



Equality & Human Rights Mainstreaming Strategy – Scottish Government Consultation

February 2025

Proposed vision and objectives

1. Do you agree with the vision?

No

The vision provides a good view of Scotland in the future, however, despite recognition of the risk of homogenisation of equality issues in the introduction to the strategy the vision does nothing to tackle that. While we recognise that the vision needs to be concise it would benefit from clearly outlining which structural inequalities will be tackled.

Alongside this the strategy consistently refers to marginalised communities when referring to those impacted by inequalities. It would benefit from clearly articulating who is impacted by structural inequalities in this regard as well. SWBG is concerned that without clear articulation women will not be seen as a marginalised group, as women are not a minority group in terms of numbers in the population. This can therefore make them invisible when considering equality impacts.

SWBG recently undertook a review of local authority budget information from 2024-25 budget process. This review demonstrated that policy makers at the local level are consistently not seeing women as a group who are adversely impacted by policy decisions. This collective failure to see women was often linked to the invisibility of unpaid care work which women tend to be responsible for. The failure to see this when making decisions to cut local services will likely entrench inequalities. Within the review only one local authority in Scotland recognised the potential gendered impact of their cost-saving measures. All remaining authorities reflected no impact on women despite reduced funding affecting early years, additional support for learning, school transport and social care, all areas that are crucial from a gender equality perspective.

If the vision of this strategy does not spell out the inequalities it is seeking to tackle, with gender inequality within this, there is a real risk that certain groups will continue to be invisible to the reader.

2. Do you agree with the objectives?

Don't know

The objectives outlined are top-line and as such lack tangible connection to action set out in the strategy. In particular, how these objectives will be achieved when the strategy clearly states there will be no additional reporting mechanism. The Strategy document notes the views of the Social Renewal Board that 10 years of mainstreaming has failed to achieve progress. It is unclear from these high-level objectives how the strategy will achieve them and what mechanisms will be in place to ensure the objectives are achieved.

The strategy would benefit from more specific objectives that are measurable and have appropriate accountability processes attached to them.

Strengthening leadership

3. Do you agree that strengthening leadership is a key driver for mainstreaming equality and human rights?

Yes

SWBG advocates for the use of gender budgeting across public budgets in Scotland. Critical to the successful delivery of this is strong leadership.

The concern we have about the outline in this strategy document is the lack of detail on mechanisms to embed strong leadership. These need to include training and HR mechanisms that require equality and human rights competency as part of the recruitment process and ongoing performance management of senior leaders and middle managers across the public sector. In the short term these measures would build equality competency across Scotland's public sector. From this SWBG would expect to see improved equality analysis as part of the decision-making process and in turn budget decisions that support equality – whether that be to include mitigation measures where budget cuts are being made or to direct extra resources to tackle inequality. Long-term this would build sustainable, flourishing communities.

4. Do you agree with the focus on different levels of leadership?

Yes

There needs to be leadership at all levels of public organisations. Decision makers at all levels need to have a focus on equality and should be setting targets as well as leading from the front in quality assuring processes and asking questions. Strong leadership has to come from multiple sources and SWBG would recommend the addition of middle management as a group of leaders to support implementation.

Public bodies should view equalities considerations as a silver thread running through the organisations policy and practice. This requires action across all levels of leadership. For example, in local authority budget processes the SWBG review found

very few local authorities linked budget decisions to equality outcome plans. There needs to be leadership that places attention on delivering these kinds of plans to embed equalities and human rights as of central importance, rather than nice to do.

6. What actions would you recommend to ensure strengthening leadership as outlined above will contribute to mainstreaming?

Leadership needs to include an honest evaluation of how equality processes are undertaken in a public body with continued effort for improvement. This should include ensuring processes for quality assurance across the public body and formal internal and external audit processes that include equality undertakings. Leaders should strive for improvement.

Human rights and equalities responsibilities should be clearly articulated in performance management systems for all staff.

