

Scottish Government's Response to the First Minister's National Advisory Council on Women and Girls 2019 Report Recommendations

December 2020

NACWG



Scottish Government
Riaghaltas na h-Alba
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FOREWORD FIRST MINISTER



Nicola Sturgeon
First Minister
of Scotland

The first report from the National Advisory Council on Women and Girls was as bold and ambitious as I had hoped when I appointed the Advisory Council in 2017. Its recommendations are challenging the Scottish Government to do more to tackle gender inequality and make Scotland a more equal place for women and girls.

I am pleased with the progress we have made to deliver the Advisory Council's 2018 recommendations, including creating a Gender Equality Taskforce in Education and Learning chaired by the Deputy First Minister, the work of the National Taskforce on Human Rights Leadership which is initiating the incorporation of the UN Convention on the Elimination of All Forms of Discrimination Against Women into Scots Law, and our work to ensure that victims of sexual crimes receive justice and the support that they need.

In January 2020, the Advisory Council published its second report on the topic of Policy Coherence with recommendations aimed at transforming how gender equality is woven into the fabric of policy making across the Scottish Government and the wider public sector. The COVID-19 pandemic has driven home that the policies and decisions we make must be shaped by a sound understanding of equality and human rights, and this is vital to ensuring that we leave no one behind.

I am therefore pleased to accept the NACWG's latest report and its recommendations. We have established a new Directorate for Equality, Inclusion & Human Rights, and as part of our 2020/21 Programme for Government we have committed to developing a renewed and ambitious equality and human rights mainstreaming strategy, underpinned by a comprehensive approach to improving data collation and analysis, and by work to ensure that the voices of those impacted shape our approach and policies.

There is still much more to do and we will continue to work with the NACWG to further shape this work as it progresses.

A handwritten signature in black ink that reads "Nicola Sturgeon". The signature is written in a cursive, flowing style.

FOREWORD

MINISTER FOR OLDER PEOPLE AND EQUALITIES



Christina McKelvie
Minister for
Older People
and Equalities

Too often women's voices are undervalued. I welcome the NACWG's 2019 report and recommendations and its aim to elevate women's voices and make sure that our policies are developed from a recognition and understanding of women's lived experience.

The Scottish Government has sought to put lived experience at the heart of policy making through initiatives such as the lived experience panels in the development of social security policy and the citizens' assemblies to tackle fundamental questions such as 'what kind of country are we trying to build?' and address challenging topics such as Brexit and the impact of the pandemic.

The First Minister established the National Advisory Council on Women and Girls to drive forward gender equality and create a mechanism through which women and girls are empowered to challenge government and develop recommendations for policies that will improve their lives.

Throughout the COVID-19 pandemic we have worked with equality and human rights stakeholders to identify emerging issues and provide the support that people need in this difficult and uncertain time. We provided a £350 million of emergency funding to a wide range of organisations to allow them to keep providing vital services and support to communities across Scotland. We have also provided an additional strategic investment of £5.91 million to promote

equality, tackle social isolation and loneliness and promote digital inclusion through the winter package of support announced at the end of November.

Despite these efforts, issues with the completeness of intersectional data and gaps in evidence about marginalised communities have become more apparent and may hamper efforts to design the best support for some communities, including those who are already furthest from equal opportunities.

The National Advisory Council on Women and Girls has been quick to realise this issue and has made recommendations that challenge us to go further to ensure that all policies are built on intersectional data and lived experience. We are already taking steps to do this including a Scottish Government audit of equality data gaps in public bodies, and the development of a renewed mainstreaming strategy which is underpinned by a comprehensive approach to improving data collation and analysis, and will ensure that the voices of those impacted shape our approach and policies.

This response sets out how we will continue to work towards implementing the ambition of these recommendations. I believe that it makes clear that the Scottish Government has heard the NACWG and is acting. I hope that it empowers more women and girls to speak up, get involved and know that their expertise and voices are valuable.

SUMMARY OF OUR RESPONSE

| NACWG Recommendation | Our Response |
|--|---|
| <p>1.1 The creation of a standalone Equalities Directorate along with the establishment of "Centres of Expertise" created in all Scottish Government Directorates, on intersectional gender competence.</p> | <p>Accept: We have created a new Directorate of Equality, Inclusion and Human Rights and will consider options for delivering 'centres of expertise' throughout the Scottish Government as part of our work to develop a strategy to mainstream equality and human rights, building on learning from the establishment of an initial centre which is being developed within the DG Economy family.</p> |
| <p>1.2 The creation of a senior officials and leaders group.</p> | <p>Accept: We will establish a new group, giving consideration to its relationship with existing senior structures, such as the Scottish Government Executive Team and Directors' Network, and the Scottish Leaders' Forum.</p> |
| <p>1.3 The creation of "Policy-makers National Standards" to support quality standards and accountability on intersectional gender competence in policymaking, with a requirement that all policy and analytical staff will adhere to it.</p> | <p>Accept: We will build on the framework provided by the Policy Profession Standards to identify ways to ensure that policy-makers have increasing access to tools, resources and training to deliver gender competent policy which embeds equality and human rights, as part of our strategy to mainstream equality and human rights. In doing so we will be informed by the findings of a literature review commissioned by the Office of the Chief Social Policy Adviser on other governments' approaches to assessing different policy impacts, to be published early in the new year.</p> |
| <p>2.1 We recommend Scottish Ministers deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament.</p> | <p>Accept: We will develop options for delivering an annual statement and debate to the Scottish Parliament, including how we might align this with the existing legal duty on Scottish Ministers to publish a report on progress to better perform the Public Sector Equality Duty under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.</p> |
| <p>3.1 The Scottish Government, Local Government and Public Bodies should build on existing work already underway (Scottish Approach to Service Design) to create a genuine effort in co-production of policy-making with evidence of lived experience at its heart.</p> | <p>Accept: Within the Government's Programme for Scotland 2020-21 we have committed to take steps to ensure that the voices of people with lived experience shape our approach and policies in relation to equality and human rights. We propose to develop an approach that is based on learning from previous and current Scottish Government lived experience models, as well as models utilised successfully in the UK and internationally. We will work closely with key stakeholders in this area and it will form a key component of our strategy to mainstream equality and human rights</p> |

| NACWG Recommendation | Our Response |
|---|--|
| <p>3.2 Audit Scotland and the Accounts Commission consider producing a set of scrutiny principles to support this methodology/approach for public bodies, similar to their recent “Principles for Community Empowerment”, (linked to the Policy-makers National Standards).</p> | <p>Support: While this recommendation is for Audit Scotland and the Accounts Commission to consider, we are supportive in principle.</p> |
| <p>3.3 We recommend adequate resourcing to enable the collection and analysis of robust intersectional data.</p> | <p>Accept: Within the Government’s Programme for Scotland 2020-21 we have committed to develop an equality and human rights mainstreaming strategy, which is underpinned by a comprehensive approach to improving data collation and analysis. Initial work is already underway to further understand the barriers and opportunities for data collection in the public sector. This work will report in February 2021 and will set an agenda for onward data development.</p> |

ATTITUDES & CULTURE CHANGE

INTRODUCTION

In 2017, the First Minister appointed the National Advisory Council on Women and Girls (NACWG), to advise the Scottish Government on what action is needed to achieve gender equality in Scotland. It is made up of 17 women and girls aged 17+, from different backgrounds, and is co-chaired by Louise Macdonald, Chief Executive of Young Scot, and Dr Ima Jackson, a Senior Lecturer in the Department for Nursing and Community Health at Glasgow Caledonian University.

The NACWG agreed a three year work plan to 2020, choosing to explore a different topic each year. It published its first report¹ on the topic of Attitudes and Culture Change on 23 January 2019. This report contains 11 recommendations for Scottish Government, in areas from education to justice, women's political representation and childcare.

The Scottish Government published its response² on 26 June 2019, welcoming the ambition of the report and describing how it would deliver the NACWG's recommendations. This work continues. An update on the progress the Scottish Government has made to deliver the NACWG's 2018 recommendations is set out at Annex B.

This report is the Scottish Government's response to the NACWG's second report³ on its work in 2019 on the topic of 'Policy Coherence - how are policies made and do policies work against each other', which was published on 22 January 2020.

