

SG Equality and Human Rights Mainstreaming Strategy Consultation

Audit Scotland, Accounts Commission and Auditor General response

Background

1. Audit Scotland, the Accounts Commission and the Auditor General for Scotland welcome the opportunity to respond to the Scottish Government's [consultation](#) on a new Equality and Human Rights Mainstreaming Strategy.
 - The [Auditor General for Scotland](#) (AGS) is an independent crown appointment, made on the recommendation of the Scottish Parliament, to audit the Scottish Government, NHS and other bodies and report to Parliament on their financial health and performance.
 - The [Accounts Commission](#) is an independent public body appointed by Scottish ministers to hold local government to account and help them improve by reporting to the public on their performance. The Controller of Audit is an independent post established by statute, with powers to report directly to the Commission on the audit of local government.
 - [Audit Scotland](#) is a statutory body established under the Public Finance and Accountability (Scotland) Act 2000. It is Scotland's national public sector audit agency which provides the Auditor General and the Accounts Commission with the services they need to carry out their duties.
2. Public audit provides independent assurance that public money is spent properly and is providing value for money. Driving innovation and improvement and supporting the public sector to address inequalities and protect human rights is a priority area in our [work programme](#). Our latest [mainstreaming equality progress report](#) summarises progress in this area during 2021-23 and [Public Audit in Scotland](#) sets out our vision and ambitions for 2023-28. The Accounts Commission set out its [priorities for 2021-26](#), which includes highlighting the contribution local government makes to lessening the impact of inequalities
3. We welcome the Scottish Government's commitment to support the public sector to tackle persistent and entrenched systemic inequalities that exist in Scotland and to take a human rights-based approach across different communities. We are continuing to embed consideration of equalities and human rights in our work and to make recommendations for public bodies where inequalities exist and where rights are at risk of not being realised. Every council has its arrangements to secure best value audited each year, which includes the theme of fairness and equality. We have drawn on relevant audit work to support our response. All our publications are available on the [Audit Scotland website](#).
4. We highlight key considerations for the Scottish Government from our audit work in relation to each of the drivers of change identified in the consultation document, many of which are common themes in our reports.

Drivers of change

Strengthening Leadership

5. Delivering significant change, such as the ambitions set out for mainstreaming equality and human rights, will require strong and clear leadership at a national and local level and within individual organisations to set the tone and culture. As we set out in [Principles for community empowerment](#), this will include an understanding and commitment from leaders, consistent messaging, and setting clear objectives and priorities.
6. Collaborative leadership across public bodies and sectors will be vital in mainstreaming and addressing the various contributing factors to inequalities. Our 2018 report [Health and social care integration: Update on progress](#) highlighted a lack of collaborative leadership and cultural differences as barriers to integrated services that could deliver a more preventative approach to tackle inequalities. In our 2022 [Social care briefing](#), and two 2024 reports [Integration Joint Boards' Finance and performance](#) and [Alcohol and drug services](#), we heard that these barriers are still an obstacle to working collaboratively and changing how services are delivered.
7. We set out traits of effective collaborative leaders in [Health and social care integration: Update on progress](#) (Exhibit 8). However, we frequently report on the fragmented approach taken by public sector bodies in how services are delivered. For example:
 - In our [NHS in Scotland 2023](#) report we noted that links are being made between the Scottish Government Care and Wellbeing Portfolio, and various ongoing strategies, to shift focus to preventative care and collaborative working across many boundaries. However, there is a need for a clearer strategic direction for all programmes, action plans for the short and long term, and stronger coherence between portfolio programmes and the many actions taking place across the public sector that affect population health and inequalities.
 - We reported in 2023 in our [Adult mental health](#) report that the Scottish Government has made good progress in considering mental health equalities and human rights in policy and practice. It has not yet, however, shown that mental health inequalities are being considered enough outside of the Mental Health Directorate.
 - [Best Value in Scotland](#) noted in 2023 that councils and their partners need to maximise the potential of collaboration to provide financially sustainable services, while tackling inequalities. Few councils provide services jointly or share support services across different councils and they must now rethink how they work together, and with local partners and communities, to provide financially sustainable services whilst tackling issues such as child poverty and inequalities.
 - In our [Tackling digital exclusion](#) report in 2024, we reported that Scottish Government ambitions to build stronger connections across sectors are at an early stage while collaborative working has weakened. Working together and across sectors is essential to tackle digital exclusion, and in the absence of significant investment, sharing and leveraging resources is more important to achieve outcomes. The partnership working that was key to the success of the initial Connecting Scotland programme will be essential if the Digital Inclusion Alliance is to help in the planning and coordination of digital exclusion strategy and action.

