

Equality and Human Rights Mainstreaming Strategy

Consultation Paper

October 2024

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Ministerial Foreword

This government is focussed on achieving our four key priorities: eradicating child poverty, growing the economy, tackling the climate emergency, and ensuring high quality and sustainable public services. As the First Minister set out in the [Programme for Government](#) to succeed in these priorities ‘we must take action to tackle persistent inequality and to advance equality of opportunity for everyone in Scotland, supporting those who are most disadvantaged and who face the greatest barriers to realising their rights’.

We are aiming to make Scotland a leader in equality and human rights increasing fairness, tackling inequality, and removing societal and cultural disadvantages.

It has long been recognised that a fundamental factor in achieving positive change and a fairer, more equal Scotland for everyone who lives here, is the ability of the public sector including the Scottish Government, to embed equality and human rights in everything that we do. Ensuring equality and human rights are fully considered throughout the work of the public sector and policymaking, described as ‘mainstreaming’, is a long-established approach. There is more to be done to make this a reality, however, we cannot tackle systemic inequalities without recognising our part in sustaining them.

I am pleased to introduce this consultation exercise on the Equality and Human Rights Mainstreaming Strategy. The Strategy will set out a framework for embedding equality and human rights across all that we do in government and supporting the wider public sector in Scotland to do the same.

This Strategy represents a milestone in our journey towards a fairer and more equal Scotland but is only one part of the sustained effort that will be required. It builds on the strong foundations we have laid over the past decade. At its heart is a commitment to listen to, and learn from, the lived experiences of individuals and communities facing discrimination and exclusion and the greatest challenges in accessing their human rights. Their voices must guide and shape government policies and the delivery of public services if we are to make a meaningful difference.

There are no quick fixes to complex and deep-rooted inequalities but I know that through sustained leadership, participation, and perseverance we will enhance Scotland's position as a progressive human rights leader that promotes and drives equality. The Strategy will set out a framework to get us there; support systemic and cultural change within the Scottish Government and the wider public sector; and demonstrate that the people of Scotland can actively participate in the development of policy that affects them.

That is why the work to date has been developed through extensive engagement with stakeholders, drawing on their considerable expertise. This framework has already undergone some critical evaluation and we have explored specific topics with stakeholders to inform its development. Critically this includes a recognition that more support and guidance can and should be offered to those responsible for delivering services and making decisions.

I thank everyone who has participated so far for their contributions. In this consultation, we are seeking your views to collaboratively shape the final version of the Strategy to address the needs and interests of the people of Scotland. Together, we will create a modern Scotland that embodies equality, inclusivity, and human rights at the core of its day-to-day activities.

Collaborative working is vital to deliver the significant change required across society. I welcome your engagement so far and urge all our partners – in the public, private, and third sectors – to continue to work with us on this journey. Together, we can build a Scotland where everyone can participate equally, freely and confidently in all aspects of life.

Kaukab Stewart MSP
Minister for Equalities

Introduction and Context

The Equality and Human Rights Strategy (the Strategy) captures the Government's commitment to take action to further Scotland's position as a global leader in equality and human rights. It will frame and clearly articulate the approach to mainstreaming in Scotland and provide the foundation to ensure mainstreaming is a core Government and wider public sector function and responsibility.

The Strategy, and a supporting action plan and toolkit, is informed by a continuing collaborative approach. Detail of engagement to date can be found at [Annex A](#).

Current context

We are making progress in Scotland including:

- Scotland has outperformed the UK as a whole on the full-time median Gender Pay Gap since 2003 and the overall median pay gap since 1997.
- The [United Nations Convention on the Rights of the Child \(Incorporation\)\(Scotland\) Act 2024](#) received Royal Assent on 16 January 2024. As well as introducing a compatibility duty that makes it unlawful for public authorities to act incompatibly with the UNCRC requirements, as set out in the Act, the Act introduced new reporting requirements on Scottish Ministers and public authorities.
- We have reduced the Scottish Disability Employment Gap ensuring we are on course to meet the target of halving to 18.7 percentage points by 2038.
- In 2021, Scotland became the first country in the world to embed LGBTQI+ inclusive education across the curriculum.
- Scotland's Census 2022 included a voluntary question on trans status or history for those over 16 and will provide the first official estimate of the trans population in Scotland.
- We published the [Non-Binary Equality Action Plan](#) in November 2023, which aims to improve equality and wellbeing for non-binary people in Scotland and is the first of its kind in the UK.
- We are implementing the Anti-Racism Observatory for Scotland as part of the recommendations from the [Expert Reference Group on COVID-19 and Ethnicity](#), in recognition of the need for a strategic and coherent anti-racism approach to data, strategy and policy in Scotland. The Observatory will provide support and oversight of anti-racism work across Scottish Government and the public sector.
- Ethnic minority representation in the Scottish Parliament has improved and the proportion of women on public boards met the Scottish Government's 50 per cent target in 2019/20, 2020/21 and 2021/22.

- We published the [‘Cash-First – towards ending the need for food banks in Scotland: plan’](#) in June 2023 to tackle food insecurity, improve the response to financial hardship, reduce the need for emergency food parcels, and eradicate socio-economic inequality.
- In 2023, we consulted on a Human Rights Bill that would give effect to a wide range of internationally-recognised human rights belonging to everyone in Scotland, within the limits of devolved competence, and strengthen domestic legal protections by making them enforceable in Scots law for the very first time. Work is ongoing to continue to develop Bill proposals with a view to introduction next parliamentary session, subject to the outcome of the 2026 Scottish Parliament Election.
- There have been improvements in civic participation as women get closer to equal representation with men as elected officials and in appointments to public boards.
- We strengthened community cohesion and harmony through an exemplary people-centred engagement approach with faith and belief leaders and groups during challenging times in Israel, Gaza, and Ukraine, with less hate crime reported against these communities in Scotland compared to other parts of the UK.
- We published the [Hate Crime Strategy Delivery Plan](#) in November 2023 which aims to empower communities and ensure that victims of hate crime are treated with fairness and compassion, using a trauma-informed approach in which their safety and wellbeing being is a priority.
- Since 2016 there has been an increase in disabled young adults (aged 16–19) participating in education, training, or employment. The participation rate among 16–19 year-olds identified as disabled increased from 86.3 per cent in 2018 to 88.7 per cent in 2022.
- We are now delivering 13 devolved social security benefits - seven of which are entirely new forms of financial support available only in Scotland. Income delivered via social security benefits is a key driver in tackling poverty in Scotland and strengthening support for families.