In its 2019 report, the NACWG is concerned not with policy choices, but the policy-making system itself: the processes and people which contribute to it, and the environment and culture within which policy-makers operate. At present, the NACWG says that policy-making is not sufficiently transparent, can appear incoherent, and that the use of participatory approaches and engagement with people with lived experience in policy-making is inconsistent. It concludes that significant improvement is needed to ensure that the policy-making system is gender

sensitive and capable of realising the best outcomes for women and girls.

"Policy-makers need more curiosity, compassion and humility in their policy-making balanced with technical competence in gendered issues. And they need to move from managing the status quo to managing change".

Louise Macdonald, Co-Chair of the NACWG

To realise the change required, the NACWG makes six recommendations aimed at transforming the mainstreaming of gender equality throughout government policy-making, addressing critical areas such as leadership, resourcing and accountability. A seventh recommendation is directed to Audit Scotland and the Accounts Commission. The NACWG describes its 2019 report as a call for the creation of a "Scottish Approach to Gender Coherence across all spheres of government; public services and business". A list of its 2019 recommendations can be found at Annex A.

The NACWG's message is clear. We can and must do better.

The Scottish Government agrees that the benefits of taking action are potentially transformative. We therefore accept all of the NACWG's recommendations, while acknowledging that the task of realising them in practice will require more detailed consideration and a 'whole government' approach to achieve meaningful and long-term system change.

1 First Minister's National Advisory Council on Women and Girls 2018 First Report and Recommendations, <https://onescotland.org/wp-content/uploads/2019/01/2018-Report.pdf>

2 Scottish Government's Response to the First Minister's National Advisory Council on Women and Girls Report and Recommendations, <https://www.gov.scot/publications/scottish-governments-response-national-advisory-council-women-girls/pages/1/>

3 First Minister's National Advisory Council on Women and Girls 2019 Second Report and Recommendations, <https://onescotland.org/wp-content/uploads/2020/01/NACWG-2019-Report-and-Recommendations.pdf>

To deliver this ambitious agenda, the Scottish Government committed in its most recent Programme for Scotland 2020-2021⁴ published on 1 September 2020, to “develop an equality and human rights mainstreaming strategy, which is underpinned by a comprehensive approach to improving data collation and analysis, and will ensure that the voices of those impacted shape our approach and policies”.

Strengthening the Scottish Government’s strategic approach to equality and human rights, as a policy-maker, employer, and legislator, is a long-standing priority for Scottish Ministers, consistent with the Public Sector Equality Duty and the overarching duty on Ministers to comply with the law, including international law and treaty obligations, as set out in the Ministerial Code⁵.

Our strategy will therefore complement a number of existing work streams in this area. This includes our Human Rights Improvement Programme initiated in December 2019, and our ongoing review of the operation of the Public Sector Equality Duty, both in terms of the regulatory framework for mainstreaming equality and the implementation environment.

Our strategy will also be influenced by our experience of responding to the Coronavirus pandemic. The impacts of COVID-19 have been and will continue to be experienced disproportionately by different groups, including women, people from minority ethnic communities, older people and disabled people, and by people who share a number of those characteristics in combination, often with deprivation as an additional aggravating factor. That these groups experience inequality is not new – but the experience of COVID-19 has exacerbated and

exposed these pre-existing deep-seated inequalities. COVID-19 has highlighted the fundamental importance of ensuring that equality and human rights are central to our policies and decisions, across all areas of government.

A number of additional mechanisms have been developed in response to the issues emerging from the pandemic which are already strengthening our approach. They include the Social Renewal Advisory Board and supporting Circles, and the Expert Reference Group on Ethnicity and COVID-19⁶ which has published a suite of recommendations to the Scottish Government focusing on both immediate actions to tackle our understanding of health inequality through improved data, as well as longer-term actions focusing on the systemic changes necessary to embed race equality.

We are not starting from scratch. A strong framework to support equality and human rights already exists, including the legislative framework provided by the Equality Act 2010 and the Public Sector Equality Duty, as well as the Human Rights Act 1998 and international human rights treaties and conventions, including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)⁷. There has been more than a decade of equality mainstreaming activity across the public sector in Scotland from which lessons can be, and have been learned. This provides a strong foundation for building a refreshed mainstreaming strategy which has the use of robust evidence and data and the voice of lived experience more clearly at its heart.

4 Protecting Scotland: Renewing Scotland, The Government’s Programme for Scotland 2020-2021, <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/>

5 Scottish Ministerial Code, 2018 Edition, paragraph 1.3, <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/02/scottish-ministerial-code-2018-edition/documents/00531094-pdf/00531094-pdf/govscot%3Adocument/00531094.pdf>

6 <https://www.gov.scot/publications/expert-reference-group-on-covid-19-and-ethnicity-recommendations-to-scottish-government/>

7 [OHCHR | Committee on the Elimination of Discrimination against Women](https://www.ohchr.org/en/instruments-treaties)

THE SCOTTISH GOVERNMENT'S COMMITMENT TO DEVELOP A STRATEGY TO MAINSTREAM EQUALITY AND HUMAN RIGHTS

In September 2020, the Scottish Government published its annual Programme for Government 'Protecting Scotland, Renewing Scotland'⁸. It includes a commitment to "develop an equality and human rights mainstreaming strategy, which is underpinned by a comprehensive approach to improving data collation and analysis, and will ensure that the voices of those impacted shape our approach and policies".

The Equality and Human Rights Division, which is part of the new Equality, Inclusion and Human Rights Directorate, will lead on the development of the mainstreaming strategy, working closely with other parts of the Scottish Government and with stakeholders. The strategy will be the principle vehicle for delivering the NACWG's recommendations.

But it will go further in two respects. It will seek to strengthen the mainstreaming of equality and also human rights in Scottish Government policy-making as a single joint endeavour, and by extending its reach across those characteristics, defined as "protected characteristics" by the Equality Act 2010. It is vital in this that we recognise the nuances and barriers that may uniquely manifest themselves and be experienced by someone with a protected characteristic, including sex. Importantly for this work, we recognise that women and girls as well as experiencing gender inequality can also experience inequality linked to their age, disability, race, sexual orientation, religion or belief, pregnancy/maternity status or other characteristics. However, realising gender equality and the rights of women and girls will be a core objective of our overarching approach – after all, women and girls form a majority of the population and are not a minority group. That is what the NACWG expects and that is what we will seek to achieve.

Next Steps

We are putting in place additional dedicated staff resource to develop the strategy, with the initial appointment of a senior strategic lead within the Equality and Human Rights Division in December. Now this is in place, we will lay the ground for our work going forward which will include consideration of resources required to drive the step change we want to see. This means:

- Creating a compelling vision for change and, building on the NACWG's thinking, developing our conceptual approach as to how Government and the wider public sector embed equality and human rights across policy and practice which will include reviewing how we carry out impact assessment and build expertise at different levels within organisations,.
- Engaging with key internal and external interests, including the NACWG and other equality and human rights organisations, institutions and forums to shape the scope of the strategy, its objectives and accountability mechanisms
- Developing proposals to strengthen our use of and collection of data around equality, and proposals to better harness the lived experience of communities and the expertise of organisations who serve them

⁸ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/09/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/documents/protecting-scotland-renewing-scotland/protecting-scotland-renewing-scotland/govscot%3Adocument/protecting-scotland-renewing-scotland.pdf?forceDownload=true>

LEADERSHIP

Under the heading 'Leadership' the NACWG makes three recommendations with the objective of "creating a culture of gender equality policy-making in the Scottish Government". These recommendations are:

1.1 The creation of a standalone Equalities Directorate along with the establishment of "Centres of Expertise" created in all Scottish Government Directorates, on intersectional gender competence.

1.2 The creation of a senior officials and leaders group.

1.3 The creation of "Policy-makers National Standards" to support quality standards and accountability on intersectional gender competence in policymaking, with a requirement that all policy and analytical staff will adhere to it.

Scottish Government Response – Accept

The creation of an Equality, Inclusion and Human Rights Directorate

The NACWG's first recommendation to Scottish Government is to scale up the current Equality Unit to a standalone Directorate.

"To integrate an intersectional gendered approach into policymaking the Scottish Government needs to substantially scale up its mainstreaming work. To provide the necessary levers to lead the change required, we recommend that the current Equality Unit should be scaled up to a standalone Directorate".

NACWG

The Scottish Government accepts this recommendation.