8. We have made recommendations for public bodies on the leadership needed to make significant changes to tackle inequalities with less resource. We recommended that the Scottish government should build equalities and human rights into its decisions about public service reform to understand how financial decisions will affect different groups in society and minimise the negative impacts on people's lives. The Scottish Government should be able to report significant progress on this by the end of 2025 ([Fiscal sustainability and reform](#), November 2024). And that Councils need to challenge old ways of doing things and take urgent action to reform, which includes driven leadership ([Best Value in Scotland](#), September 2023 – Exhibit 7).
9. [Delivering for the future: Why leadership matters](#) in July 2024 highlighted the importance of effective and sustained leadership as it becomes harder for councils to do more with less. We found that all councils have an agreed plan aimed at tackling poverty and inequalities, which is embedded within their vision and strategic priorities. Most councils have set out what they want to achieve in their priority areas, but improvements are needed in performance monitoring and reporting. An area for improvement for councils is ensuring that equality impact assessments are completed at an early stage to inform policy and strategy development, and that equality impact assessments are published.
10. It will be important for public bodies to have strong partnerships with the third sector and communities. There is a lot of learning to be taken from the Covid-19 pandemic about the vital importance of the third sector in reaching groups, meeting needs and realising rights. However, there are risks to third sector capacity with increasing pressures on resources. ([Local government in Scotland Overview 2022](#), May 2022; [Community empowerment: Covid-19 update](#), October 2021)
11. We highlighted good practice in the way that Renfrewshire Council has shown strong leadership locally to tackle digital exclusion. It has taken a place-based approach involving local people and organisations to develop a strategy and coordinate activity. ([Tackling digital exclusion](#), August 2024 – Case study 3)

Developing Accountability and Transparency

12. Paragraphs 1-2 set out the external scrutiny roles of the Auditor General, Accounts Commission and Audit Scotland. [Public Audit in Scotland](#) sets out our shared vision, mission and outcomes. Two outcomes where we have a focus on holding public sector bodies to account in relation to equality and human rights are:
 - **Public services in Scotland work better together to target resources more effectively** – this requires better collaboration across public bodies to tackle inequalities. Through our audit work we can challenge and influence public bodies to improve partnership working, ensure good governance around partnership working, and support public bodies to plan for improved outcomes.
 - **Our recommendations have a positive impact for people in Scotland** – we can add value by focusing audit work where there are persistent inequalities in society, such as education, poverty and health.
13. Good leadership needs to be underpinned by effective governance arrangements, including clear roles and responsibilities, and lines of accountability. However, we have found that this can be lacking or hampered by complex arrangements and lack of clarity where there is joint responsibility across public bodies for delivering services and improving outcomes. For example:

- [Health and social care integration: Update on progress](#) – we highlighted challenges around a fragmented structure of services and complicated governance and approval processes, which can delay decision-making. Similar issues were highlighted in our [Adult mental health report](#), along with a lack of transparency and accountability of how IJBs are performing.
 - [Tackling digital exclusion](#) – we found that the Scottish Government and COSLA joint digital strategy lacks a delivery plan that sets out the detailed actions that are needed, who is responsible for them, and timescales or monitoring arrangements.
 - [Alcohol and drug services](#) – local leadership and accountability arrangements are complex. Alcohol and drug partnerships (ADPs) are not statutory bodies, despite this they for coordinating and providing services that meet local need, and for implementing national drug and alcohol policies. Also, accountability needs to be clearer across partnerships where multiple public bodies are providing services and how they are collectively contributing to improving outcomes.
14. Councils continue to be at the forefront of supporting people and mitigating the impact of inequalities across communities. [Best Value in Scotland](#) stated they should be more transparent with the public about the scale of service demand, the extent of backlogs and changes to eligibility criteria necessary to ration access to services and any impact this has on unmet need.

Ensuring effective regulatory and policy environment

15. Equality impact assessments are a key tool in designing and delivering person-centred public services, but we often find that public bodies are not carrying these out consistently or using them to inform service design. For example, they could be used more effectively in digital transformation programmes to prevent people at risk of digital exclusion from being left behind or not being able to access the services and support they need. Linked to enhancing capability, we have also found that public sector bodies need to develop the skills and knowledge to carry out robust and timely EQIAs.
16. We found some evidence of good practice in relation to consideration of equalities in our [Tackling digital exclusion](#) audit. The Scottish Government's digital health and care division has set up an Equalities and Inclusion Group with cross-sector representatives from public, third, and independent care sectors; advocacy groups; and households with lived experience. This allows it to use inclusive methods and access expert advice on equalities and inclusion in digital health and care services. Case study 2 in the report describes how the Near me video consulting service was made more accessible following workshops involving people with different protected characteristics, which informed an equality impact assessment of the service.

