**EHRC consultation on draft strategic plan**

*We would like to hear your views about how we should tackle important equality and human rights issues.*

*We have outlined some aims in our* [*strategic plan*](https://www.equalityhumanrights.com/en/publication-download/draft-strategic-plan-2019-2022) *(what we will work on from 2019 to 2022). Your views on how we prioritise and tackle these aims are very important to us.*

*Your input will help us shape our work.*

*Policymakers, business leaders, third sector organisations, and groups and individuals interested in our work in England, Scotland and Wales are welcome to participate in the survey.*

About you

**Please tick the statement(s) that best describe(s) you.**

I am an individual

I am a parliamentarian

I am an employer

I am a civil servant

I am from the voluntary sector

I am from a public body

I am form an inspectorate

Other (please specify) X

We are a representative body.

Scottish Care is the representative body for independent social care services in Scotland. This encompasses private and voluntary sector providers of care home, care at home and housing support services across the country. Scottish Care counts over 400 organisations as members, which totals just under 1000 individual services. Scottish Care is committed to supporting a quality orientated, independent sector that offers real choice and value for money. Our aim is to create an environment in which care providers can continue to deliver and develop the high-quality care that communities require and deserve.

In relation to older people’s care, this sector provides 89% of the care home places in Scotland, both residential and nursing. There are more older people in care homes any night of the week than in hospitals – as at 31st March 2016 there were 873 care homes for older people providing support to 33,301 residents any night of the year.

Our members employed over half the total number of social care staff in Scotland, at over 103,000 workers.

**Which of these nine groups protected under the Equality Act (known as**[**protected characteristics**](https://www.equalityhumanrights.com/en/equality-act/protected-characteristics)**) are most important to you? Tick all that apply.**
For example, you may work in one of these areas, or relate personally to issues affecting certain protected characteristics.

Age X

Disability X

Gender reassignment

Marriage and civil partnership

Pregnancy and maternity

Race X

Religion or belief X

Sex X

Sexual orientation X

**If you work in any of the following sectors please tick all that apply.**

Education

Health X

Justice and personal security (e.g. hate crime, homicides, sexual violence, domestic abuse, conditions of detention, access to justice)

Living standards (such as poverty, social care or housing) X

Political and civic participation, access to services, privacy and surveillance, or social and community cohesion

Work and employment

I do not work in any of these sectors

**Please state where you are based, where your organisation operates, where you are a service user or where you represent service users. Tick all countries that apply.**

England

Scotland X

Wales

Our proposed activities

**Have you read our**[**draft strategic plan**](https://www.equalityhumanrights.com/en/publication-download/draft-strategic-plan-2019-2022)**? (You can still give your views and complete this consultation if you have not read it)**

Yes X

In part

No

Help us prioritise our work

We have set out three main goals in our [draft strategic plan](https://www.equalityhumanrights.com/en/publication-download/draft-strategic-plan-2019-2022).

Under each goal there are two or more Priority Aims.

**Please rank the Priority Aims from most important to least important, with 1 being the most important and 9 being the least important (write/type a number next to each statement).**

helping people get justice when they are wronged and get fair trial in the criminal justice system 9

making sure prejudice is more understood and good relations are promoted, particularly through the education system 5

making sure new technologies and digital services promote equality and human rights 2

improving public transport and the built environment so that disabled and older people can take part in things more easily 6

making sure particularly disadvantaged groups can access essential public services 1

making sure people in Britain have equal access to the labour market and are treated fairly at work 3

making sure the social security system is fair and works without discrimination 7

improving rules relating to detention and conditions in institutions 8

making sure public bodies that tackle violence against women and girls comply with equality and human rights requirements 4

**Please tell us why you answered this way (optional):**

As a body which represents health and social care providers our primary area of focus is ensuring that access to social care services is free from discrimination and is equitable. To this end we would wish to ensure that all public services, especially commissioning and procurement, carried our fair and robust equality and human rights impact assessments and that these addressed issues of discriminatory budgetary allocation. We strongly believe that the lived experience of many vulnerable older persons is directly linked to the degree to which appropriate resource is allocated to services which support them, including social care. We remain to be convinced that current fiscal allocation across the United Kingdom properly takes into account the needs of the older population. We would argue that the focus on health and care, whilst obviously critical, should not be at the expense of enabling older persons to continue to contribute, to achieve their full potential and to remain employed and economically independent.

