduct robust EQIAs on Delivery Plan actions going forward.
51. The Plan lays out actions which are designed to make substantial progress towards tackling mental health inequalities. It acknowledges that we must take an intersectional approach to implementing actions, recognising that people are multi-faceted. We need support, services, care and treatment that are person-centred, anti-racist, culturally and gender sensitive, age-appropriate, fully inclusive and in a range of formats. The Inequality Action Table in Appendix 1 of the Delivery Plan highlights the inequalities the

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Plans actions aim to tackle, including a lack of targeted information and inclusive communication for some minority ethnic groups.

52. Accessible supports and services that are sensitive to the needs of marginalised groups have been highlighted as a priority in evidence and by stakeholders. In this first Plan, we will focus attention on improving equality of access to and experience of mental health support and services with a specific focus on actions under Priorities 4 and 7. We will work closely with the Equality and Human Rights Forum and people with lived experience to develop, test and learn from a good practice approach to implementation.
53. Under this government since 2007, the mental health workforce has expanded significantly, with record number of staff providing more varied support to a larger number of people than ever before. The psychology and CAMHS staffing have more than doubled since 2007.
54. We have published, jointly with COSLA, a Mental Health and Wellbeing Workforce Plan (7 November), which sets out the actions we are taking to ensure we have a resilient and sustainable workforce, with the right skills who are able to deliver the new Mental Health and Wellbeing Strategy. Tackling stigma, inequalities and discrimination are key themes in the Workforce Action Plan, with a number of proposed specific actions identified for example NHS Education for Scotland and third-sector partners are working together to improve Equality, Diversity and Inclusion training.
55. We are building on our substantial direct mental health investment and continuing to support sustainable growth across the workforce. This includes continuing to build mental health capacity to support GP practices by increasing access to multi-disciplinary mental health and wellbeing services. Through the Primary Care Improvement Funding, Community Link Workers are already well embedded members of the Multi-Disciplinary Teams. We are continuing to build on this by having them at the heart of the new services.
56. The Scottish Government does not monitor the number of trained mental health counsellors in Scotland. The term counselling covers a wide range of therapeutic approaches. Some of these are highly defined and regulated (e.g., counselling psychologists), whereas others are not.
57. The Scottish Government has provided funding of just under £275,000 for 2021-24, to Simon Community Scotland in partnership with Safe in Scotland to explore and address challenges people with No Recourse to Public Funds (NRPF) face in accessing support for their mental health. The learning from the project has improved understanding of the best way for delivery partners to support rights-based access to mental health support, as well as a model of practice to implement this.
58. Work to date has produced a replicable and scalable peer support model developed in partnership with Scottish Recovery Network. Up to 35 destitute asylum seekers are engaged in peer support activities that reduce the risk of suicide and distress. There is ongoing professional development in peer support for individuals who face structural barriers to employment in Scotland. Development work is in progress on transferability of the model, to other groups who have NRPF. Simon Community are maximising the

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learning from the project by capturing and sharing evaluation data and wider learning with Scottish Government policy areas including, Mental Health, Homelessness and Communities.

59. The Committee also recommended development of trauma informed and skilled training. There are existing evidence-based training, tools and guidance resources set out on the [National Trauma Transformation Programme website](#) that can be accessed to develop understanding and skills at the informed and skilled level: [Knowledge and Skills - National Trauma Transformation Programme](#). We also recently published "[A Roadmap for Creating Trauma-Informed and Responsive Change](#)". The Roadmap has been designed to help services and organisations identify and reflect on progress, strengths and opportunities for embedding a trauma-informed and responsive approach across policy and practice. It includes a self-evaluation checklist that offers a roadmap, based on growing evidence, of activities that are found to be most effective in supporting services and organisations in becoming trauma informed and responsive. These resources aim to support everyone, in all sectors of the workforce, to know how to adapt the way we work to make a positive difference for anyone who has been impacted by psychological trauma and adversity.

Scottish Human Rights Bill

60. The Human Rights Bill will, if passed, incorporate internationally recognised economic, social and cultural rights into Scots law – as well as specific rights relating to the protection of women, disabled people, and people who experience racism – within the limits of devolved competence. It will also recognise and include the right to a healthy environment.
61. The public consultation on Bill proposals ran from June to October 2023, and the [independent analysis](#) of responses (which included stakeholders working with migrants, refugees and asylum seekers) was published in January 2024. Extensive feedback was received on the proposed duties, and we are taking account of the responses as we further develop Bill policy.
62. We are listening to the views shared about how asylum seekers, refugees, migrants, and trafficking survivors are treated and protected in Scotland, and we will continue to engage on these important issues. We have heard from refugees and asylum seekers directly that they would like guidance on their rights in the new human rights framework as part of their New Scots welcome packs. As part of implementation of the Bill, we will explore what public information and awareness-raising measures need to be in place, so that all people can be more informed about both their rights under the new Bill, and the practical implications and options available to them if their rights are not upheld.
63. It is worth highlighting that although the Human Rights Bill aims to bring transformative change across the devolved landscape, it cannot modify any laws, rules or implement policy on reserved matters, which includes Immigration and Nationality. The Bill will aim to ensure a human rights-based approach is taken to the delivery of services in areas devolved to Scotland, such as housing, food, and health. However, we recognise that aspects of the Immigration Rules (reserved to the UK Government) may limit the extent to which certain rights in the Bill could be realised in practice for people with insecure immigration status. We are considering all of this carefully, and in developing

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the Bill we will be mindful of how it will interact in practice with existing legislation and reserved areas, including asylum and immigration.

Hate Crime – Third Party Reporting

64. The Committee noted broad support for third party reporting centres and requested an update on how these centres are working currently. The Scottish Government wants people to report all hate crimes to the police, and for them to feel that the report will be taken seriously when they do. However, we know that not everyone feels able to do so directly, and some people may be more comfortable reporting it to an organisation they are familiar with.
65. There is currently a network of third-party reporting centres across Scotland, with staff and volunteers specially trained to provide support and assistance in submitting a report of hate crime to Police Scotland on a victim's or witnesses' behalf. Our lived experience engagement to inform the Hate Crime Strategy told us that many people do not know that such a service exists, and we acknowledge that it is not operating as effectively as it could be.
66. Our Hate Crime Strategy Delivery Plan sets out a review that has been undertaken to consider a rebranding of third-party reporting centre services, including how to better define the criteria of a third-party reporting centre and how to improve support for centres and victims. A Short Life Working Group, led by Police Scotland, has been convened to take this forward and will scope a proposal to be tested with communities.

I hope that this response is helpful for the Committee.

Yours sincerely,

EMMA RODDICK

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