This strategy also has an opportunity to outline the attributes of leadership that are particularly beneficial for embedding equalities, for example feminist leadership principles that place greater value in equitable, inclusive and collaborative leadership style over traditional patriarchal leadership (authoritative). The Scottish Government's response to recommendations from the Equality and Human Rights Budget advisory group outlined that Leadership Framework approach for senior leaders in Scottish Government was in use and this incorporates an inclusive leadership approach. Details on if this framework is working and how it could be used by public bodies could be a way of expanding the understanding of leadership would be a useful addition to the strategy or tools that are produced alongside it.

There should also be a focus on ensuring that resource allocation follows through as organisations can have the best intentions and policies on paper but if these are not backed up with sufficient resource allocation then the policies will make very little difference in the lives of those they are supposed to help.

Across all departments in all public bodies, there must be supportive and directive management that requires robust analysis and allows time for EQIA at the different stages of decision making. Within this there is need for there is need to champion the use of equalities data as the basis for decision making so that equalities issues drive decision making rather than being used to justify decisions once made.

There will also be a role of regulators in holding public bodies to account which should be explored further.

Developing accountability and transparency

7. Do you agree accountability and transparency are a key driver for mainstreaming equality and human rights?

Yes.

Gender budgeting is a policy framework and set of tools that SWBG recommends should be core to policy making at Scottish and local government levels. Accountability and transparency are key principles to delivering gender budgeting, but areas SWBG has found lacking in our review of budget information from both Scottish and local governments.

Budgets (and wider policy) should be transparent so that parliament, civil society and the public should have accessible information about budget decisions and are able to follow the money. Alongside this the decisions should be accountable so that policy trust increases amongst the public

For example, while in the Scottish Government budget information the Equality and Fairer Scotland Budget Statement is a document to set out how the budget will affect those with protected characteristics it is still difficult to see from this document how consideration of equality issues has informed the budget decisions. SWBG has highlighted that there has been a failure to show 'the workings' as a way of providing greater transparency to how equality considerations have informed decision making.

8. Have we captured the core elements of accountability and transparency within the context of mainstreaming?

No.

While the strategy makes the case for accountability and transparency to be core to mainstreaming it goes on to set out formal mechanisms of external accountability for the Scottish Government, as well as internal processes of accountability such as the publishing EQIAs, budget monitoring as well as publishing the Equality and Fairer Scotland Budget Statement (EFSBS). However, despite these processes already being in existence SWBG would contend that the Scottish Government still has work to do to achieve transparency and accountability of budget information. We would like to see greater detail from the strategy about how improvements in these areas would be made.

SWBG's review of publicly available budget information and EQIA data paint a very mixed picture and highlight a lack of transparent budget information. Our review of the most recent draft budget and associated equality information found that once again there was a failure to outline 'the workings' of how equality information had informed decision making. There was a reduction in the level of detail published with a change to the annexes of the EFSBS, this reduces the read through of how portfolios are considering equality information and reduces the level of transparency.

In reviewing local authority budget information, the lack of transparency, and particularly clear and accessible information on budget decisions, was a concern for a majority of local authority areas. Without transparency in decision making, it is impossible for accountability to follow suit. We found issues across Scotland including inaccessible website, densely worded reports that lack clarity, lack of clear reporting on final decisions and information on news pages that shy away from giving details of negative changes.

In 2024 SWBG worked with a group of women as part of our Women's Economic Empowerment project. Women in this group highlighted that too often public bodies are working in silos and in isolation from one another. For example, while the Scottish Government may set out a priority around delivery of care the experience of the women in the group was that this priority did not necessary reach those in need. The group felt that there is a lack of effective scrutiny and oversight of the way in which public bodies implement policies and how this impacts the Government's priorities. The mainstreaming strategy needs more clarity on how accountability mechanisms will be built and transparency developed otherwise there is a risk it will fall into the category described by the women. More information about the Women's Economic Empowerment Project can be found at <https://www.swbg.org.uk/womens-economic-empowerment/>

9. What actions would you recommend to ensure greater accountability and transparency contributes to mainstreaming?

A key principle of gender budget is that decisions are outcome focused and evidence based. This means those making decisions need to link the way money is raised and how it is spent to achieving agreed outcomes. This allows for the identification of priorities and increases the transparency and accountability around decision making. It can help ensure that limited resources are being used most effectively.