However, inequality persists and too many people are still unable to fully access their human rights. The Equality and Human Rights Commission (EHRC) published the Equality and Human Rights Monitor: [‘Is Scotland Fairer? 2023’](#). This highlighted there has been ‘mixed picture of progress for equality and human rights’, identifying challenges including:

- the UK’s departure from the European Union,
- the profound impact of the COVID-19 pandemic,
- and increases in the cost of living, partly because of the war in Ukraine.

The Social Renewal Advisory Board in 2021 highlighted ‘More than a decade of ‘equality mainstreaming’ has not brought about the change we need to see’. We know that to achieve our ambitions further work needs to be done. To illustrate, we know that:

- While educational outcomes for racialised minority young people are higher, their job prospects continue to be lower. There continues to be racism and discrimination in the workforce.¹
- In 2020, 38 per cent of children from racialised minority families were in relative poverty with 34 per cent in absolute poverty.²
- In 2021, Scotland had the largest disability pay gap of UK countries, with disabled employees' median pay (£11.54 per hour) 18.5 per cent less than non-disabled employees (£14.16 per hour).³
- According to the 2023 pupil census in Scotland, Gypsy/Traveller pupils were almost twice as likely to be identified as having additional support needs than the general school population. They were also the ethnic group with the highest rate of exclusions and the lowest attendance rate⁴.
- 40 per cent of households with disabled members were financially vulnerable in 2018-2020, compared to 25 per cent of households with no disabled members.⁵
- In 2019-22, 27 per cent of LGB+ adults were in poverty, compared to 20 per cent of heterosexual adults and 17 per cent of adults whose sexual orientation we do not know.⁶
- Of all those on persistent low pay, 72 per cent are women. The gender pay gap continues to exist.⁷
- Of all the victims of domestic abuse incidents recorded by the police, 83 per cent were female in 2021/22.⁸
- In 2018, 85 per cent of people who were 'inactive' in employment due to caring were women.⁹

This highlights the need to recognise and tackle the structural and systemic barriers to equality and realising human rights. There is a need for a shared vision and ambition, a clear framework to align activity, practical support and provide the basis for increased accountability.

What is Mainstreaming?

Definition of Mainstreaming

In the context of this Strategy, mainstreaming means putting equality and human rights at the core of your business.

In practice, this means that equality and human rights are integral to how:

- decisions are made;
- policies are designed and developed;
- services delivered, and;
- money is allocated and spent.

Only by doing so can we collectively tackle persistent inequality in Scotland and sustain equality of opportunity.

For the Scottish Government and wider public sector, this means removing systemic barriers, changing how decisions are made, establishing the culture, mindset and practice that ensures Government and public sector policy and service delivery are permanently focused on equality and human rights.

Mainstreaming is an approach to promote and support equality and human rights. It is in essence long-term, sustainable, and adaptable cultural change. Mainstreaming is not an end in itself, but an approach, or a programme of work, to support achievement of the goals of equality and human rights.

Mainstreaming sets out to effect cultural, procedural, and systemic change in an organisation so that an equality and human rights perspective is integrated into its day-to-day working across all functions. It ensures that equality and human rights sit at the heart of both an organisation's culture and operational delivery.

The concept of mainstreaming equality and human rights is underpinned and supported by several cross-cutting principles which will be key to the published Strategy. These include:

- A human rights-based approach which puts people and their rights at the centre of policymaking. Taking this approach means that policies and resources are targeted towards those who need them most and empowers people to claim their rights. This approach recognises the legal underpinning of rights as standards to be delivered without discrimination. It also ensures monitoring and accountability where rights are infringed
- an [intersectional approach](#) that recognises the multiple, intersecting disadvantages faced by different groups. [The National Advisory Council on Women and Girls](#) has advised the Scottish Government that it must take steps to improve how intersectional gender competence is embedded across

Scottish Government, so that our policies deliver greater equality for the most marginalised women in Scotland and our statutory targets to reduce the number of children experiencing poverty by 2030.

- avoiding homogenising equality issues. Homogenising refers to making things more uniform or similar. Every individual is unique and has a different range of experiences. Our proposed strategy advocates heterogenisation, recognising and meeting the distinct needs of diverse communities rather than taking a 'one size fits all' approach.

Overall, the principles aim to put equality and human rights at the heart of policymaking in a way that addresses the needs of diverse communities and empowers and equips people to claim their rights.

Mainstreaming ensures that consideration of all equality and human rights is central to the activities of the Scottish Government, and the wider Scottish public sector.

These activities include:

- Policy development, both new and revised;
- Operational delivery;
- Research and routine data collection;
- Legislation;
- Financial and budgetary planning;
- Resource allocation;
- Implementation, evaluation and monitoring of programmes and projects.

Why mainstreaming is important

The [Social Renewal Advisory Board Report \(2021\)](#) said: "...we need to move equality from the margins of policymaking and service delivery to its very centre. Covid-19 has exposed that failing to deal with structural racism, sexism and ableism is literally a matter of life or death...More than a decade of 'equality mainstreaming' has not brought about the change we need to see. All public bodies, including the Scottish Government, need to scale up their capacity to address racism, sexism and ableism. Public authorities should also be accountable for their actions to realise the rights set out in international frameworks that Scotland is committed to deliver. We need to be able to demonstrate that we have turned our equality and human rights ambitions into reality...."

We recognise this need and know that truly embedding equality and human rights into the work of the Scottish Government and wider public sector is the only way to address persistent and systemic inequality.

We are therefore developing:

- A Mainstreaming Strategy to lay out our vision and create a clear framework to structure activity;
- A mainstreaming toolkit to provide practical support and guidance;
- A publicly shared and rolling action plan to improve transparency and accountability.

It is the detail of these mechanisms that we describe in this consultation and seek your views on.

Together, this package is intended to provide strategic focus and direction to meet our ambitions, alongside practical support, and guidance for delivery, regardless of an organisation's role or resources.

Legal Obligations

Scottish Government and public bodies are already subject to specific legal obligations in relation to mainstreaming. Specifically, [the Equality Act 2010](#) ("Equality Act") provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. Section 149 places a duty on public authorities, and others who exercise public functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act
- advance equality of opportunity between persons who share a protected characteristic and those who do not, and
- foster good relations between persons who share a protected characteristic and those who do not.

This is known as the Public Sector Equality Duty (PSED). The Scottish Ministers have used their available powers to enable the better performance of the PSED by placing detailed requirements on specified Scottish public authorities through [the Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) ("the SSDs").

