

Preparing COSLA's Response to the Recommendations of the First Minister's Advisory Group on Human Rights Leadership

Summary and Recommendations

This paper provides an update to the Community Wellbeing Board on work to develop a Local Government response to the recommendations of the First Minister's Advisory Group on Human Rights Leadership.

The paper invites the Community Wellbeing Board to:

- i. Agree that COSLA should be represented on the Task Force that Scottish Government will establish to take forward the recommendations;
- ii. Endorse the principles set out in paragraphs 7 to 12, and support the continuation of COSLA's work with the Scottish Councils Equality Network to develop a response to the recommendations; and
- iii. Agree that a full draft response to the recommendations is brought to the May meeting of the Board for endorsement.

References

Previous reports on equality and human rights:

- CWB, December 2017, Agenda Item 4.5
- COSLA Leaders, November 2017, Agenda Item 12

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Human Rights and Equality Developments

Purpose

1. The purpose of this paper is to update the Community Wellbeing Board on the recommendations of the First Minister's Advisory Group on Human Rights Leadership and on how COSLA is preparing to respond.

Current COSLA Position

2. At the December 2018 meeting, the Community Wellbeing Board welcomed 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. The timing of the publication meant that the recommendations had yet to be considered in full. This paper updates the Board more fully on the recommendations and seeks support for continued work to develop a Local Government response.

First Minister's Advisory Group on Human Rights Leadership Recommendations

3. The [First Minister's Advisory Group on Human Rights Leadership published their recommendations on 10 December 2018 and they are available on their website](#). The First Minister immediately welcomed the recommendations and announced that a Task Force will be established to take forward recommendations. Civil servants are still working on the terms of reference for this group and we have had early discussions with them about COSLA's involvement. We are seeking a mandate from the Community Wellbeing Board for COSLA to be represented on this group.
4. The recommendations aim to establish a new human rights framework which will set out for the first time in one piece of legislation the rights belonging to everyone in Scotland, and provide support for implementation. An Act will include those rights already provided by the Human Rights Act and additional rights drawn from UN treaties including economic, social, cultural and environmental rights. It will therefore take us beyond what is already contained within domestic law.
5. The recommendations in full are:
 - i. An Act of the Scottish Parliament which provides human rights leadership.
 - ii. A public participatory process as a vital part of the preparation of the Act and its implementation.
 - iii. Capacity-building to enable effective implementation of the Act to improve people's lives.
 - iv. A Scottish Government National Mechanism for Monitoring, Reporting and Implementation of Human Rights.
 - v. Development of human rights indicators for Scotland's National Performance Framework.
 - vi. Process of implementation of recommendations – to be led by a National Task Force.
 - vii. Integration of any further devolved powers into the framework as proposed in Recommendation 1 and, if independence, a written constitution including a bill of Rights for Scotland.

COSLA's Emerging Response

6. As indicated at the last meeting of the Board, COSLA is working with members of the Scottish Councils Equality Network (SCEN) to develop a response to the recommendations. The working group has met twice since December and early principles are emerging from their work. These are set out in paragraphs 7-12 below, and the Board is asked for support of these principles and the continued work of the group.
7. Local authorities are already delivering on a human rights agenda, although their work may not always be described (or recognised) as such. Delivering on *Getting It Right For Every Child* for more than a decade has ensured that education and children's services within councils are human rights focused. The development of person-centred approaches in social care is taking other parts of councils on a similar journey. The community engagement work that councils are increasingly using to inform their planning, policy development and service delivery design also contributes to the emergence of a rights-focused culture. Board members will also be aware of innovation around participatory budgeting and integrated equality and human rights assessments in some areas.
8. There are, however, financial challenges associated with delivering a human rights agenda. It will be important to evaluate how the full realisation of human rights (including the proposed incorporation of the UN Convention on Child Rights) could impact upon council budgets. We already know that effectively engaging with communities to ensure that their rights are being met is expensive, and if this work is to be scaled up it needs to be adequately resourced, or we risk further marginalising the more difficult to reach people in our communities. Recommendation 3 suggests that capacity building within the public sector should be resourced, but it is important that this happens across the public sector and not only within Scottish Government. To this end, the working group is exploring what work would need to be undertaken to support the further development of a human rights culture within councils to inform a clear ask from the Scottish Government.
9. The recommendations focus on leadership within organisations, and there should be recognition that within local government (and Scottish Government) that this means politicians as well as senior management. While the role of leadership will be critical it is also important to ensure that work is done with frontline staff as well. Interaction with frontline staff constitutes many people's experience of a local authority (or other public body). If changes in the culture at the top of an organisation do not filter down to the frontline then the public are unlikely to experience it as a human rights focused organisation. The experience of frontline staff could also help to inform how organisations develop a more human rights based approach. For those reasons it is important that Scottish Government makes resources available for capacity building at all levels.
10. There is a demand from local authorities for improvement support across the human rights and equality agendas and this is likely to increase as a result of the recommendations. The group has identified that it is important that this support is able to engage with local authorities and their ways of working. There is an issue around the legalistic language that is often used to communicate about human rights and how accessible this is. If the new framework is to succeed in building a human rights culture it is important that awareness raising and capacity building meets everyone at their point of understanding – including politicians, senior management, frontline staff and the general public.
11. The development of a new human rights framework creates the opportunity to use human rights as overarching principles which can improve councils' work across the human rights, equality and inequalities and public sector reform agendas. Delivering on human rights means that councils (and other public authorities) can improve the quality of services by ensuring that they are focused on the needs of their communities.

There may also be an opportunity to streamline how local authorities impact assess and report on human rights, equality and inequalities and the working group plans to consider this as part of its work. This may also inform COSLA's response to the scheduled review of the Public Sector Equality Duty.

12. Most of the issues identified by the group will apply not only to councils, but across the public sector. The group therefore intends to explore the potential for collaboration with other parts of the public sector as it considers and formulates a response to the recommendations. COSLA will also speak to Improvement Service about their potential role in this work.

Next Steps

13. COSLA awaits further details of the new Task Force, but with agreement from the Board will ensure that COSLA is represented appropriately on that group.
14. COSLA will continue to work with SCEN members to develop a Local Government response to the recommendations of the First Minister's Advisory Group on Human Rights Leadership. A draft response to the recommendations will be brought to the May meeting of the Board.

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