Mechanisms are needed to deliver quality assurance on equality analysis. At present there is no challenge to poor analysis within EQIAs and other equality documents. This means that problems can be outlined but analysis as to what is needed to address the issue and make real change is lacking.

Monitoring the impact and consequence of decisions would also work to build greater accountability and transparency.

Ensuring effective regulatory and policy environment

The aim of this key driver is 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. Create a cohesive legislative framework that specifically supports Scotland's ambition to be a global leader in equality and human rights.

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

Yes.

We believe that implementing a gender budgeting approach across national and local government would create the right policy environment to support comprehensive inclusion of intersectional gender analysis.

Intersectional gender analysis considers the lived realities of women and men in their diversity. While 'lived realities' is meant to recognise differences between women and men, the addition of 'in their diversity' recognises how other characteristics such as age, socioeconomic situation, disability, race, ethnicity, religion and rural or urban location can also affect women and men in their lived realities. The principle aim of gender budgeting is to integrate intersectional gender analysis into economic policy. Through this process raising awareness of different impacts on women and men of publicly funded policies and programmes and challenging the assumption that budgets are 'gender blind'.

The National Advisory Council for Women and Girls has recommended that gender budgeting for local authorities be put on a statutory footing. Our recent analysis of local authority budget papers found that only one local authority in Scotland recognised the potential gendered impact of their cost-saving measures. All remaining authorities reflected no impact on women despite reduced funding affecting early years, additional support for learning, school transport and social care, all areas that are crucial from a gender equality perspective. This was a very concerning finding and highlights the need for robust accountability and quality assurance mechanisms.

However, legislation, regulations and policy must be accompanied by culture change, resources and transparency in decision making. For example, of funding earmarked for support to the Carers Act at local authority level more than a quarter was not spent on its intended purpose. This type of funding has a direct relationship to equality issues for women and other groups and it would be vital for local authorities to clearly show how equality data had driven decisions and for them to be held to account on why funds had not reached their intended purpose.

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

No.

In response to the Equality and Human Rights Budget Advisory Group Recommendations of 2021 the Scottish Government outlined that it

In 2022 the Scottish Government conducted a literature review of impact assessments and found that the preconditions for effective assessments are:

- 'High-level commitment and supportive organisations
- Policy-makers' willingness to learn and change in response to the assessment findings
- Legal requirement for the impact assessment to be carried out
- Oversight and quality review of the assessments
- Fitting the assessment to the decision in terms of timing, types of alternatives considered, recommendations etc.
- Involvement of the public/stakeholders
- Starting the impact assessment early in the policy-making process
- Adequate funding
- Adequate data and expertise
- Collaboration and information sharing between assessors and government departments
- Follow up to check whether the policy incorporated the assessment recommendations, whether the assessment adequately identified impacts, and how the assessment process can be improved'¹

The subsequent review of the Public Sector Equality Duty and this Equality and Human Rights mainstreaming strategy have remained silent on a number of these areas, we would suggest making a number of these part of the reporting arrangements that listed authorities are required to set out. This list of actions should include:

- How leadership on these issues is provided
- What action has been taken to embed equalities within everyday business, including training and support provided to staff
- What issues they are trying to address (through setting outcomes/targets)
- What work they have undertaken to meet these outcomes/targets
- What learning has been identified from the implementation of these duties over the past 4 years and how it has been applied
- What their quality assurance processes are in place
- How equality stakeholders have been involved and how this has been supported, meaningful lived experience work takes resources and plans, and reports should set out how this has been supported as well as what activity has been undertaken.

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

It is essential that monitoring the impact of policies are seen as part of the EQIA process and that these activities are not singular, one-off actions. The Scottish Government has multiple policy commitments in relation to gender and equalities, in addition to the wider legislative and policy context in the UK and internationally, but still the indicators and evaluation mechanisms are very limited. It is essential that political leaders and officials are clear about what they are trying to achieve through a policy intervention and that this is monitored so that the impact can be assessed.