The SSDs support Scottish listed public authorities to improve performance of the PSED by requiring them to: report progress on mainstreaming equality; propose and publish equality outcomes; assess policies and practices from the perspective of equality; and publish employee information on pay and occupational segregation. The Scottish Government is committed to improving the operation of PSED and are phasing in changes to improving the regulatory regime.

The Scottish Government has domestic legal duties (under the [Human Rights Act 1998](#) and the [Scotland Act 1998](#)) in respect of rights drawn from the [European](#)

[Convention on Human Rights](#) (known as “Convention rights”). Other public authorities in Scotland also have similar domestic legal duties under the [Human Rights Act 1998](#). Civil and political rights sit at the heart of devolution and all acts of public authorities (including the Scottish Ministers) and all policies and legislation must be compatible with Convention rights.

The Scottish Government is also accountable for compliance with international human rights requirements in devolved areas. The [Ministerial Code](#) places an overarching duty on Ministers to comply with international law and treaty obligations, and the Scottish Government contributes to regular reporting cycles regarding implementation of human rights treaties. The Scottish Government is therefore accountable for ensuring that devolved legislation and policies are compatible with international human rights standards, and that human rights are respected, protected and fulfilled.

There are a range of provisions in [the UNCRC \(Incorporation\) \(Scotland\) Act 2024](#) (“the UNCRC Act”) that require us to mainstream children’s rights considerations into legislation, policy, and practice. The UNCRC Act introduces a legal requirement for the Scottish Government and its Executive Agencies to prepare and publish Child Rights and Wellbeing Impact Assessments. The UNCRC Act also places reporting requirements on the Scottish Government and listed public authorities in relation to actions taken and planned to ensure compliance with the compatibility duty in the UNCRC Act and to secure better or further effect of the rights of children.

The Strategy is intended to provide a framework and structure to support the Scottish Government and wider public sector meet their legal obligations.

Wider landscape

The Strategy will be the overarching framework within which Scottish Government’s current work to strengthen the legislative environment for equality and human rights in Scotland sits. This includes:

- **Human Rights Bill:** The proposals for the Bill – which were [consulted on in 2023](#) – seek to incorporate into Scots law a wide range of internationally-recognised human rights, within the limits of devolved competence.

The proposals for the Bill intend to bring an enhanced focus to the implementation of social and economic rights which are central to addressing inequality. The proposals intend to place duties on those delivering public functions to give effect to and realise those rights for the people of Scotland, including specific rights for women, disabled people and people experiencing racism.

Embedding international human rights in Scotland in this way will further emphasise the importance of all people being treated with dignity and ensure that human rights play an even more central role in our strategies, policies, and decision-making processes across all areas of Government and the wider public sector.

The proposals for the Bill intend to introduce reporting requirements for Scottish Government and public authorities and require enhanced assessment of new legislation introduced to the Scottish Parliament, similar to requirements under the UNCRC Act. The proposals will also seek to strengthen accountability through increased powers for the Scottish Human Rights Commission, a specific human rights remit for scrutiny and complaints bodies as well as ensuring that courts can deal effectively with cases involving the rights proposed for incorporation.

- Our **ongoing programme of improvement of the effectiveness of the Public Sector Equality Duty (PSED) in Scotland**. This will include delivering on two key changes, extending the pay gap reporting duty to include reporting on ethnicity and disability pay gaps and working on guidance and toolkits for listed public bodies' use of inclusive communications. These should be highly impactful in terms of advancing equality in Scotland for some of the most disadvantaged groups. This reinforces our commitment to advance equality and human rights mainstreaming throughout the public sector, with the goal of bettering the lives of Scotland's most marginalised people. Improvements to the PSED regime will also be explored through non-regulatory changes and using existing regulations to direct listed authorities to consider specific matters such as disaggregated data analysis and intersectional gender budgeting analysis. We are also exploring how to improve alignment with other reporting obligations and how to create a more cohesive regime as part of our ongoing programme of improvement activity.
- **UNCRC**: The [United Nations Convention on the Rights of the Child \(Incorporation\)\(Scotland\) Act 2024](#) ("the UNCRC Act") aims to deliver a proactive culture of everyday accountability for children's rights across public authorities in Scotland. Implementing the UNCRC Act should bring about a fundamental shift in culture in Scottish society and deliver a revolution in children's rights.
- **National Performance Framework**: The National Performance Framework (NPF) is Scotland's wellbeing framework and sets out an overall purpose and vision for Scotland. The National Outcomes, which support the purpose, are enshrined in legislation, and are decided in consultation with the people of Scotland. Policy development in Scottish Government is informed by Scotland's [National Performance Framework \(NPF\)](#) and the [United Nations'](#)

[Sustainable Development Goals](#). The [NPF](#) includes a human rights and non-discrimination outcome: 'We respect, protect and fulfil human rights and live free from discrimination'.

These key areas of policy development will make Scotland a global leader in how equality and human rights are protected in legislation. This proposed strategy will create the framework to support implementation of all these changes and drive changes best addressed outwith legislation.

Overview

- The Strategy is fundamental to achieving positive change and a fairer, more equal, society in Scotland for all of those who live here.
- The Strategy is key to tackling persistent inequality in society and sustaining equality of opportunity for all of those who live in Scotland.
- By establishing a clear framework for the Scottish Government and wider public sector's approach to mainstreaming the Strategy will benefit all of those who live in Scotland by providing the foundation for improved policy, with better and fairer outcomes for all.
- The Strategy will provide the framework so that the Scottish Government and the wider public sector can apply a consistent focus on equality and human rights in policy and service delivery.
- The Strategy will guide the Scottish Government, the wider public sector, and our partners to better embed equality and human rights into all that we do. This will include an overall shared vision, a set of drivers and how we will achieve these to improve mainstreaming.
- We intend that the Strategy will provide a focus for every element of mainstreaming. This includes:
 - removing systemic barriers to achieving equality and human rights.
 - improving how decisions are made to advance equality and human rights.
 - establishing the culture, mindset and practice that ensures that the Scottish Government and public sector embed equality and human rights in policy-making and service delivery.
- We also intend the Strategy to guide how Scottish Government provides support to everyone who has a role in improving and supporting mainstreaming in the wider public sector.
- The Strategy will cover the next five years, until 2030. However, it will also set out a much longer-term approach to improve mainstreaming.
- The Scottish Government will also publish an action plan to set out the specific work we will do over the coming years. This will show how we will make progress towards our outcomes, and how we will measure that progress.