Utilising Evidence and Experience

17. In [Fiscal sustainability and reform](#) in November 2024, we reported that the Scottish Government's plans for a performance monitoring framework for its public service reform (PSR) programme do not include details about how it will monitor how reform affects equalities and human rights. Discussions with the Scottish Government suggest that these issues are currently considered as part of the impact assessment process within individual reform workstreams, but it is not clear how they will align with and be considered through the framework for monitoring reform. It is essential that equalities and human rights issues are integrated into metrics for the PSR programme.

- 18.** Work is under way across the Scottish Government to better understand and improve the data underpinning the impact of policy on outcomes, equalities and human rights in Scotland. The Scottish Government should prioritise this work by dedicating appropriate levels of resource and spending towards improving its data. This will require a whole system approach. Guidance and good practice include:
- In 2019, the Scottish Government’s Equality and Human Rights Budget Advisory Group published [informal guidance for policy makers](#) to help bodies consider equalities and human rights issues in their decision-making. The guidance sets out six key questions to ask when making decisions about raising revenue and spending, and decisions about maintaining or reforming policy or introducing new policy (See [Fiscal sustainability and reform, Exhibit 10](#)).
 - The approach the Scottish Government took in its Emergency Budget Review in November 2022 highlighted that reducing or delaying spending has negative effects on outcomes and set these out clearly. This supports better decision-making and scrutiny. A similar approach was taken in September 2024 with the Scottish Government’s Pre-Budget Fiscal Statement and accompanying Equality and Fairer Scotland Impact Assessment. ([Fiscal sustainability and reform, Case study 1](#))
- 19.** Councils have a clear focus on tackling inequalities and have made progress in consulting communities to inform decision making in setting strategic priorities. But they will need to continue to engage with communities to understand what they think their local needs are. There are some good examples of public consultation to inform transformation, but councils need to better involve communities in service redesign to meet budget pressures. ([Best Value in Scotland](#), September 2023) We have found evidence of data-driven approaches, partnership working, and community engagement being used to understand community needs and to develop plans and programmes to target inequalities and poverty. ([Local government in Scotland: Overview 2023](#), May 2023)
- 20.** Using lessons learned from the pandemic, councils have moved quickly to offer support to people in their communities most affected by the cost-of-living crisis. Many councils are working closely with third sector partners to help distribute crisis grants and provide support and funding to third sector partners directly to increase their support work. Some exceptional data-driven approaches are being used to identify and offer support to those most in need ([Local government in Scotland: Overview 2023, Case studies 9 and 10](#)).
- 21.** We have reported on the importance of public bodies consulting with people using their services and building their experience in relation to equalities and human rights into service design across several areas. This includes:
- [Tackling digital exclusion](#), August 2024 – we found that public bodies can cause and increase digital exclusion when they do not adequately take account of people’s needs. Online public services do not always consider the needs of people without digital access, which may put their rights at risk. Public bodies that have taken a ‘digital by default’ or ‘digital first’ approach to services have not always sufficiently considered the needs of people who are digitally excluded. We did find several good practice examples in the approaches taken by some public bodies, such as:
 - Social Security Scotland has put in place measures to minimise digital exclusion and runs an annual client experience survey collecting data on online services.

- Perth and Kinross Council consulted residents online and in person to understand digital engagement and barriers. In response, the council has funded digital skills training for residents and front-line council staff, provided technology for lower income households, and developed digital inclusion and accessibility factsheets.
- [Alcohol and drugs services](#), October 2024 – the report found that whilst the influence of people with lived and living experience on service design and deliver is increasing it remains limited, with a larger cultural and structural shift needed to maximise the benefits of participation in local strategic service planning.
- [Tackling child poverty briefing](#), September 2022 – the report highlighted the range of children’s rights that link to child poverty and the effects on children. We recommended that the Scottish Government should consider how best to involve children and families with lived experience of poverty in providing strategic oversight of how it is tackling child poverty.
- [Social care briefing](#), January 2022 – the report highlighted the negative impact that Covid-19 had on people requiring support and their rights, and the challenges facing carers affecting their rights. We recommended that the Scottish Government needs to develop an understanding of what a preventative and human rights-based approach to social care looks like and a plan for co-producing it.

