

Private and Confidential
Human Rights and Equality Developments

Summary and Recommendations

This paper provides an update to the Community Wellbeing Board on developments relating to human rights and equality issues, sets out how COSLA is responding and seeks endorsement from members on this work. It includes information on forthcoming recommendations from the First Minister's Advisory Group on Human Rights Leadership and a consultation from the Equality and Human Rights Commission (EHRC) on their draft strategic plan.

This paper invites the Community Wellbeing Board to:

- i. Welcome the work of the First Minister's Advisory Group on Human Rights Leadership as part of Scotland's journey towards respecting, protecting and fulfilling human rights;
- ii. Agree the approach to responding to the expected Advisory Group recommendations which is set out in paragraphs 4-7 below; and
- iii. Agree that COSLA responds to the EHRC's consultation on their draft strategic plan stressing the value that Local Government places upon their support and advisory role and the importance of investing resources in that function.

References

Previous reports on equality and human rights:

- COSLA Leaders, November 2017, Agenda Item 12

Mhoraig Green
Policy Manager
Migration, Population and Diversity Team
mhoraig@cosla.gov.uk
0131 474 9244

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Purpose

1. The purpose of this paper is to update the Community Wellbeing Board on developments relating to human rights and equality issues, to set out how COSLA is responding and to seek endorsement from members on this work.

Current COSLA Position

2. Equality and Human Rights are a priority for COSLA. In November 2017 COSLA Leaders committed to promoting equality and diversity across Local Government. In June 2018 COSLA and Scottish Government co-signed the new National Performance Framework which includes the outcome 'We respect, protect and fulfil human rights and live free from discrimination'. All national outcomes are linked to the UN's Sustainable Development Goals and, as discussed at Convention on 14 December, COSLA will contribute to the localisation of these goals.

First Minister's Advisory Group on Human Rights Leadership

3. 10 December is Human Rights Day and the First Minister's Advisory Group on Human Rights Leadership, led by Professor Alan Miller, is due to make its recommendations on that date. COSLA has had some discussion with Professor Miller about the group's work and we expect the recommendations to include a new legal human rights framework for Scotland. The new legal framework will create duties for public bodies which will be gradually implemented during a period of public engagement and capacity building for duty bearers. A Taskforce is likely to be established to oversee this process.
4. The recommendations are likely to have a significant impact on Local Government and therefore COSLA will respond in due course. Embedding human rights in the culture of organisations will take time and effort. It will be important that local authorities and other public bodies are adequately resourced to respond to the development of the new legal framework, through training and capacity development. Within Local Government, both the officers responsible for delivery and the councillors responsible for decision making will require training.
5. It will also be important that any new reporting requirements are integrated into existing reporting requirements relating to equality. COSLA has had early discussions with civil servants about the possibility of using the review of the Public Sector Equality Duty that Scottish Government is due to conduct as an opportunity to take this forward.
6. In order to develop our response to the recommendations, COSLA has established a short life working group with members of the Scottish Councils Equality Network. This group will explore what a human rights based approach would look like within councils and what resources would be required to develop this. This will put us in a good position to negotiate for adequate resources from Scottish Government to respond to the new legal framework. A report on the work of this group will be brought to a future meeting.

7. Members are asked to support the approach outlined above and agree that COSLA will also seek to be involved in a new Taskforce or any other group established to oversee the work.

Equality and Human Rights Commission consultation on their draft strategic plan

8. The Equality and Human Rights Commission (EHRC) is a statutory independent body with the role of promoting equality and work to help make Britain fairer. They are currently [consulting on their Draft Strategic Plan for 2019-22](#). The deadline for submissions is Monday 7 January 2019.
9. They have set out three strategic goals and ten priority aims, most of which touch upon the functions of local authorities and their community planning partners. The ten priority areas are: the criminal justice system; the education system; new technologies and digital services; public transport and the built environment; essential public services; access to the labour market; the social security system; the detention system; and addressing violence against women and girls. Input into a response to the consultation has been requested from the relevant teams within COSLA.
10. The EHRC have also set out the way that they intend to work during the period. They describe a three pronged approach that includes working with decision makers; equipping and supporting individuals; and supporting existing oversight mechanisms. The first element would cover their relationship with Local Government and they describe using 'evidence, advice, guidance and support' to ensure that those responsible for policy and practice respect equality and human rights laws and principles, as well as engaging in enforcement activity when necessary. Feedback COSLA has received from local authorities over the past couple of years indicates EHRC have had limited capacity to provide advice, guidance and support and this has had an impact on local authorities. Local authorities and the Scottish Councils Equality Network have also indicated that they would appreciate this type of input from EHRC.
11. Members are asked to agree that COSLA responds to the EHRC by stressing the importance to Local Government of a positive working relationship which would enable local authorities to develop cultures that support equality and human rights.

Next Steps

12. The First Minister's Advisory Group on Human Rights Leadership will publish its recommendations on the day of the Community Wellbeing Board. If the recommendations are as expected, it is proposed that, with the Board's endorsement, COSLA proceeds on the basis outlined above. A response will be prepared early in 2019 and COSLA will work with Scottish Government and other partners on the development of the new human rights framework.
13. With the agreement of the Board, a letter will be sent from the Community Wellbeing Spokesperson to the EHRC regarding their work with Local Government going forward.

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