- At the point of publishing the Strategy, we will also publish a toolkit to support the public sector to mainstream equality and human rights.

How You Can Help Us / Our Next Steps

- In this consultation, we have asked a number of questions about the Strategy. Some of them are about what the overall shared vision should be for mainstreaming, some are about whether the drivers for change are the right ones, and some are about how Scottish Government can ensure the public sector has the right tools for mainstreaming.
- This consultation paper is also available in an [Easy Read format](#).
- Whether you answer all the questions, or only some, your views will be carefully considered by the Scottish Government when we are finalising the Strategy.
- The consultation will run for 14 weeks until 5 February 2025.
- We will publish a summary of all the consultation responses.
- The final Mainstreaming Strategy will be published in 2025.

Why Your Views Matter

- Your views will help us shape the final Mainstreaming Strategy.
- The Strategy will guide the work that Scottish Government, and the wider public sector, will do to embed equality and human rights in everything that we do.
- Therefore, it is important that we collaborate to develop a Strategy that will improve outcomes for all.

Part 1 – Proposals on the Strategy Content

Proposed Vision and Objectives

Vision

To support the continued growth of strong communities across Scotland, built on a solid foundation where everyone enjoys realisation of their human rights. These communities will be diverse, inclusive, empowered, resilient and safe. We are committed to tackling the persistent and entrenched systemic inequalities that still exist in Scotland.

Through this we will advance and improve Scotland's position as a global leader in equality and human rights.

Objectives

In order to achieve this vision, the Strategy objectives are to:

- remove systemic barriers;
- improve how policy decisions are made and delivered;
- establish the leadership, capability, capacity, culture and practice that ensures Government and public sector policy and service delivery are focused on equality and human rights.
- embed transparency so it is easier for those affected by decisions to hold Scottish Government and the wider public sector to account.

This includes informing the direction and development of policymaking at all stages, especially early stages of influencing and shaping planning and outcomes.

To achieve this vision and objectives, the Strategy will support Scottish Government, and the wider Scottish public sector, to focus on and achieve mainstreaming equality and human rights. The framework laid out in the Strategy will support all Scottish public sector organisations to play their role in this ambition and to use the toolkit to develop their own mainstreaming plans and take action to reduce inequality and uphold human rights.

This will be achieved by successfully focussing on the knowledge, experience, priorities, concerns and contributions of everyone in Scottish communities. This will include those with protected characteristics as defined by the Equality Act, and others experiencing systemic discrimination and poorer life outcomes. This includes taking an [intersectional approach](#). This information will become an integral part of the development of all policy creation and review processes. This will partly be achieved

through the Impact Assessment process and taking a [human rights-based approach](#) but will also require a change of culture and skill. Therefore, we will strive to promote, protect, and uphold human rights through everything we do. This means ensuring people's rights are at the centre of policy development and implementation, using the [PANEL principles](#). These are underlying principles which are important in applying a human rights based approach in practice. PANEL stands for:

- **Participation:** Active, meaningful involvement in decisions affecting human rights.
- **Accountability:** Effective monitoring and remedies for rights violations.
- **Non-discrimination and Equality:** Prohibit and eliminate discrimination, prioritise marginalised groups.
- **Empowerment:** Understand rights, participate in policy development, and assert rights.
- **Legal:** Recognise rights as legally enforceable entitlements, linked to human rights law.

Questions

1. Do you agree with the vision?

- Yes
- No
- Don't Know

1a. Please explain your answer or provide more information

2. Do you agree with the objectives?

- Yes
- No
- Don't Know

2a. Please explain your answer or provide more information

Drivers of Change

Through the earlier stakeholder engagement exercise and reviewing the prior work of others (detailed in [Annex A](#)), we have identified six key drivers as essential to advancing the mainstreaming of equality and human rights. These drivers for change collectively form a theory of change.

The Strategy will set out a framework for action against these six key drivers of change:

- Strengthening leadership;
- Developing accountability and transparency;
- Ensuring effective regulatory and policy environment;
- Utilising evidence and experience;
- Enhancing capability and culture;
- Improving capacity.

In the following section we expand on these drivers. We are seeking your view on these drivers and the meaningful steps needed that would move us towards the vision and objectives.

The Six Key Drivers:

1. Strengthening Leadership

Summary of aim: To support Scottish Government and public sector leaders to:

- motivate, guide and challenge others;
- increase their own knowledge and understanding, while supporting others to do the same, to ensure equality and human rights are fundamental aspects of policy making and operational delivery;
- take a leadership role to ensure equality and human rights are fundamental across policy and delivery, directing focus, attention, and resources to protect them;
- proactively assessing progress in mainstreaming and ultimately advance equality and human rights across the board.

This includes leadership at all levels – Political, Scottish Government executive and across public sector.

Strong leadership is fundamental to achieving mainstreaming equality and human rights. The Strategy will focus on strengthening leadership to develop sound strategic principles and clarity of policy goals which focus on the future of Scotland and further improving the lives of the people of Scotland. Strong leadership is fundamental to the successful achievement of all other mainstreaming drivers, creating the culture change required to motivate and inspire others in equality and human rights. Without strong leaders who are committed to mainstreaming, the other five drivers won't be achievable.

The Strategy aims to inspire strong leadership in equality and human rights. This means leaders who:

- have the necessary level of understanding to be able to support, guide, lead and challenge others in respect of equality and human rights,
- ensure that work to advance equality and human rights is adequately resourced and protected,
- are proactive and engaged in assessment of progress to mainstream equality and human rights throughout their area of responsibility,
- are proactive and engaged in their areas of responsibility for impact assessments that advance equality and human rights and ensure legal obligations are met.

The Strategy aims to support leaders to leverage their existing strengths and the existing tools to build equality and human rights through the other five key drivers identified.

This includes:

- Political leadership in Scottish and local government based on a deep understanding of the specific issues covered by their portfolio and the ability to work across central and local government to achieve policy goals. This includes an awareness of the impact of decisions and priorities on marginalised/underrepresented groups. Ministers ensure their portfolios and agencies reflect commitment to equality and human rights through sustainable, long-term policy solutions for the benefit of the people of Scotland.
- Executive team leadership – guiding the culture, behaviours, practices, capability and capacity of Scottish Government towards achieving the goals and objectives laid out in the National Performance Framework. This internal leadership drives organisational change and improvement through making strategic decisions, setting a vision, and inspiring and coordinating teams towards a shared objective.
- Public sector leadership - focussed on supporting and providing equal access to, and delivery of equitable, rights based public services which meet the diverse needs of the people of Scotland efficiently and effectively. This will be achieved through a workforce representative of this diversity and through continuously improving the inclusivity of those services.