On 29 January 2020, shortly following publication of the NACWG's 2019 report, the First Minister confirmed that following an internal review, the Scottish Government Executive Team, led by Permanent Secretary Leslie Evans had decided to establish a new Directorate for Equality, Inclusion and Human Rights. This will incorporate the existing Equality and Human Rights Division, as well as the Connected Communities Division which has

responsibility for policy relating to community cohesion, hate crime, asylum and refugee integration and faith and belief.

"The new directorate will help to raise the status of the government's equalities work. And I think it will help us to build an even greater regard for equality – across government and across society".

First Minister Nicola Sturgeon, 29 January 2020

In September 2020, the Scottish Government advertised for a Director of Equality, Inclusion and Human Rights to take forward the establishment of this new Directorate. This appointment was advertised externally to attract diverse applicants with exceptional leadership experience, including from the wider public, private and third sectors, in addition to the Civil Service, and with a passion for realising a more equal Scotland.

Following the conclusion of the recruitment process, Madhu Malhotra became the inaugural Director of Equality, Inclusion and Human Rights on 14 December 2020. She brings over 25 years' experience advocating for equality, inclusion and social justice, working in global grassroots organisations, international non-governmental organisations and the United Nations.

As part of her role, Ms Malhotra will provide senior leadership to ensure equality and human rights are consistently and effectively embedded in policy and decision making throughout the Scottish Government, reflecting our legal obligations under the Public Sector Equality Duty, our commitment to respect, protect and uphold human rights and the overarching duty on Ministers to comply with the law, including international law and treaty obligations, as set out in the Ministerial Code¹⁰.

This will include senior responsibility for overseeing the delivery of commitments set out in the Government's Programme for Scotland 2020-2021, which includes the development of a Mainstreaming Equality and Human Rights Strategy. Ms Malhotra will also join the Scottish Government Executive Team, led by Permanent Secretary Leslie Evans.

However, it is important to acknowledge that mainstreaming equality and human rights is not the responsibility of one team or Division, or a single Director. It is the responsibility of all policy-makers and all senior leaders in the Scottish Government and across the wider public sector to promote and advance equality and human rights in policy and decision making.

Additional Resource

In combination with the other actions which we will take in response to the NACWG's report, creating a new Directorate will help to further raise the profile and status of equality and human rights throughout the Scottish Government, driving change to help us realise our vision of a fairer and more equal Scotland.

We recognise that structural change alone will not deliver the NACWG's ambition that the Scottish Government "*substantially scale up its mainstreaming work*". This requires investment alongside a clear and consistent strategic approach, primarily in teams who have the requisite capacity and expertise to support the mainstreaming of equality and human rights throughout the Scottish Government. We are continuing to build on our work to deliver an increased mainstreaming support function, and resourcing will be a key and early consideration for the new Director and Ministers.

Centres of Expertise

Sitting alongside the new standalone Directorate, the NACWG recommends that 'Centres of Expertise' be created in all Scottish Government Directorates.

"To support and embed this wider focus on mainstreaming we would also like to see the establishment of a parallel programme on mainstreaming gender equality that will have "Centres of Expertise" created in all Scottish Government Directorates, on intersectional gender competence, responsible for leading and ensuring minimum levels of knowledge and analytical capability on gender in their Directorates, and therefore across all civil servants, in what can sometimes be a transient workforce."

NACWG

¹⁰ Scottish Ministerial Code, 2018 Edition, paragraph 1.3, <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/02/scottish-ministerial-code-2018-edition/documents/00531094-pdf/00531094-pdf/govscot%3Adocument/00531094.pdf>

We accept the NACWG's recommendation that there should be centres of expertise across all aspects of the Scottish Government's work to ensure that every policy maker can benefit from access to colleagues with a level of expertise on equality and human rights which directly relates to their specific policy focus.

We have already committed to the development of a centre of expertise on equality and human rights in the Economy family of Directorates, as part of our response to the Advisory Group on Economic Recovery's report "Towards a Robust, Resilient Wellbeing Economy for Scotland"¹¹.

The Economy Centre of Expertise on Equality and Human Rights will work across the economy portfolio to develop an understanding of and the evidence base on equality and human rights; ensure we identify and capitalise on opportunities to advance equality and human rights, and build capacity, skills and understanding within policy teams.

Building on the learning gleaned from this work as it develops, we will consider the best means and models to deliver centres of expertise throughout the Scottish Government as part of our work to develop a Mainstreaming Equality and Human Rights Strategy. We will review models used within the Scottish Government, consider examples of best practice utilised elsewhere in the UK and internationally, and learn the lessons from our efforts to strengthen the mainstreaming of equality and human rights as a more cohesive joint endeavour during the period of our response to COVID-19.

A Senior Officials and Leaders Group

The NACWG's second recommendation under the pillar of 'Leadership' is the creation of a senior officials and leaders group. The NACWG says that this group should have "*the express purpose of ensuring intersectional gender competent policy coherence across Scottish Government's policy development*" and "*have a role in ensuring the consistent application of EQIAs across policy-making by also acting as a review panel, should the competence of an EQIA be questioned*"¹².

The NACWG also recommends that external members are included and that the Scottish Government Directors' Child Poverty Group could be a potential model for the new group.

The Scottish Government accepts this recommendation. In establishing a new group, we will:

- Consider the role of the group in relation to the development and subsequent implementation of our Mainstreaming Equality and Human Rights Strategy and related activity, to ensure senior collective corporate ownership of this agenda;
- Consider the relationship between the group and existing senior structures, including the Scottish Government Executive Team and Directors' Network, and the Scottish Leaders' Forum. We will also consider if and to what extent, certain functions envisaged by the NACWG for the new group would be more effectively discharged within those existing senior structures;
- In relation to the NACWG's suggestion that this group should act as a review panel for EQIAs, consider the outputs of a literature review commissioned by the Office of the Chief Social Policy Adviser which will provide evidence on other governments' approaches to assessing different policy impacts and their effectiveness, and use this to shape the Group's approach;

¹¹ <https://www.gov.scot/publications/towards-robust-resilient-wellbeing-economy-scotland-report-advisory-group-economic-recovery/>

¹² An 'EQIA' is an Equality Impact Assessment.

- Look at the linkages between the NACWG's report and the recommendations of the Expert Reference Group on COVID-19 and Ethnicity which has highlighted the importance of leadership to addressing systemic issues which contribute to poorer outcomes for minority ethnic and migrant communities in Scotland.

Policy-makers National Standards

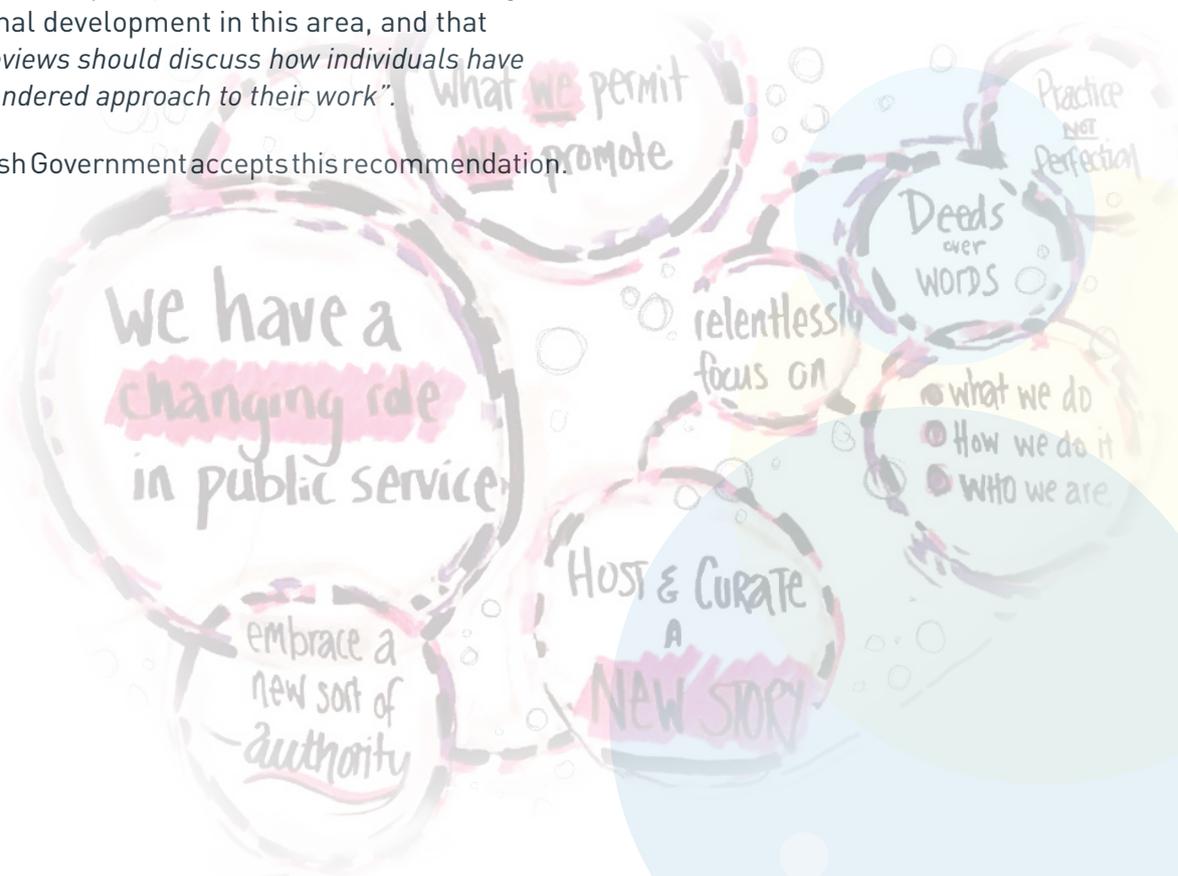
The NACWG's final recommendation under the heading of 'Leadership' is the creation of Policy-makers National Standards "to support quality standards and accountability on intersectional gender competence in policy-making". The NACWG says that standards should "include a level of knowledge and skill that will enable officials to carry our intersectional gender analysis as part of policy development".