It is unclear from the strategy how any form of quality assurance will be part of the process of regulation. If the expectation is for existing bodies, for example the Equality and Human Rights Commission, to undertake this as part of their remit then resources to support that would be vital.

Utilising evidence and experience

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

Yes.

SWBG regularly advocates the use of data in decision making processes, in particular gender sensitive sex disaggregated data. Within this it is crucial to make sure the correct data is being collected as what is measured matters and can become the focus of policy and implementation teams.

Lived experience is an important part of the evidence journey and as the consultation paper states this sits alongside learned experience. While incorporating lived experience into the evidence base there needs to be understanding from those using the evidence of who is being heard from and who is not, how this may impact what is being heard and where particularly vulnerable groups might be absent. This area of work needs to be resourced to ensure it is building a strong evidence base and to avoid tokenism, which in turn can erode trust in the government.

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

Don't know

Too often we see EQIAs saying there will be no differential impact on protected groups due to no or limited use of data. From a gender perspective, because of the differences in how men and women live their lives and use public services there are very few policies which will have no differential impact. Where there is no data available then involving equality stakeholders at an early stage can help public bodies to identify what these differential impacts are likely to be. SWBG are therefore supportive of the proposal to

strengthen the need to involve those with lived experience. However, we believe this has to be resourced at a local and national level and individuals with lived experience need to be supported if their involvement is to be meaningful. This needs to be well-planned and over an appropriate time period if it is not to be tokenistic. It has to be acknowledged that equalities organisations tend to be under resourced and need resourced to support this, which also has to be addressed if consultation is to be meaningful and sustainable. Feeding back to stakeholder organisations is also essential as general good practice, and to stem the practice of increasingly extractive exercises drawing upon and diminishing the goodwill of people freely giving their time, knowledge and insights.

Enhancing capability and culture

The aim of this key driver is 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.

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

Yes, although they should probably be seen as two separate drivers. Otherwise, there is an assumption that improving capability changes culture.

The SWBG review of local authority budget information found examples of both a misunderstanding and poor understanding of equality issues and this feeding through to poor quality EQIAs. For example, the impact assessment for one local authority stated that proposed changes apply equally to everyone who receives a service which the local authority will continue to charge for; which was understood as having no adverse implications for equalities. It lacks understanding that increasing charges will impact specific groups differently. Particularly those on low incomes or those who rely on the service to meet daily needs. The lack of demographic data being used in assessments is at the root of statements like this. It means there is a failure to see the different circumstances of those affected by the changes. Another example is in relation to rents, one local authority wrote ‘while tenants within the protected characteristics living in council housing will be affected by the proposal to increase rents, there will be no difference in the treatment of tenants who share a protected characteristic and those who do not.’ This is another example of misunderstanding inequality and the need to work to advance equality through budget decisions. It therefore misses an opportunity to mitigate impacts on the most vulnerable within the budget process. Finally, in an impact assessment on raising childcare charges, a different local authority stated that the

current inequality stemmed from some families benefiting from council subsidised childcare whilst others were not. To rectify this, the council proposed raising charges to council-provided services. No data was provided on who would be affected by the increase, if parents who use hours in addition to the 1140 hours of funded Early Learning and Childcare (ELC), or parents who use school aged childcare. Most importantly, this impact assessment showed a poor understanding of equality issues, and the role that public provision of services should play in addressing inequality and poverty. These examples highlight the importance of local authorities ensuring that there is a high level of knowledge and understanding within their staff and elected members of their duties under the Public Sector Equality Duty, including what the duty to advance equality of opportunity means and the use of gender budget analysis to support this.

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

Don't know.

Currently practice in equality impact assessment is often poor. Poor quality of analysis, limited time allocated and not carrying out the assessment at the start of the process of options appraisal means that any analysis does not then extend to resource allocation and then on to actual spend as policy implementation progresses.