Questions

- 3.** Do you agree that strengthening leadership is a key driver for mainstreaming equality and human rights?
- Yes
 - No
 - Don't Know
- 3a** Please explain your answer or provide more information.
- 4.** Do you agree with the focus on different levels of leadership?
- Yes
 - No
 - Don't Know
- 4a.** Please explain your answer or provide more information.
- 5.** Have we captured the core elements of strengthening leadership within the context of mainstreaming?
- Yes
 - No
 - Don't Know
- 5a.** Please explain your answer or provide more information.
- 6.** What actions would you recommend to ensure strengthening leadership as outlined above will contribute to mainstreaming?

The Six Key Drivers:

2. Developing Accountability and Transparency

Summary of aim:

Accountability and transparency are critical for ensuring good governance in Government and the wider public sector, with scrutiny being an essential element of this. Those who live in Scotland have the right to relevant information about policies that affect them in a format and structure that suits them. This includes legislative activities, policymaking, legal provisions, policy enforcement and performance, administrative budget, and public expenditure. Scottish Government, and the wider public sector, must be accountable to the public, as well as stakeholders, for the way they have carried out their functions. This accountability must encompass scrutiny of performance on realising and protecting equality and human rights.

Accountability and transparency are inextricably linked and mutually beneficial. Accountability includes sufficient scrutiny, compliance against agreed standards and public bodies being held to account for their performance. Transparency is required to increase accountability. The free flow of information in accessible formats is the foundation of transparency. Transparency of how decisions are made and how equality and human rights informed these decisions is a vital part of this.

Scrutiny is equally integral to accountability in assessing the impacts of policies and practices on equality and human rights. Effective scrutiny empowers diverse stakeholders to raise issues, ask questions, and push for transparency, leading to increased understanding of how well accountability mechanisms are realising meaningful progress in mainstreaming.

The Scottish Government, along with the wider public sector, is accountable to the public, as well as stakeholders, for the way it carries out its functions. There is a need for accountability approaches to be constructed in a way that does not require specialist knowledge by rights holders to understand them. Therefore, the ambition for this driver for change is to drive improvement of both accountability and transparency within the Scottish Government and the wider public sector, regarding mainstreaming equality and human rights. This means ensuring that everyone in Scotland can easily access information about what affects them. This includes legislative activities, policymaking, legal provisions, policy enforcement, administrative budget, public expenditure, and other relevant political information.

Within the Government, external accountability is achieved through key stakeholder groups, who examine policy intentions and make subsequent recommendations. Of

course, this includes the Scottish Human Rights Commission and the Equality and Human Rights Commission. Accountability is also achieved through:

- The Scottish Public Services Ombudsman
- Scrutiny bodies such as the Care Inspectorate, Healthcare Improvement Scotland, the Scottish Housing Regulator, Audit Scotland and inspectorate bodies.
- The Scottish Fiscal Commission
- Reporting on equality and human rights progress as requested by the United Nations, through mechanisms such as the Universal Periodic Review, examination of State progress on individual human rights treaties and investigations of UN Special Rapporteurs with specialist expertise.

Internally, Scottish Government has established various mechanisms to ensure accountability, monitoring and transparency around equality and human rights. These include:

- The role of Accountable Officers, who have personal responsibility to monitor proper management of public funds and compliance with regulations, which includes equality and human rights.
- Publishing equality impact assessments, child rights and wellbeing impact assessments, and Fairer Scotland Duty assessments.
- Budget monitoring through the various mechanisms above, as well as the Equality and Fairer Scotland Budget Statement.
- Various Human Rights reporting mechanisms as described above.

The proposals for the Human Rights Bill intend to introduce a specific human rights remit for relevant escalated complaints bodies and scrutiny bodies, to require them to take steps to help those bodies which they oversee to fulfil core duties in the Bill. This will maximise the scope for these bodies to add value as part of a multi-institutional model which embeds a human rights culture across the public sector. The proposals for the Bill intend to expand the powers of the Scottish Human Rights Commission and the Children and Young Person's Commissioner to, amongst other things, raise and intervene in civil proceedings relating to the Bill as well as expand their investigation powers.

Questions

7. Do you agree accountability and transparency are a key driver for mainstreaming equality and human rights?
 - Yes
 - No
 - Don't Know
- 7a. Please explain your answer or provide more information.
8. Have we captured the core elements of accountability and transparency within the context of mainstreaming?
 - Yes
 - No
 - Don't Know
- 8a. Please explain your answer or provide more information.
9. What actions would you recommend to ensure greater accountability and transparency contributes to mainstreaming?

The Six Key Drivers:

3. Ensuring effective regulatory and policy environment

Summary of aim:

To create regulations and policies, and the tools to support policy development and creation, that meet the public sector equality duty and realise fundamental human rights for all the people of Scotland. This includes specific equality and human rights legislation, and that other legislation properly takes account of equality/gender requirements. To create a cohesive legislative framework that specifically supports Scotland's ambition to be a global leader in equality and human rights.

Regulation and policy development is a core function of government. Producing regulations and policies that routinely, fully and properly consider equality and human rights is a key driver of mainstreaming, and therefore key to achieving better outcomes for those that experience disadvantage.

This requires:

- Specific legislation that directly supports equality and human rights. We are currently driving specific and significant transformation in this area as described in the landscape section (pages 11-13).
- Formal processes to ensure equality and human rights are properly considered in all legislation and policies.
- An approach to regulation and policy delivery in a cohesive way to ensure positive benefits.

The aim is to produce regulations and policies that are fairer, advance equality of opportunity and realise fundamental human rights for all the people of Scotland. The Scottish Government and the wider public sector should collaborate to ensure new and revised regulations and policies respond to challenges and make positive change in the real world.

Equality Impact Assessments (EQIAs) are fundamental to ensuring equality and human rights are properly considered in order to establish a cohesive approach to policy and legislative development. The Scottish Government adopts a continuous improvement approach to the EQIA process, with new training courses and guidance materials currently being created and piloted, and a dedicated team providing support. Work is also underway to develop and pilot a human rights impact assessment framework.

Questions

10. Do you agree that ensuring an effective regulatory and policy environment is a key driver of mainstreaming equality and human rights?

- Yes
- No
- Don't Know

10a. Please explain your answer or provide more information.