The NACWG further recommends that "gender competence should be integrated into the performance management framework of civil servants", with an expectation that policy-makers access continuing professional development in this area, and that "annual reviews should discuss how individuals have taken a gendered approach to their work".

The Scottish Government accepts this recommendation.

Through the development of our Mainstreaming Equality and Human Rights Strategy, we will build on the framework provided by the Policy Profession Standards, identifying ways to ensure that policy-makers have increasing access to tools, resources and training to deliver gender competent policy which reflects equality and human rights. Linking to our commitment to explore additional ways of strengthening our individual and corporate responsibility to embed equality and human rights in policy-making, we will consider how equality and human rights competence is embedded within performance management frameworks and use the best available evidence to determine an effective approach in the future.

Our approach will be informed by the findings of the literature review commissioned by the Office of the Chief Social Policy Adviser on other governments' approaches to assessing different policy impacts.



ACCOUNTABILITY

Under its second pillar "Accountability" the NACWG makes a single recommendation that "*Scottish Ministers should deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament*" to ensure adequate scrutiny of gender competent policy-making.

The NACWG says that this statement should cover: the Scottish Government's work to implement its recommendations, including the creation of Policy-makers National Standards and efforts to ensure lived experience is at the heart of policy-making; how work on gender equality is aligned with the budget process in Scotland, and engagement with business and industry representative bodies to embed gender equality in the private sector in a more strategic way.

Scottish Government Response – Accept

The Scottish Government accepts this recommendation. We will develop options for delivering an annual statement and debate to the Scottish Parliament, with reference to detail of the NACWG's recommendation regarding content. Specifically, we will:

- Consider the merits of aligning delivery of a statement and debate with the existing legal duty on Scottish Ministers to publish a report on progress to better perform the Public Sector Equality Duty under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- Continue to explore ways to improve our equality budgeting processes, guided by the Scottish Government's Equality Budget Advisory Group (EBAG)¹³. The Chair of EBAG is currently working with members to identify a set of medium to long term recommendations which will aim to influence the shape and process of equality budgeting for the next Parliamentary term from May 2021. As a step forward in the short term, a new approach will be used for the 2021-22 Equality and Fairer Scotland Budget Statement to see if it can provide a more helpful and impactful process and document.
- Explore additional ways of strengthening our individual and corporate responsibility to embed equality and human rights in policy-making as part of the development of our Mainstreaming Equality and Human Rights Strategy.
- Build on progress made in the policy development process for Programme for Government 2020 (*Protecting Scotland, Renewing Scotland*), which aimed to embed equality and human rights throughout. As part of the policy development process, officials were asked to assess potential impacts of their proposals on the advancement of equality, human rights, and the reduction of socio-economic disadvantage prior to submission to Ministers. Early proposals were analysed by the Equality and Human Rights Division and a summary of the findings were provided to Ministers to assist in the selection process. Further work is required to embed this approach further and to ensure that proposals are developed based on what evidence tells us will advance equality and human rights.
- On 6 November 2019 and 4 November 2020, the Scottish Government took part in an 'Accountability Day' with NACWG members. These are opportunities for the Scottish Government to update the NACWG on progress to deliver its recommendations and receive feedback and constructive challenge from NACWG members. The Scottish Government values its ongoing engagement with the NACWG and we recognise the importance of this to realising our shared ambition for gender equality. We will seek to engage with the NACWG in all aspects of our work to deliver its 2019 recommendations moving forward.

¹³ The Equality Budget Advisory Group is responsible for providing strategic advice to the Scottish Government on equality budgeting processes. It includes a mix of Scottish Government and external members and is currently chaired by Angela O'Hagan, a Senior Lecturer in the Department for Social Sciences in the Glasgow School for Business and Society with extensive experience in gender budgeting.

CREATING CONDITIONS

Under the third pillar 'Creating Conditions' the NACWG makes three recommendations:

3.1 The Scottish Government, Local Government and Public Bodies should build on existing work already underway (the Scottish Approach to Service Design) to create a genuine effort in co-production of policy-making with evidence of lived experience at its heart.

3.2 Audit Scotland and the Accounts Commission consider producing a set of scrutiny principles to support this methodology/approach for public bodies, similar to their recent "Principles for Community Empowerment", (linked to the Policy-makers National Standards).

3.3 Adequate resourcing to enable the collection and analysis of robust intersectional data.

Scottish Government Response – Accept

Co-production of Policy-making with Lived Experience at its Heart

The NACWG's first recommendation under the theme of 'Creating Conditions' calls for the Scottish Government, Local Government and Public Bodies "to create a genuine effort in co-production of policy making with evidence of lived experience at its heart". The NACWG recommends that any methodology adopted be informed by a forum of independent equality experts, feminists, third sector representatives and those with an understanding of participatory methods, and be sufficiently resourced and supported by robust evaluation.

The Scottish Government accepts this recommendation. This is reflected in the Government's Programme for Scotland 2020-21 which includes a commitment to take steps to ensure that the voices of those impacted shape our approach and policies.

Putting Lived Experience at the Heart of Policy-Making

Other stakeholders have also urged greater inclusion of people with lived-experience in policy-making and this has been a key emerging theme from the Social Renewal Advisory Board (SRAB) and supporting Circles. The SRAB has consulted with:

- The Poverty Commission Groups in Edinburgh, Glasgow, North Ayrshire and Dundee.
- Around 100 organisations and community groups, who had the opportunity to share their ideas and evidence, based on their experiences of responding to the pandemic, and their engagement with people with lived experience of poverty and inequality through the open 'Call for Ideas' which ran throughout October.
- Local Authorities across Scotland, who took part in Community Listening Events where we heard about the response to the pandemic, how it affected communities and what a good life looks like for people post-pandemic.
- Equalities stakeholders, who have worked with the SRAB, to undertake deep-dives with those groups we know have been most impacted by the pandemic – women, older people, ethnic minorities, young people and disabled people.

All of these will feed into the final report of the Board.

There is also a significant overlap between the NACWG's 2019 recommendation and our ambition for Open Government and greater transparency and involvement of citizens and civil society in policy making and delivery.

A Participation Framework is currently being developed as part of our membership of the Open Government Partnership¹⁴, as a tool to support and promote good practice in participation and engagement across Government. The Framework is designed to make clear the benefits of involving the public and relevant stakeholders early in any process, and equip staff with the skills to identify the most effective ways to carry out their engagement. A strategy is currently being developed to support the roll out of the Framework across the organisation, working in partnership with existing standards such as the Policy Profession and the Scottish Approach to Service Design.”