Enhancing Capability and Culture

22. Data is a vital tool in tackling inequality and progressing human rights. [We have highlighted](#) that data skills and a data culture need to be part of strategies to tackle inequality where data can guide and target actions to reduce inequality and can enable effective monitoring and assurance. The Scottish Government has acknowledged in the Equality and Fairer Scotland Budget statement that gaps in evidence remain and have driven further efforts to work collaboratively with stakeholders and across the public sector to improve the range of equality data collected and reported.
23. A lack of knowledge and skills around tackling stigma, trauma informed practice and taking a rights-based approach can also be a barrier to effectively addressing inequalities and realising human rights. For example, people with severe and enduring mental health problems experience stigma and discrimination when trying to access mental healthcare. The Scottish Mental Illness Stigma Study found that 71 per cent of respondents felt that they had been unfairly denied help for their mental illness because of stigma. ([Adult mental health report](#))
24. Stigma can be a barrier that prevents people seeking help from alcohol and drug services. This can be because they feel undeserving of help or untitled to support because they have previously been treated without respect or unfairly by frontline staff. We also found that high turnover in the alcohol and drug workforce means there is a need to continually train staff in how to take a trauma informed approach. Overall, there is a lack of consistency in how stigma is being tackled and there has been slow progress in implementing a national action plan. However, we did find some good practice, including ‘conversation cafés’ with medical students and people with lived experience of substance use helping to change attitudes and beliefs about addiction among attendees. ([Alcohol and drugs services](#))

Improving capacity

25. There will be a need to prioritise limited resources and target them to where they are most needed to tackle inequalities, particularly in the most vulnerable groups who are often

marginalised and excluded from services. For example, we highlight in our [Adult mental health](#), [Tackling digital exclusion](#), and [Alcohol and drugs services](#) reports that some groups of people are disproportionately affected and access to services is more difficult for some people. Public bodies need to support those who are most excluded to access core services.

26. In our [Fiscal sustainability and reform](#) report we highlighted that given increasing funding pressures, the Scottish Government's public service reform programme is critical in delivering efficient and effective services within existing resources without discrimination. Integrating human rights and equalities considerations into budget decisions will help the government make better decisions about reform. The Scottish Government has been developing a performance framework to monitor the impact of its reform programme, but progress has been slow because of capacity constraints.
27. Our [Local government in Scotland: Overview 2023](#) highlighted that at a time when councils are under severe financial strain, finding the capacity and resources to respond to these pressures in the short and longer term will be a challenge. The pandemic has affected performance across all service areas. There are signs of growing backlogs and declining performance in some service areas. Councils have a clear focus on tackling inequalities but the extent and impact of needs not being met is unclear. Some communities are facing crisis, with persistently high levels of poverty and increasing financial hardship putting additional pressure on services, at a time when councils have less capacity to support them.
28. We also highlighted that increasing workforce challenges such as recruitment difficulties and high sickness absence levels are putting councils under increasing pressure. While many councils demonstrated strong collaborative leadership during the pandemic, ineffective leadership and high levels of change in senior officers identified at several councils present a risk. Recruitment difficulties and high vacancy and turnover rates are putting pressure on many areas of the public sector workforce, such as social care, mental health, and alcohol and drug services.
29. Our [NHS in Scotland 2023](#) report noted that fundamental capacity and demand pressures need to be addressed within the NHS. These pressures include workforce shortages in health and social care, an ageing population, the growing burden of disease, an increasing number of people with multiple health conditions, health inequalities, and the healthcare backlog that built up during Covid-19. NHS staff remain under significant pressure, and it is not clear that the workforce strategy and other ongoing actions will resolve this challenge. Our [NHS in Scotland 2024](#) report stated that the gap between capacity and demand is likely to continue to grow unless there is a transformation of services and models of care that focus on equity, prevention and early intervention. The need for reform is more urgent than ever. Its scale and pace must increase if pressing capacity and affordability issues are to be addressed.

Supporting real change through the strategy

30. A clear action plan collating cross-cutting mainstreaming actions from multiple sources will be helpful for public bodies facing resourcing and capacity challenges. Supporting this with a toolkit with practical examples and good practice to share learning in an effective and efficient way is also welcome. However, as acknowledged in the consultation document, change will not happen on its own, and implementing the six key drivers will help to support the change needed.

Reporting

- 31.** It is important that reporting is transparent and focuses on outcomes to assess whether progress is being made in tackling persistent inequalities and in taking a rights-based approach. It will be important that there is clarity and coherence between any new reporting requirements and the already existing duties and data returns such as the PSED, the Fairer Scotland duty and UNCRC reporting duties. And a need not to overload the system with disjointed data requests, coordinate these where possible and link more explicitly to the overarching responsibilities in the National Performance Framework.
- 32.** One proportionality consideration might be the size of organisations which are subject to any reporting requirements. A more tailored approach could support smaller bodies to provide the most impactful responses possible. Areas which may benefit from flexibility include the nature of the output required of smaller public sector bodies as well as associated reporting timescales.

Conclusion

- 33.** We support the ambitions set out in the Scottish Governments proposed Mainstreaming Equality and Human Rights Strategy for 2025-2030. However, the significant challenges in implementing the strategy need to be acknowledged, particularly in relation to resources and the effective alignment of policy and activity across the public sector. This will require strong collaborative leadership across public bodies and sectors to address the various contributing factors to inequalities. Joined up approaches should be focused on outcomes, improvement and reform using innovation and transformation principles to drive more inclusive, efficient and sustainable service delivery.