11. Have we captured the core elements of ensuring an effective regulatory and policy environment within the context of mainstreaming?

- Yes
- No
- Don't Know

11a. Please explain your answer or provide more information.

12. What actions would you recommend to ensure that an effective regulatory and policy environment will contribute to the achievement of mainstreaming?

The Six Key Drivers:

4. Utilising Evidence and Experience

Summary of aim:

To use robust evidence and experience to improve policy development. This will support innovation and adaptation, based on evidence, data and context at individual, organisational and service levels. It also means actively and meaningfully involving those directly impacted in the design and implementation of policy. This means effective engagement with marginalised communities.

Data and evidence

Robust and comprehensive equality evidence is vital for the design and delivery of inclusive policies and services, so building skills to effectively utilise such evidence, is crucial. Comprehensive equality evidence involves the integration of research evidence, policy-maker expertise, and critically, insights from people directly impacted by the policy. Blending knowledge from different sources is essential in establishing an inclusive approach because knowledge is personal, intersectional, context-driven, and evolving. Equality evidence provides vital insights into the impacts of policies on different groups, while skills to analyse and apply this evidence enable policy makers to design meaningful solutions.

This allows for analysis and understanding of whether differential impacts (e.g., in terms of access, satisfaction and outcomes) are being experienced by those sharing certain characteristics. There are a number of complexities involved in collecting and analysing equality data (as set out in the [Equality Evidence Strategy](#)), which requires the development of specialist skills and understanding to ensure best practice is followed.

There are many challenges to collecting, analysing, and reporting intersectional equality data. Despite improvements in recent years, there remain gaps in Scotland's equality evidence base. A stronger and more complete equality evidence base will support the collective effort across the public sector to fulfil the requirements of the PSED.

Our aim is to use this approach to utilising evidence and experience to develop policy. This will support the creation of innovative policies, based on individual, organisational and service level evidence. It should also reduce bias.

In the context of more developed work on equality indicators, we are giving consideration to how we can further develop Human Rights indicators – including through our National Performance Framework.

Lived experience and engagement

The Scottish Government and public sector should continue to improve how they collaborate closely with diverse stakeholders including through robust impact assessment processes. This enables us to learn from lived experiences and create policies that truly serve and improve outcomes for all communities in Scotland and all those intersected characteristics that live within them.

One of the main tools the Scottish Government uses to gather evidence are lived-experience panels. Lived experience means using knowledge from direct, first-hand involvement experiences from real people and communities, rather than what officials believe to be the case. This ranges from setting up small panels for individual pieces of legislation to investing in significant infrastructure such as the Anti-Racism Observatory for Scotland.

Questions

13. Do you agree that utilising evidence and experience is a key driver for mainstreaming equality and human rights?

- Yes
- No
- Don't know

13a. Please explain your answer or provide more information.

14. Have we captured the core elements of utilising evidence and experience within the context of mainstreaming?

- Yes
- No
- Don't know

14a. Please explain your answer or provide more information.

15. What actions would you recommend to ensure that utilising evidence and experience as outlined above will contribute to the achievement of mainstreaming?

The Six Key Drivers:

5. Enhancing Capability and Culture

Summary of aim:

To influence the culture of the Scottish Government and other public bodies to make consideration of equality and human rights part of standard thinking and behaviour. I.e. not requiring direct input from equality / human-rights specific staff. This includes ensuring all staff have the required level of knowledge and skills and that there are highly competent specialist staff as required. Simultaneously developing understanding amongst rights holders – particularly those whose rights are most at risk.

Changing process alone with no aligned cultural and capability enhancement will not lead to mainstreaming equality and human rights. Enhancing capability and culture means equipping all public sector staff, at all levels, with the skills, knowledge, and motivation to fully integrate equality and human rights into everything they do.

This requires investment to ensure all staff have a suitable base level of knowledge and skills in equality and human rights. It also means developing more in-depth skills for specific and specialist roles. All public sector staff must have access to the right development opportunities, guidance, and tools when they need it, with clear frameworks setting out the depth of knowledge required.

Clear frameworks of knowledge, skills and behavioural requirements allow equality and human rights to be built into all aspects of management including:

- recruitment and promotion;
- performance management (building on the use of diversity objectives);
- development and talent management.

Improving capability means expanding the skills and knowledge of staff so that they understand not only their responsibilities in, but also the benefits of considering equality and human rights. This allows staff to be creative and innovative, using systems, technology, and processes to support the policy-making process. A more diverse workforce further supports cultural change.

Training and development must recognise the needs of different groups e.g., the specific need for disability and gender competence. There is also a need to ensure this understanding of equality and human rights is specific to policy teams' working area. In the Scottish Government, we are piloting Centres of Expertise in Government portfolios to develop officials' understanding of equality and human rights within the context of different policy areas. The underpinning principle is to offer 'just in time' training, development, and resources. This approach helps to

ensure that staff are enabled to develop policies, including impact assessments, when required rather than repeat training on a fixed timeline.

To fully realise the increased capability, all initiatives undertaken must be evaluated and continuously improved, so it will be necessary to consolidate and review any changes in approach. We will continue to develop the necessary skills across the Scottish Government and to share lessons learned and best practices with the wider public sector, so that equality and human rights considerations are hardwired into all thinking across the board.

The Strategy ambition is a transformed culture in government and the public sector where equality and human rights are central pillars guiding all internal and external processes. This means:

- Policies consistently considered from an equality and human rights perspective from the outset;
- Ability to manage relevant tools and approaches such as Impact Assessment and intersectional analysis;
- Diverse voices and experiences shaping decisions at all levels;
- Staff confident in applying equality analysis and able to recognise exclusionary practices;
- An organisation that feels inclusive, respects all identities, and leverages diversity to innovate;
- A workplace where everyone can thrive and reach their full potential.

This cultural transformation will enable Scotland to become a true leader on equality and human rights, fundamentally improving outcomes for all those who live here.

Questions

16. Do you agree that enhancing capability and culture is a key driver for mainstreaming equality and human rights?

- Yes
- No
- Don't know

16a. Please explain your answer or provide more information.

17. Have we captured the core elements of enhancing capability and culture within the context of mainstreaming?

- Yes
- No
- Don't know

17a. Please explain your answer or provide more information.

18. What actions would you recommend to ensure that enhancing capability and culture as outlined above will contribute to the achievement of mainstreaming?

19. Do you agree that this Strategy will provide a foundation to influence a culture of mainstreaming equality and human rights within Scottish Government and the wider public sector?