We propose to develop an approach that is based on learning from previous and current Scottish Government lived experience models, as well as models utilised successfully in the UK and internationally. We will work closely with key stakeholders in this area.

Strategic Approach to Engagement with Equality and Human Rights Organisations

In addition to activity to strengthen the inclusion of people with lived experience in policy-making we also propose to take steps to develop a more strategic approach to engagement between policy-makers and equality and human rights organisations.

During our response to COVID-19, some organisations told us that they are not always involved early enough in the policy-making process to adequately influence and shape government policy. They feel that this has resulted in equality and human rights considerations not being sufficiently embedded in policies and decisions from the outset. The Scottish Government wants to address this.

We will therefore give further consideration to how we can support greater engagement between equality and human rights organisations and policy-makers across the Scottish Government to ensure that they are confident in knowing when and how to engage with equality and human rights experts to support greater embedding equality and human rights within policy and practice.

Scrutiny Principles

The NACWG's second recommendation under the pillar 'Creating Conditions' is directed at Audit Scotland and the Accounts Commission, who are asked to “consider producing a set of scrutiny principles to support this methodology/approach for public bodies, similar to their recent “Principles for Community Empowerment”, (linked to the Policy-makers national standards)”.

While recognising that this recommendation is for Audit Scotland and the Accounts Commission to consider and respond to, we are supportive in principle.

Intersectional Data

The NACWG's final recommendation relates to data. It says, “*To enable the participation and co-production of all women and girls, we need to know more about where they are and what they are experiencing. In particular, we need to know more about the impact of policies on women and girls who experience multiple discriminations. As such, we recommend adequate resourcing to enable the collection and analysis of intersectional data to allow policy-makers and influencers to have access to more robust information leading to more effective policy-making.*”

The Scottish Government accepts this recommendation. Within the Government's Programme for Scotland 2020-21, we have committed to developing a comprehensive approach to improving data collation and analysis to support our mainstreaming strategy.

¹⁴ <https://www.opengovpartnership.org/members/scotland-united-kingdom/>

Our work will build on existing activity, including:

- The work of the Sex and Gender in Data group, which was established by the Cabinet Secretary for Social Security and Older People in June 2019. The group is comprised of professionals from across statistical services and led by Scotland's Chief Statistician. Its aim is to provide a clear statement about the collection and use of data about a person's sex and gender from the Chief Statistician of Scotland to Scottish Ministers. The work was paused temporarily in order to support our response to COVID-19. The draft guidance which will be consulted on, will recommend that data should be disaggregated by males and females to highlight if there are inequalities between men and women generally which need to be tackled, and where privacy allows (i.e. If the data is large enough), it should be broken down across a number of demographic characteristics - an intersectional analysis - to give an insight into how a combination of socio-demographic characteristics might create discrimination.
- Innovative work on a Scottish specific Gender Index is to be published in December 2020. This new Index has been designed to set a baseline and monitor the change of the agreed set of indicators. These indicators were developed over the course of a two year period by a Scottish Government-led working group with prominent women's organisations and academics. The index will be focussed on gender but under each domain intersectional data will be included where it is currently available. The index has been supported by funding from the Scottish Government to expand the Office of National Statistics population survey to include collection of time-use data for Scotland and to develop other data on how resources are controlled within a household and on attitudes to violence against women and girls. The index will develop over time as data sources emerge and new indicators become possible.

The COVID-19 pandemic has highlighted the importance of equality data for understanding the disproportionate effects of the virus on different groups, including children and young people, men and women, people from minority ethnic communities and older people, as well as people experiencing socio-economic disadvantage. It has also highlighted the need to improve the availability, consistency and quality of such data to ensure that all decisions are evidence-based.

Some equality stakeholders, including the NACWG have highlighted issues in relation to data gaps and the lack of analysis of intersectional data. We are aware of a range of data gaps and are already working with a number of public agencies to deliver appropriate responses. For example, in response to the disproportionate impacts of COVID-19 on minority ethnic communities the Scottish Government established an Expert Reference Group on COVID-19 and Ethnicity and has recently established a working group to improve data and evidence around race across the justice system.

The Expert Reference Group on COVID-19 and Ethnicity has recently published its recommendations to the Scottish Government. There are a number of recommendations regarding improving data and which note the importance of participation, that 'minority ethnic people and communities must be at the heart of any initiatives to improve ethnicity recording.'¹⁵ This will be considered alongside our response to the NACWG recommendation 3.1 on participative policy making, as part of our new mainstreaming strategy.

¹⁵ [Expert Reference Group on COVID-19 and Ethnicity: recommendations to Scottish Government - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2020/06/Expert-Reference-Group-on-COVID-19-and-Ethnicity-recommendations-to-Scottish-Government.pdf)

Collection of Equality Data by Scottish Public Sector Bodies Research Project

The Scottish Government has commissioned research to improve our understanding of the collection and use of equality data and data on socio-economic disadvantage by Scottish public sector bodies. The aim of the research is to find out:

- What equality data, i.e. relating to protected characteristics and, sometimes, other characteristics which have a bearing on equality such as having lived experience of the care system or being a carer, is collected by public sector bodies
- How that data is collected and stored
- Why the data is collected and whether the purpose for collection is being fulfilled, and
- Barriers to collecting and/or using equality data

The research is being carried out with a sample of 30-35 public sector organisations and departments between October and December 2020, and covers all nine protected characteristics as defined by the Equality Act 2010 and socio-economic disadvantage. Following completion of the research, the information gathered will be analysed and a report of the findings will be prepared for the Scottish Government and the Scottish Government website in February 2021.



END WORD – PERMANENT SECRETARY



Leslie Evans
Permanent Secretary

Through its 2019 report, the National Advisory Council on Women and Girls holds a mirror to government. It challenges us to look closely at how we go about our day to day work, advising Ministers, supporting the effective running of government and delivering high quality public services across Scotland

It delves into the policy-making environment with all of its inherent complexities and layers. It asks, are we doing everything possible to ensure that our policies are gender sensitive? Have they been developed with a strong understanding of how the policy will impact on the equality and human rights of women and girls, using available data and evidence, shaped by the voices of people with lived experience? In other words, will they make Scotland a more equal place for women and girls?

Policy-making needs to be approached with humility. As policy-makers we cannot rely on knowing all of the ways in which a policy will affect different groups of people. Which is why this analysis must be built into the policy-making system and why speaking to people with lived experience is so important.

We do have strong foundations within the Scottish Government and policy-makers have a range of training and guidance available to them. But we need to build on this and make equality and human rights the beating heart of policy development, and something that comes as naturally to those designing our services and institutions as organising their staffing and budgets. We owe it to Ministers and to ourselves to deliver policies to the best of our abilities, but more importantly we owe it to the Scottish people to design policies which work for them, all of them, leaving no one behind.

As the Head of the Civil Service in Scotland I welcome the challenge that has been put to government and I look forward to continuing to work with the Advisory Council and with colleagues across the Scottish Government and the wider public sector to create the more equal Scotland we all aspire too.