There needs to be a culture change that sees EQIAs as an important tool in helping to make policies more effective. This means a move away from focussing on the form/paperwork and recognise the importance of the analysis that is needed to go into it. It needs to be widely understood that if you have a policy that focusses on equality, you have a policy that delivers for everybody. Without this understanding there will be no real commitment to the process, and we will continue seeing policies that are assumed to be gender neutral but in fact continue to disadvantage women.

We need to change how policy makers and public officials regard EQIAs. The process of EQIAs need to be more data driven and the analysis should drive policy development in contrast to what happens currently whereby the policy development drives the EQIA process. We need to turn the process on its head. The first step is to understand the current situation and the contributing factors, to then decide on actions to address the causes of inequality, and then to consider the desired impact, and finally to consider how to measure and evaluate that impact.

There is a need for honest recognition of current practice and part of the process of culture change and building capacity that will bring about real change in delivering quality equality analysis.

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

As outlined within the leadership questions, capabilities on equality and human rights need to be embedded in recruitment and performance management processes.

There needs to be an exploration of existing culture, what barriers exist to delivery of quality equalities analysis and open discussion about the impact this is having on decision making. This will likely vary between public bodies and a risk of this strategy is that its attempt to cover all public bodies means there is lack of meaningful analysis of how the current culture is not delivering for equalities.

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?

No.

The expectation that this strategy can create culture change across the public sector feels like an overreach on what can be achieved by the stated activities. An alternative option is that the strategy focuses on culture change at Scottish Government level and commits to share the learning of this process, as well as key tools that have been used. The risk of promising to deliver more widely is to set the strategy up for failure and for a Board, such as the Social Renewal Advisory Board, to look back in a decade's time and continue to see little progress.

Improving capacity

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

Don't know

Training and building capacity to understand gender and intersectional gender dimensions of data are essential and need to happen in order to build that knowledge and to apply it to the policy making process at different stages. There also needs to be a focus on collecting data and how to analyse data, or where data isn't available how to involve equality stakeholders in identifying the impact that policies, and processes may have.

Change will not happen without investment in building skills and knowledge. We would call for the Scottish Government and public bodies to use a process of robust gender budget analysis to deliver the necessary analysis in budget processes. Gender budgeting does not need to be a complex process but it does need to be robust – based on data and analysis and a common understanding of concepts and purpose.

To deliver on this there will be a need to invest in staff time and resources.

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

Organisations should consider having champions in every service area who can support colleagues to consider how to build the EQIA process into their work, and support them to analyse data and to think about the equality impact of any policy developments.

There needs to be collective action to arrive at a point where this activity is mainstreamed and not an add on or something that only sits within certain policy areas, addressing inequalities should be a key target across all departments including finance, procurement, economic policy and taxation, transport, health, education and all public services.

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

Don't Know

The strategy and related action plan is limited by the decision not to create new actions but only collate existing commitments.

There is no mention in this section of funding to support the delivery of mainstreaming. Without resource within Scottish Government and public bodies this strategy will fail. A lack of resource would point to no fundamental change in culture from the Scottish Government and a diminished leadership role of Scottish Government. If the Scottish Government is seeking to be a global leader in equalities and human rights delivery it must support the implementation through budget decisions.

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

There is extensive existing and proposed statutory reporting. So we do not propose that the Strategy will have separate stand-alone reporting requirements beyond the action plan updates.

Overall reflections

Setting national equality outcomes will allow the Scottish Government to lead by example by ensuring their work is outcome focussed, that this is embedded across all areas of Scottish Government work including the Budget, the Programme for Government, and the targets in the National Performance Framework and how this is being resourced.

For further information

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About us

The Scottish Women's Budget Group (SWBG) is an independent analysis and campaign group that aims to promote gender analysis in public policy and public finance decisions through budgetary processes. SWBG brings together a wide range of women from across Scotland who have an interest in women's equality and want to achieve better gender equality in our society. We have focused on encouraging active gender analysis in the Scottish Budget process since 2000.

Find out more: swbg.org.uk