

Response to First Minister's Advisory Group on Human Rights Leadership

Summary and Recommendations

This paper introduces the draft COSLA response to recommendations from the First Minister's Advisory Group on Human Rights Leadership.

The paper invites the Community Wellbeing Board to:

- i. Discuss the content of the draft response, endorse the principles within the response and agree to it being submitted to the First Minister.

References

Previous reports on equality and human rights:

- CWB, March 2019 – Preparing COSLA's Response to the Recommendations of the First Minister's Advisory Group on Human Rights Leadership
- CWB, December 2018 – Human Rights and Equalities Update
- COSLA Leaders, November 2017 – Promoting Equality in Local Government

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Purpose

1. The purpose of this paper is to update the Community Wellbeing Board on work to develop a Local Government response to recommendations from the First Minister's Advisory Group on Human Rights Leadership and to seek the Board's endorsement of the attached draft response.

Current COSLA Position

2. The last meeting of the Board received an update on work being undertaken with the Scottish Councils Equality Network (SCEN) to scope out how Local Government should respond to the recommendations of the First Minister's Advisory Group on Human Rights Leadership. The Board agreed to consider a draft response at the May meeting and this is attached.

Proposed COSLA Position

3. At its last meeting the Board agreed that COSLA should be represented on the Task Force that Scottish Government will establish to take forward the recommendations from the First Minister's Advisory Group. We are still waiting to receive details on the Task Force from Scottish Government and have been assured that an invitation will be forthcoming.
4. The Board is now asked to agree the content of the attached draft response, including the following specific requests of the Scottish Government and the Task Force:
 - That the Scottish Government establishes a cross-public sector working group to review how public bodies assess the impact of their decisions and report on their progress, with the aim of reducing the bureaucratic burden and supporting more meaningful change;
 - That the Task Force leads on assessing the full impact of the introduction of the proposed Human Rights Framework on public sector budgets in Scotland;
 - That the Scottish Government commits to meeting the increased costs to local authorities associated with delivering the proposed framework;
 - That the Scottish Government commits to providing improvement support to the public sector, including resources for comprehensive training and awareness raising at all levels within local authorities to support the development of human rights-based approaches; and
 - That the Scottish Government commits to ensuring that the National Performance Framework is linked to the Human Rights Framework and that all Scottish Government budget decisions are informed by both.

Next Steps

5. With agreement from the Board we will submit the attached response to the First Minister on behalf of COSLA and Scottish Councils Equality Network and will begin to work with civil servants with a view to taking forward our requests.

May 2019

Draft COSLA and SCEN response to the First Minister's Advisory Group on Human Rights Leadership

We welcome the publication of the Recommendations of the First Minister's Advisory Group on Human Rights Leadership, which sets out an ambitious vision for the realisation of human rights in Scotland. 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. There is also innovation around participatory budgeting and integrated equality and human rights assessments in some areas.

COSLA and the Scottish Councils Equality Network (SCEN) have worked together with input from the Improvement Service to consider how the Advisory Group's recommendations can be taken forward by Local Government in Scotland. We welcome the First Minister's announcement of the establishment of a Task Force to take forward these recommendations. It is clearly important that Local Government is represented on the Task Force, and this document sets out the issues we believe that need to be addressed in order for their work to be successful.

A new Human Rights Framework is an opportunity to improve how we deliver equality and tackle inequality too

We believe the development of a new human rights framework for Scotland 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 better focused on the needs of their communities. However, we also believe that the existence of a significant number of Scottish Government strategies focused on equality, human rights and inequalities has the unintended consequence of creating a significant bureaucratic burden for local authorities, given that they are expected to report on progress on each strategy separately. Indeed, we have counted more than fifty separate reporting requirements that are placed upon local authorities and would argue that there is a clear need for a more strategic and joined up approach across these agendas. The introduction of a human rights framework can be an opportunity to achieve this.

Impact assessments have become the tool of choice in ensuring that decisions made by public bodies promote equality and human rights. However, there are dozens of factors that public bodies could reasonably be expected to impact assess against and this also creates a significant challenge. We believe that serious consideration needs to be given to the breadth of impact assessments that local authorities and other public bodies are already expected to do and how effective this is in delivering meaningful change.

We have undertaken initial scoping work to assess the breadth of reporting local authorities are required to do on human rights, equality and inequalities; and the wide range of factors that we could be reasonably expected to impact assess.

We request that the Scottish Government establishes a working group (perhaps as a subgroup of the task group) with representation from across the public sector to establish how impact assessment and reporting can be improved in order to support more meaningful change. This work should also inform the Review of the Public Sector Equality Duty.

Our request:

- **That the Scottish Government establishes a cross-public sector working group to review how public bodies assess the impact of their decisions and report on their progress, with the aim of reducing the bureaucratic burden and supporting more meaningful change**

Resourcing and Financial Implications

There are financial challenges associated with delivering a human rights agenda and we believe these will be twofold: the impact on the budgets of public bodies of delivering on a human rights agenda, and the costs associated with the capacity building and awareness raising work required to make this happen.

We believe that it is critical to evaluate how the changes in service delivery required for the full realisation of human rights (including the proposed incorporation of the UN Convention on Child Rights) will impact upon local authorities' budgets. This will be a significant piece of work which should be informed by Human Rights Budgeting approaches. Scottish Government must be prepared to adjust the funding they provide to local authorities (and other public bodies) to reflect the financial impact of delivering on this agenda.

In terms of implementation, 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. COSLA and SCEN have begun to scope out what this capacity building could look like within Local Government. We believe that while the role of leadership within organisations 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.

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.

Our requests:

- **That the Task Force leads on assessing the full impact of the introduction of the proposed Human Rights Framework on public sector budgets in Scotland**
- **That the Scottish Government commits to meeting the increased costs to local authorities associated with delivering the proposed framework**
- **That the Scottish Government commits to providing improvement support to the public sector, including resources for comprehensive training and awareness raising at all levels within local authorities to support the development of human rights-based approaches**

Making clear links between the National Performance Framework, the Scottish budget and the Human Rights Framework

We believe that in order to achieve the ambitions set out in the Advisory Group Recommendations it will be necessary to make clear links between the new Human Rights Framework, the National Performance Framework and the Scottish budget. We believe that this is the best way to ensure that the development of a human rights culture in Scotland is sustainable and adequately resourced.

Our request:

- **That the Scottish Government commits to ensuring that the National Performance Framework is linked to the Human Rights Framework and that all Scottish Government budget decisions are informed by both**