ANNEX A

The NACWG's 2019 Recommendations

The following table sets out a summary of the NACWG's 2019 recommendations, structured under the NACWG's three themes of Leadership, Accountability and Creating Conditions. A fuller description of each of the recommendations is contained in the NACWG's report¹⁶.

| 1. Leadership: Creating a culture of gender equality policy-making in the Scottish Government | 2. Accountability: Scrutiny of gender competent policy-making. | 3. Creating Conditions: People powered policy-making. |
|--|---|--|
| 1.1 The creation of a standalone Equalities Directorate along with the establishment of "Centres of Expertise" created in all Scottish Government Directorates, on intersectional gender competence. | 2.1 We recommend Scottish Ministers deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament. | 3.1 The Scottish Government, Local Government and Public Bodies should build on existing work already underway (Scottish Approach to Service Design) to create a genuine effort in co-production of policy-making with evidence of lived experience at its heart. |
| 1.2 The creation of a senior officials and leaders group. | | 3.2 Audit Scotland and the Accounts Commission consider producing a set of scrutiny principles to support this methodology/approach for public bodies, similar to their recent "Principles for Community Empowerment", (linked to the Policy-makers National Standards). |
| 1.3 The creation of "Policy-makers National Standards" to support quality standards and accountability on intersectional gender competence in policymaking, with a requirement that all policy and analytical staff will adhere to it. | | 3.3 We recommend adequate resourcing to enable the collection and analysis of robust intersectional data. |

¹⁶ <https://onescotland.org/wp-content/uploads/2020/01/NACWG-2019-Report-and-Recommendations.pdf>, pages 21-23

ANNEX B

Update on Implementation of the NACWG's 2018 Recommendations

The NACWG's 2018 and first report on the topic of Attitudes and Culture Change was published on 25 January 2019. It sets out 11 recommendations for action, in areas including the criminal justice system, education, childcare, and women's political representation. The Scottish Government published its response¹⁷ on 26 June 2019. The following table provides an update on the Scottish Government's progress to implement each of the recommendations.

| Recommendation | Progress |
|--|---|
| <p>1.) Create a 'What Works?' Institute to develop and test robust, evidence-led inclusive and representative approaches to changing public attitudes in Scotland to girls and women's equality and rights, including dismantling stereotypes about what girls and women should study, work at, and be. The Institute will be the place where "good learning" happens and where specialist gender support can be accessed that will give public bodies; the third sector and business the tools to act to change the culture on women's equality.</p> | <p>The Scottish Government's Equality Unit funded research, managed by Zero Tolerance, to investigate and develop a model for the What Works? Gender Institute, which would best realise the ambition of the NACWG. This research work was undertaken by the Collective, a group of 3 researchers – Talat Yaqoob, Kate Nevens, and Ellie Hutchinson. The researchers undertook a robust literature review, worked with the Research Advisory Group (RAG), key individuals and organisations to develop potential models for the institute.</p> <p>The final research report along with Zero Tolerance's recommendations for the next phase of development of the Gender Institute have been submitted to the Scottish Government for its consideration with next steps to be announced in the New Year.</p> |

¹⁷ Scottish Government Response to the First Minister's National Advisory Council on Women and Girls 2018 Report and Recommendations, June 2019, <https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2019/06/scottish-governments-response-national-advisory-council-women-girls/documents/scottish-governments-response-first-ministers-national-advisory-council-women-girls/scottish-governments-response-first-ministers-national-advisory-council-women-girls/govscot%3Adocument/scottish-governments-response-first-ministers-national-advisory-council-women-girls.pdf>

| Recommendation | Progress |
|---|---|
| <p>2.) Legislate for local and national candidate quotas for all parties by the 2021 election.</p> | <p>This recommendation is currently out with the competency of the Scottish Parliament. In the absence of the ability to take legislative action in this area, the Scottish Government has progressed non-legislative activity in a number of areas:</p> <ul style="list-style-type: none"> • Scottish Ministers wrote to their equivalents in the UK Government in May 2018 to request a meeting to discuss the devolution of powers to the Parliament to introduce political quotas. The UK Government in their reply, declined to meet Scottish Ministers. We intend to write again to the UK Government. • A scoping review of international practice in relation to candidate quotas has been prepared, and will be published on the Scottish Government website in early 2021. <p>The Scottish Government is considering how to improve our equality data collection, to inform and monitor progress on promoting diversity of elected representatives in Scotland.</p> <p>The Scottish Government is also supporting a number of non-legislative initiatives to increase women's representation, including:</p> <p>COSLA's Cross Party Barriers to Elected Office Special Interest Group – The Scottish Government is extending the funding of a post based in CoSLA, until September 2021 to support this group. SG officials are currently in discussion with CoSLA to maximise the impact of this post, including issues such as remuneration and support and training for new councillors.</p> <p>Equal Representation project – The Scottish Government's Equality Unit is funding Engender to progress the Equal Representation project. The Equal Representation project post will work with political parties to increase the representation of diverse women, and to progress a second phase of work with the Equal Representation Coalition which in its first phase of work developed a toolkit for political parties. This grouping of national equalities organisations brought together stakeholders working for BME, LGBTI, women's, and disabled people's representation.</p> <p>Young Women Lead – The Scottish Government funds the Young Women's Movement's leadership programme for young women aged 30 and under living in Scotland. The programme provides a safe space for up to 100 young women to explore gender equality and develop new and innovative ways to lead change. The latest cohort of young women were minority ethnic women. This was in response to the extreme lack of minority ethnic women's representation in Scotland.</p> |

| Recommendation | Progress |
|---|---|
| | <p>Scotland's Women Stand – The Scottish Government funded the Young Women's Movement and The Parliament Project to run a national campaign and event in Parliament to celebrate women in politics and look forward to gender balance in political representation. The two elements of the project were a nine month digital campaign encouraging women to increase their political engagement and consider standing for elected office and a Women's takeover of the Scottish Parliament on 7 September 2019, with 300 women coming together to celebrate, discuss and learn about standing for political office.</p> |
| <p>3.) Carry out a thematic gender review of the new National Performance Framework as a catalyst for system analysis and change.</p> | <p>This will be taken forward as part of the next NPF review. Periodic reviews of the framework are mandated by the Community Empowerment (Scotland) Act 2015, and are undertaken to ensure that the framework continues to drive increased wellbeing.</p> |
| <p>4.) Create a 'Gender Beacon Collaborative' – made up of Scottish Government, a Local Authority, a public body, a third sector agency and a business to take a holistic and systemic approach to gender equality and work to having it embedded in all of its activities from employment to strategy to delivery. Supported by gender experts (and the What Works? Institute above) the outcome would be the creation of a model which has been proven to be successful; that creates a pathway for others to follow and will then be replicated across all public bodies.</p> | <p>Equality Unit officials have completed a further round of stakeholder engagement on the Gender Beacon Collaborative (GBC). From the feedback received, the Scottish Government have produced a potential model for the Collaborative, which we are gathering wider views on.</p> <p>There is considerable gender equality work already underway in each sector and this model will ensure that organisations build on the progress that they have already made and thus is in keeping with the work of the NACWG regarding policy coherence.</p> <p>Colleagues especially those working to support the private sector feel this approach is likely to have much more credibility with employers. In order to ensure that all relevant views are heard, officials are engaging with intermediary organisations across the public, private and third sector. These discussions are at an advanced stage, however, were temporarily paused due to COVID-19. Following the completion of this work further detail about the model and timeline for the Collaborative will be provided.</p> <p>Implementation models and timelines for the Collaborative are currently being reassessed as a result of COVID-19. The lockdown measures designed to limit the consequences of the virus are having a significant impact on organisations in all sectors, reducing capacity for implementing the GBC, disrupting working practices, preventing implementation of some gender equality processes and skewing progression data. Following the temporary pause in the work to implement the GBC during the height of the pandemic in Scotland, work has now restarted to adapt the model currently under consideration to maximise its effectiveness during these unprecedented times.</p> |

| Recommendation | Progress |
|---|---|
| <p>5.) Improve access to justice for women and girls experiencing men's violence and the culture of violence against women and girls embedded in the fabric of Scottish society by:</p> <p>a.) Creating a world-leading process for complainers of sexual violence, including trauma-informed forensic medical examination, independent sexual violence advocacy, review of the law on corroboration, and privacy for complainers with regards to the disclosure of their medical records; and</p> <p>b.) Criminalise serious misogynistic harassment, filling gaps in existing laws.</p> <p>c.) Work with Scottish Women's Aid, Scottish Women's Rights Centre, Shakti Women's Aid and the Law Society to create a consistent and inclusive model to ensure that women experiencing domestic abuse have sufficient access to expert legal advice and legal aid.</p> | <p>a.) A world-leading process for complainers of sexual violence</p> <p>The justice system should always take a victim-centred perspective in addressing sexual crime and we are working with all partners – to ensure this happens across the board. We have established the Victims Taskforce to improve support, advice and information for victims of crime and their families as they interact with the Scottish criminal justice system.</p> <p>The Victims' Taskforce includes a work stream which is chaired by Rape Crisis Scotland and Scottish Women's Aid to consider issues specific to victims of gender based violence. The work plan includes holding a round table discussion on the safeguarding of victim's privacy rights, and perceived barriers to them coming forward to report crimes against them.</p> <p>We are committed to improving rape and sexual assault survivors' experiences of the justice system and are aware of recent reports highlighting both the progress made and the areas where further improvement is needed. We will work with justice partners, victims' organisations and researchers to carefully consider the findings and continue delivering the changes needed to make a lasting difference.</p> <p>In addition to this work a judicially led review to improve how sexual offences cases are conducted through the courts, under the leadership of Lady Dorrian, is being undertaken. The Scottish Government will consider any recommendations by the judicially led Review alongside the work of the Victims' Taskforce.</p> <p>Chief Medical Officer for Scotland's Rape and Sexual Assault Taskforce</p> <p>At the point of drafting this note the landmark Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill is nearing its final legislative stage in the Scottish Parliament with Stage 3 proceedings expected to be held on 10 December 2020.</p> <p>The Bill will provide a statutory basis for health boards to provide forensic medical examinations for victims of sexual crime and will establish a legal framework for consistent access to "self-referral". This will mean that a person can access healthcare and request a forensic medical examination without first making a report to the police. The Bill aims to ensure consistent, person centred, trauma informed care and access to recovery for all victims of sexual assault, including where they choose not to make a report to the police at the outset. The Bill was unanimously passed by the Parliament at Stage 1 and 2. More information about the Bill is available here.</p> |