- Yes
- No
- Don't know

19a. Please explain your answer or provide more information.

The Six Key Drivers:

6. Improving Capacity

Summary of aim: To support the Scottish Government and wider public sector to allocate the resources and budget to fully integrate equality and human rights into everything they do. Fundamental to this is ensuring equality and human rights are built into resource allocation and budgeting decisions as critical factors in decision making. This includes funding for third-sector organisations to create external capacity.

Our ambition is to ensure the Scottish Government and wider public sector have the resources, structures and processes to fully integrate equality and human rights into everything they do. This requires organisations to utilise their staff, financial and other assets to support positive change for the communities they serve.

We intend in the final strategy document to deliberately separate out capability (the skills and knowledge), from capacity (people, time and resource). These are different issues to be addressed separately. For example, more training does not help staff with no time to consider these critical issues. There is a need to create an environment where the ability to advance equality and human rights is woven into the fabric of the organisation, enabled by appropriate underlying capacity and resources.

This will be reflected in sufficient staffing, budget and time to conduct comprehensive intersectional analysis and impact assessments (including engagement from the outset). Adequate resources also enable incorporating diverse expertise and lived experience through staffing, advisory groups, and ongoing stakeholder engagement.

Equally as critical, there is a need to enable broad personal and team capacity: individuals need to be supported to allocate time to consider equality and human rights issues and for this to be prioritised. Alongside ensuring capacity for all staff this includes sufficient numbers of specialist staff with in-depth knowledge.

Improving capacity also extends to supporting civil society to mainstream equality and human rights through fair and sufficient grant funding.

The aim of our grant funding is to support civil society and partners to develop, embed and mainstream equality and human rights within policy and practice in Scotland, in line with the ambitions of the National Performance Framework and relevant Scottish Government strategies.

Empowering civil society organisations financially enables them to develop specialised, tailored programmes and services for marginalised and disadvantaged groups. It allows them to recruit skilled staff, plan comprehensive strategies, and deliver programmes sustaining real impact. This builds essential capacity and expertise within the third sector to mainstream equality and human rights across society.

Ensuring financial resources are aligned to progressing equality and advancing human rights is directly linked to equality and human rights budgeting approaches. This ensures that spending and revenue raising advances equality and human rights. We have taken a range of actions to increase the use and effectiveness of equality budgeting, including establishing the Equality and Human Rights Budget Advisory Group, and the publication of the Equality and Fairer Scotland Budget Statement.

We are committed to continuing to develop these approaches in Scottish Government and supporting others public bodies to do so.

The Equality and Human Rights Budget Advisory Group set out recommendations to the Scottish Government on equality and human rights budgeting. Since then, a response has been published outlining the actions that the Government intends to take to progress these recommendations.

Questions

20. Do you agree that improving capacity is a key driver for mainstreaming equality and human rights?

- Yes
- No
- Don't know

20a. Please explain your answer or provide more information.

21. Have we captured the core elements of improving capacity within the context of mainstreaming?

- Yes
- No
- Don't know

21a. Please explain your answer or provide more information.

22. What actions would you recommend to ensure that improving capacity will contribute to the achievement of mainstreaming?

How will the Strategy support real change?

We recognise that although a Strategy provides direction it does not achieve change on its own. Although currently at an early stage of development, we propose publishing alongside the Strategy two key supporting resources to drive change:

- **An action plan.** This will articulate actions Scottish Government are taking to mainstream equality and human rights. This will include:
 - collating the wide range of cross-cutting mainstreaming actions that have already been committed to elsewhere such as in responses to the recommendations of the [First Minister's National Advisory Council on Women and Girls \(NACWG\)](#) or [Scottish Government's Mainstreaming Report published in April 2023](#). We recognise that current commitments towards equality and human rights mainstreaming are not available in a single place and feedback from stakeholders to date highlighted these as including general statements rather than specific time bound actions.
 - We believe collating and grouping these wide-ranging actions in a single place will increase transparency. For example, commitments to developing competence have been made in response to [recommendations from the NACWG](#), [response to recommendations from the Equality and Human Rights Budget Advisory group](#) and in [Mainstreaming Report 2023](#).
 - Additional actions will subsequently be identified as result of this consultation and associated engagement.
 - It will focus on cross-cutting actions against the key drivers.
 - This action plan would be updated annually to add further actions and provide statements of progress.
 - These statements of progress will directly link to and form part of required statutory reporting.

- **A toolkit** to support the public sector, including Scottish Government, to deliver mainstreaming in practice. The toolkit will provide examples of the steps needed and the practical tools that an organisation can implement to mainstream equality and human rights. It will provide self-diagnostic tools, guidance, best practice examples and training materials. This will supplement the technical guidance for specific legislation. We envision the toolkit will:
 - Be web-based and accessible to all, providing practical and pragmatic support.
 - Be regularly maintained and updated.
 - As well as hosting specific tools, it will provide a single portal to signpost to other resources, such as technical guidance.

Questions

23. Do you think the proposed approach to a collated Action Plan will drive change?

- Yes
- No
- Don't know

23a. Please explain your answer or provide more information.

24. Do you think there is a need for a cross-public sector toolkit to support mainstreaming of Equality and Human Rights?

- Yes
- No
- Don't know

24a. Please explain your answer or provide more information.

25. What practical steps would you include to make the toolkit an effective resource?

Reporting

There is extensive existing and proposed statutory reporting for both Scottish Government, and the wider public sector. So we do not propose that the Strategy will have separate stand-alone reporting requirements beyond the action plan updates.

Existing reporting requirements include:

- **PSED Mainstreaming report.** The Scottish Government's Equality Outcomes and Mainstreaming Report is published every two years in line with our legal requirements as set out in the SSDs. The next Report will be published in April 2025.
 - **Reg 12 of the SSDs:** places a duty on Scottish Ministers to publish proposals for activity to enable better performance of the PSED.
- **Treaty reporting.** The Scottish Government is accountable for compliance with international human rights requirements in devolved areas and contributes to regular reporting cycles regarding implementation of human rights treaties. For example, the Universal Periodic Review (UPR) is a unique mechanism of the United Nations Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights records every 4-5 years.
- **The [United Nations Convention on the Rights of the Child \(Incorporation\)\(Scotland\) Act 2024](#)** sets out the following reporting requirements:
 - a requirement on Scottish Ministers to publish a Children's Rights Scheme, setting out the arrangements that are in place, or are to be put in place to ensure compliance with the compatibility duty and to secure better or further effect of children's rights;
 - a requirement on Scottish Ministers and listed authorities to report on actions they have taken and intend to take to ensure compliance with the compatibility duty and actions taken and planned to secure better or further effect of children's rights; and
 - a requirement on Scottish Ministers to prepare and publish a Child Rights and Wellbeing Impact Assessment (CRWIA) under certain circumstances, such as when Scottish Ministers introduce a Bill into the Scottish Parliament, when making certain SSIs, in relation to certain school closures, and in relation to decisions of a strategic nature that relate to the rights and wellbeing of children.
- The proposals for the Human Rights Bill intend to introduce reporting requirements for Scottish Government and public authorities.