| Recommendation | Progress |
|----------------|---|
| | <p>The CMO Taskforce has developed a range of products to support delivery of consistent, person-centred, trauma informed healthcare and forensic medical services and access to recovery, for anyone who has experienced rape, sexual assault or child sexual abuse in Scotland.</p> <p>The package of resources has now gone live to health boards, following a series of successful virtual roadshows that took place at the beginning of November, to provide all relevant health board staff with a detailed explanation of how this package knits together.</p> <p>The Taskforce has also produced a leaflet which can be given to individuals who present for a forensic medical examination or may be considering this. An Easy Read version has also been produced in partnership with People First and NHS colleagues have led on the design of a leaflet to explain the examination process for young people.</p> <p>Independent Sexual Violence Advocacy</p> <p>The Scottish Government continues to recognise the key role that advocacy services play in helping victims come forward and engage with the justice process.</p> <p>This year (2020/21), the Scottish Government has provided over £1m to support Rape Crisis Scotland’s National Advocacy Project – which provides a key support worker in every centre in Scotland to help victims to engage with the criminal justice process. Additionally, Scottish Government provides support and funding to the Scottish Women’s Rights Centre, a dedicated service in partnership with RCS, offering legal advice and specialist advocacy to women affected by gender-based violence.</p> <p>The Scottish Government continues to support the two year pilot project of visual recording rape complainer’s initial statement, launched on 1 November 2019. The pilot is run by operational partners, Police Scotland and the Crown Office and Procurator Fiscal Service. Rape Crisis Scotland is providing valuable advocacy support for complainers and are acting as a conduit to those with lived experience to shape the appropriate advocacy support required for victims who access the pilot. It is being trialled in three areas of Scotland which have rural and city locations.</p> |

| Recommendation | Progress |
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| | <p>Corroboration</p> <p>The Scottish Government has previously expressed concerns around corroboration and its impact on access to justice. As there was no parliamentary or legal consensus when Ministers previously proposed removing the corroboration requirement in criminal proceedings, we asked Lord Bonomy to conduct a review into what additional safeguards may be required if corroboration was removed. That review recommended research into jury reasoning and decision-making, to ensure any changes are made on a fully informed basis.</p> <p>The Scottish Government commissioned independent jury research, which was published in October 2019. From November 2019 through to March 2020, a broad range of stakeholder events took place to seek views on all of the research findings and any implications for other criminal justice reforms, including potentially in relation to corroboration.</p> <p>The COVID 19 pandemic unavoidably paused activity, as priorities shifted towards the recovery of the criminal justice system. Although the challenges of the pandemic remain, this piece of work has now concluded and the summary of discussions was published in early December.</p> <p>Although the possibility of abolishing or reforming the corroboration rule was opposed by the majority of participants in the engagement events, the Cabinet Secretary has committed to engaging further with opposition parties later this year to hear their views and will continue to meet survivors who have been affected by these unique aspects of the Scottish system.</p> <p>b.) Criminalise serious misogynistic harassment, filling gaps in existing laws.</p> <p>Baroness Helena Kennedy QC was announced as the preferred Chair of the Misogynistic Harassment Working Group by the Cabinet Secretary at the Justice Committee on 24 November 2020, and Baroness Kennedy QC has confirmed in discussions with officials that she is content to accept the role. Discussions are still ongoing regarding the membership of the group, and will be decided shortly. Timings for the group are still to be confirmed, however we expect the first meeting of the group to be held at the first opportunity in January 2021.</p> |

| Recommendation | Progress |
|----------------|---|
| | <p>c.) Access to expert legal advice and legal aid.</p> <p><u>We are supporting the Scottish Women’s Rights Centre, increasing women’s access to legal advice and legal aid</u></p> <p>The SWRC provides improved access to justice through the provision of free support and legal advice to women who have experienced gender based violence. Funding is provided through Scottish Legal Aid Board (up to £230,000 per annum) and Scottish Government - Violence Against Women and Girls & Barnahus Justice budget (up to £351,000 in 2020/21). The funding has enabled geographic expansion to develop locally based legal services launched in 2019 in Inverness and Dundee, and expansion of legal provision in the central belt. The SWRC provide a range of services, including a national helpline, legal surgeries, advocacy services, online legal guides, and the Sexual Harassment Legal Service. The face to face legal surgeries, offering appointments with a solicitor, are also offered in Lanarkshire, Edinburgh, Glasgow and the Forth Valley. SWRC have engaged in multi-agency meetings to increase access to legal support in other locations, particularly rural areas where availability can be limited.</p> <p>In addition, work is ongoing to ensure that legal professionals who work with clients who have experienced domestic abuse have access to bespoke trauma-informed training. The Scottish Government have worked with the SWRC to develop a training animation, providing insight into the range of issues a solicitor might face when working on civil domestic abuse cases. The training also seeks to assist technical understanding of the new provisions in the Domestic Abuse (Scotland) Act 2018, and promote a common understanding of the impact of trauma on victims who have been subject to coercive and controlling behaviours. The SWRC have also developed a face to face training package to complement this animation.</p> <p><u>Legal Aid Reform</u></p> <p>Following a period of public consultation there is support for developing a new statutory framework for a modern, forward-looking and user-centred legal aid service for Scotland.</p> <p>Working closely with stakeholders we will develop proposals, and give particular consideration to how more targeted and planned interventions can support user need, align with identified government priorities, and assist legal aid in being rightly recognised as an invaluable public service. More targeted provision could improve access to legally aided services in certain geographical areas or for groups with specific legal needs, such as victims of domestic abuse, those with a disability or persons from a BME background.</p> |

| Recommendation | Progress |
|---|---|
| | <p>A small majority of respondents to the public consultation favoured grants or contracts to facilitate exclusive funding arrangements. It was considered that this would assist with access for particular groups such as women affected by domestic abuse, people with disabilities, care experienced children, and those with mental health issues.</p> <p>Domestic abuse and family law were expressly highlighted by respondents to the Consultation as being areas of law which are currently not served well through legal aid and/or would benefit from more targeted provision.</p> <p>Disclosure of Medical Records</p> <p>Scotland's legal system ensures that any complainer in a criminal case whose sensitive records are being sought has a legal right to be heard as the court considers whether to permit access. In addition, the Scottish Government took steps in 2017 to introduce new rights that ensure complainers whose sensitive records are being sought have access to legal aid to oppose such a request where access is required for the complainer to effectively participate in the hearing. There is no means testing of the request for legal aid in this situation.</p> |
| <p>6.) Create a resourced media body in Scotland, which will publicly review media which is sexist, misogynistic or bigoted; will provide guidance on what gender equal media can look like and will strengthen the intersectional voices of women in media.</p> | <p>Funding has been awarded to Engender to support a Development Manager post in Gender Equal Media Scotland (GEMS) to lead a project focussed on:</p> <ul style="list-style-type: none"> • Establishing relationships with key media and equalities organisations and convening roundtable meetings with those involved in Scotland's media and cultural institutions. • Mapping existing initiatives, resources, campaigns and research around intersectional gender inequality and sexism in media, within Scotland and internationally and assessing existing resources and their effectiveness in creating change. • Developing a long-term vision for a Women's Media Body for Scotland, in collaboration with industry experts, academics, campaigners, and the public sector. <p>The GEMS Development Officer started in her post about a month ago.</p> |

| Recommendation | Progress |
|--|--|
| <p>7.) Incorporate the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into Scots Law.</p> | <p>The First Minister’s Advisory Group on Human Rights Leadership reported on 10 December 2018, with recommendations for a new human rights framework to improve people’s lives. The report recommended that a wide range of human rights be included in a new statutory framework for human rights, including economic, social and cultural rights and further specific rights, including rights belonging to women.</p> <p>We have committed to incorporating CEDAW into Scots Law. The First Minister accepted the recommendations of her National Advisory Council on Women and Girls, which includes incorporation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into Scots law. There is also a 2020-21 Programme for Government commitment for the National Taskforce for Human Rights Leadership to work on how best to take forward our commitment to incorporating CEDAW into Scots Law.</p> <p>The Taskforce have been working with key women’s rights stakeholder groups to determine how best to incorporate CEDAW, mostly recently hosting a roundtable with stakeholders on 28 August. The Taskforce has established a women’s reference group to explore the topic in more detail. They are due to meet on 14 December.</p> <p>Discussions with stakeholders will also continue to focus on capacity-building and implementation, ensuring that the framework will make a significant and positive practical difference to the everyday lives of women in Scotland.</p> <p>The Taskforce will take into account all of these stakeholder views to inform their report next year.</p> |
| <p>8.) Establish a Commission on Gender Equality in Education and Learning, covering Early Years, Primary and Secondary Education and learning, tasked with providing bold and far-reaching recommendations on how gender equality can be embedded in all aspects of learning (from teacher training, to school behaviours/cultures, to the curriculum and CLD practice).</p> | <p>The Gender Equality Taskforce in Education and Learning, chaired by the Deputy First Minister and #IWill Ambassador Razannah Hussain, first met on 25 February. While development of a number of the Taskforce’s aims has slowed due to the impact of the Covid 19 response, work continues to develop a robust, gender competent evidence base. The Taskforce Secretariat is working with Scottish Government Analytical colleagues and members of the Taskforce to commission, from an external analyst, a Theory of Change model which will set out how key interventions and actions will lead to desired short, medium and long term outcomes to achieve gender equality in education and learning. It will also enable understanding of the current mechanisms used to promote gender equality, and will identify where there are gaps. Once this is complete, the Taskforce will consider how best to build upon that evidence base. The last meeting of the Gender Equality Taskforce took place on 16 December 2020.</p> |

| Recommendation | Progress |
|--|--|
| <p>9.) Provide 50 hours per week of funded, good quality and flexible education and childcare for all children between six months and five years old.</p> | <p>The exceptional circumstances brought about by the COVID-19 pandemic mean that it was not realistic or reasonable to expect local authorities to deliver their original expansion plans to secure high quality early learning and childcare experiences for eligible children from August 2020. The Scottish Parliament approved an Order on 1 April which effectively removed the statutory duty on local authorities to deliver 1140 hours of funded early learning and childcare to all 3 and 4 year olds and to eligible 2 year olds, and reinstates the existing duty of 600 hours.</p> <p>The decision to re-phase the expansion programme and revoke the statutory duty was very difficult for everyone involved in delivering the expansion. However, we are committed to ensuring that the expansion is delivered as quickly, safely and sustainably as possible.</p> <p>Local authorities and their delivery partners have made tremendous progress in delivering expanded provision despite the impact of the pandemic. In August, 61% of children accessing funded ELC were receiving the full 1140 hours – over 56,000 children – and over 80% were receiving more than the 600 hours statutory entitlement. By the end of November, 14 authorities were offering 1140 hours to all eligible families, with more on track to do so in early 2021.</p> <p>The Joint Delivery Board has recommended a new statutory implementation date of August 2021, which at the time of writing is under consideration by Scottish Ministers and COSLA Leaders. We remain committed to ensuring that all eligible children can access their full 1140 hours entitlement as soon as possible, and will take forward legislation to put the new implementation date in statute before the end of this Parliament.</p> |
| <p>10.) Create two ‘Daddy months’ of use-it-or-lose-it paid paternity leave in Scotland, using existing and additional powers transferred by UK Government.</p> | <p>The Minister for Business Fair Work and Skills wrote to Kelly Tolhurst MP in January 2020 in response to Chapter One on Parental Leave and Pay within the UK Government’s ‘Good Work Plan: Proposals to Support Families’ consultation and to inform the development of the forthcoming Employment Bill. This chapter focused on the UK Government’s overall approach to parental leave and pay, seeking views on how this should be prioritised and different levels of support balanced in order to meet the needs of both parents and employers.</p> <p>Our response urged the UK government to increase the minimum statutory provision of parental leave from 52 to 64 weeks, with the additional 12 weeks to be the minimum taken by the father/partner on a non-transferable ‘use it or lose it’ basis. This will be paid at 100% of average weekly earnings for 12 weeks or £150, whichever is lower.</p> |

| Recommendation | Progress |
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| | <p>This offer would exceed the National Advisory Council on Women and Girls recommendation by creating three months' of use-it-or-lose-it paid partner leave in Scotland, rather than the two months proposed by the Council.</p> <p>In addition we also proposed increasing statutory partner leave and pay following the birth of a child by increasing the weekly rate of partner pay to 100% of average weekly earnings for one week then 100% for 2 weeks or £150, whichever is lower. We would also be keen to see the rights of partners improved before the birth of their child by increasing the current entitlement of unpaid leave to attend two antenatal appointments to paid leave to attend six antenatal appointments.</p> <p>We continue to press the UK Government to influence the development of the new Employment Bill. Partner Leave provision will form part of the new Bill and our UK counterparts agreed to provide a clearer steer on what they are seeking to achieve through the legislation. The initial timeline for laying the Bill in parliament is expected to be at the end of February 2021 however this may be delayed due to the volume of aspects of the Bill still being at an early stage of development.</p> <p>In the meantime we continue to tackle gender inequality in the labour market. The actions in our Gender Pay Gap Action Plan are currently being reviewed and repurposed informed by a group of expert stakeholders to ensure women are supported as part of our economic recovery through the pandemic. Through our flagship Fair Work First policy we are attaching Fair Work criteria to grants, other funding, and contracts awarded by and across the public sector. Taking "action to tackle the gender pay gap" is one of five key criteria. This is also a core element of the refreshed Scottish Business Pledge. We continue to fund Close the Gap to challenge and change employment practices and workplace cultures in Scotland. We provide funding to Flexibility Works to support employers to develop flexible working practices in response to the Covid-19 crisis. We are ensuring that activity under the new £100 million package for employment support and training considers and embeds action to tackle workplace inequalities including supporting young women and tackling occupational segregation.</p> |

| Recommendation | Progress |
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| <p>11.) Embed gender sensitive approaches in all work relating to programmes developed through the new Scottish Government “Scottish Approach to Service Design” model.</p> | <p>The Office of the Chief Designer has undertaken a review of best practice in gender sensitive design.</p> <p>An advisory group comprising colleagues from within Scottish Government (Social Security, Gender Equality Policy, and People Directorate), the third sector (Engender, YoungScot), the educational sector and NHS was set up to review progress, and act as ‘critical friends’.</p> <p>The research to identify barriers that prevent women and girls from engaging in user centred design work is complete, following a review of best practice and advice about gender inclusive design methods being utilised in other contexts. A report has been produced, with feedback from the advisory group, which has now been shared with practitioners working in the field of public service design.</p> <p>There is now ongoing programme of work to embed outcomes/ guidance in the Scottish Approach to Service Design (SAAtSD) guidance, and to share examples of good practice with the design community across the public sector. This includes a broad range of public sector bodies, including those in Local Government, the NHS and third sector.</p> <p>The aim of the updated SAAtSD guidance is to provide a set of tools and methods for design practitioners to drive consistency and standardise how we approach design. This includes information and methods to help organisations designing public services understand and mitigate the unintended consequences of gender-specific bias.</p> <p>This material is currently being used by design practitioners and is due to be published in early 2021, having been delayed by Covid-19.</p> <p>Additionally, gender sensitive design considerations have been incorporated into the minimum evidence framework for the refreshed Digital Scotland Service Standard, a set of criteria that central government organisations must meet when delivering digital services.</p> <p>If you would like a copy of any of the information referenced please email design@gov.scot</p> |



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