The Scottish Government has also accepted a recommendation from the National Advisory Council on Women and Girls to deliver an annual statement, followed by a debate in the Scottish Parliament, on gender policy coherence. This statement will

cover activity being undertaken by the Scottish Government to deliver gender mainstreaming.

Questions

26. What are your views on establishing additional reporting requirements?

- Additional stand-alone reporting requirements should not be created
- Additional stand-alone reporting requirements should be created
- Don't know

26a. Please explain your answer or provide more information.

Part 2: Overall Reflections

Questions:

27. To what extent do the drivers capture the full range of activity required to mainstream equality and human rights?

- Captures the full range
- Captures most of the range
- Captures some of the range
- Does not capture any of the range

27a. Please explain your answer or provide more information.

28. Please provide any more information that you think would be useful, which is not already covered in your previous responses.

Responding to the Consultation

We are inviting responses to this consultation by midnight on Wednesday 5 February 2025.

Please respond to this consultation using the Scottish Government's consultation hub, [Citizen Space](#). Access and respond to this consultation [online](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of midnight on Wednesday 5 February 2025.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and send to:

Mainstreaming Strategy Team
Scottish Government
Area 3H – North Victoria Quay
Edinburgh
EH6 6QQ

Or email: MainstreamingStrategy@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document (see supporting documents). To find out how we handle your personal data, please see our Privacy Notice in [Annex B](#).

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material,

responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or email to MainstreamingStrategy@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations [online](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review.
- inform the development of a particular policy.
- help decisions to be made between alternative policy proposals.
- be used to finalise legislation before it is implemented.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Annex A - Background and Approach to Development

The [Programme for Government \(PfG\) 2023-2024](#), as well as the most recent one [for 2024-2025](#), and [the Policy Prospectus](#) launched in April 2023, reiterated the commitment to produce a Strategy to mainstream equality and human rights.

In the pursuit of building a Strategy that tackles inequality and discrimination and promotes equal opportunities, we held several engagement sessions with Partners both internally and externally. These Partners include officials from across Scottish Government, the public sector and equalities and human rights third sector organisations. In our engagement, we covered a wide range of critical issues through a series of informative sessions. From August 2021 to March 2022 the Mainstreaming and Strategy Unit in the Equality, Inclusion and Human Rights Division held several 'Deep Dive' sessions with stakeholders. These Deep Dives were held to inform our initial thinking on a Strategy to mainstreaming equality and human rights in Scotland.

'Deep Dive' sessions were held from July – November 2022 on specific topics assessed to be critical in forming a Mainstreaming Strategy. In these sessions, the emerging issues from the Deep Dives were brought together under the following six main key themes, felt to be integral to mainstreaming equality and human rights: Strengthening Leadership; Developing accountability and transparency; Ensuring effective regulatory and policy environment; Utilising evidence and experience; Enhancing capability and culture; Improving Capacity. The result of the analysis of the feedback received during the Deep Dive sessions revealed some shortcomings and ambiguity with the intended outcomes of the Mainstreaming Strategy.

We will also utilise the analysis of the responses to the prior consultation exercise on the Human Rights Bill to further inform the draft Strategy.

Annex B - Privacy Notice

Equality, Inclusion & Human Rights Directorate

Who we are

The Scottish Government, Equality, Inclusion and Human Rights Directorate. Our head office is located at Area 3H – North, Victoria Quay, Edinburgh EH6 6QQ.

Why we need your personal information

To analyse responses to the public consultation on the Equality, Inclusion and Human Rights Mainstreaming Strategy. This will inform the Scottish Government's efforts to tackle inequality and advance equality of opportunity.

What is our lawful basis

Article 6(1)(e) of the UK GDPR - Processing is necessary for performance of a task carried out in the public interest.

Article 9(2)(g) of the UK GDPR - Processing is necessary for reasons of substantial public interest, on the basis of UK law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject.

Processing data in consultation responses is also necessary for the Scottish Government to comply with its public sector equality duty under section 149 of the Equality Act 2010.

What we do with your data

Consultation responses will be analysed by an appointed contractor. Any personal data or special category data will be anonymised or pseudonymised before analysis. The final published report will not contain any data that could identify individuals, unless you have explicitly consented to your name being published alongside your response.

How long is your data kept

Personal data will be retained only as long as needed for analysis purposes and then securely deleted no later than December 2025.

What are your rights

You have a right of access to any personal data we hold about you by making a [Subject Access Request \(SAR\)](#).

In addition, if you believe that the data we hold is inaccurate or incomplete you can ask us to update our records by contacting MainstreamingStrategy@gov.scot

To find out more about the rights you have over your personal data, please visit the ICO website [Your data matters | ICO](#)

Complaints

If you have concerns about the way we process and handle your personal information, in the first instance you should raise your concerns with our Data Protection Officer by email to DataProtectionOfficer@gov.scot

¹ [Minority ethnic families - Tackling child poverty priority families overview - gov.scot \(www.gov.scot\)](#)

² [Poverty and Income Inequality in Scotland 2019-22 \(data.gov.scot\)](#)

³ [Disability pay gaps in the UK - Office for National Statistics \(ons.gov.uk\)](#)

⁴ [Pupil census supplementary statistics - gov.scot \(www.gov.scot\)](#)

⁵ [Annual survey of hours and earnings: 2022 - gov.scot \(www.gov.scot\)](#)

⁶ [Poverty and Income Inequality in Scotland 2019-22 \(data.gov.scot\)](#)

⁷ [Poverty in Scotland 2023 | Joseph Rowntree Foundation \(jrf.org.uk\)](#)

⁸ [Domestic abuse: statistics recorded by the police in Scotland - 2021/22 - gov.scot \(www.gov.scot\)](#)

⁹ [Regional employment patterns in Scotland: statistics from the Annual Population Survey 2018 - gov.scot \(www.gov.scot\)](#)



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