As an organisation Scottish Care is very concerned that the use of technology should be enabling of non-discriminatory behaviours rather than being utilised to foster and embed prejudice and discrimination.

Scottish Care has recently published a report called ‘Tech Rights: Human Rights, Technology and Social Care’ (http://www.scottishcare.org/wp-content/uploads/2018/08/Tech-Rights- Booklet-PROOF.pdf). As well as making a series of recommendations, the report highlights the importance of ensuring principles of co-design, human rights and ethics are at the heart of the debate around data and AI, and technology more widely. We would contend this is especially the case in the social care of older persons, many of whom are already significantly impacted by being the subject of data, AI and robotic usage in health and social care dimensions and will be even more so in the future.

Scottish Care would further argue that age discrimination is rife across society and that it is critical that these attitudes, negative stereotypes and stigmatic behaviour are addressed throughout the educational experience of children and young people.

**Are there any issues we should work on that are not included? Please tell us what they are and why we should work on them (optional)**

Given our particular area of focus upon older persons we are particularly disappointed that there is no significant focus on the particular challenges faced by this substantial group of the UK population.

**Which type of activities would help us to achieve each of our Priority Aims? Please tick all activities you feel would be useful to achieve the Priority Aims.**

**Priority Aim: helping people get justice when they are wronged and get fair trial in the criminal justice system**

finding out more about the causes of the problem

influencing changes to the law or public policy X

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law X

helping individuals get justice (for example, people who have experienced discrimination)

**Priority Aim: making sure prejudice is more understood and good relations are promoted, particularly through the education system**

finding out more about the causes of the problem x

We would contend that the growth of issues relating to age discrimination needs to be addressed directly within the current education and curriculum system. Whilst there is no evident ‘age factor’ in age discriminatory behaviour and hate incidents we believe that there is an urgent need to address stigmatic and stereotypical views of older age. The divide between young and old has not been helped by simplistic and casual media representation of the Brexit vote.

influencing changes to the law or public policy

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman X

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination)

**Priority Aim: making sure new technologies and digital services promote equality and human rights**

finding out more about the causes of the problem

influencing changes to the law or public policy X

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice X

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination) X

In addition to the comments we have stated above in relation to the potentially discriminatory manner in which technology is being used for the care and support of older persons, we would also suggest that there needs to be an improvement in helping individuals understand how they can use the law, especially equality impact assessment and public duties to challenge potentially discriminatory practices.

**Priority Aim: improving public transport and the built environment so that disabled and older people can take part in things more easily**

finding out more about the causes of the problem x

influencing changes to the law or public policy x

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination)

**Priority Aim: making sure particularly disadvantaged groups can access essential public services**

finding out more about the causes of the problem x

influencing changes to the law or public policy x

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman x

helping decision-makers such as employers or public bodies to improve their practice x

challenging decision-makers (such as employers or public bodies) when they break the law x

helping individuals get justice (for example, people who have experienced discrimination) x

**Priority Aim: making sure people in Britain have equal access to the labour market and are treated fairly at work**

finding out more about the causes of the problem x

influencing changes to the law or public policy x

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman x

helping decision-makers such as employers or public bodies to improve their practice x

challenging decision-makers (such as employers or public bodies) when they break the law x

helping individuals get justice (for example, people who have experienced discrimination) x

**Priority Aim: making sure the social security system is fair and works without discrimination**

finding out more about the causes of the problem

influencing changes to the law or public policy

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination)

**Priority aim: improving rules relating to detention and conditions in institutions**

finding out more about the causes of the problem

influencing changes to the law or public policy

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination)

**Priority aim: making sure public bodies that tackle violence against women and girls comply with equality and human rights requirements**

finding out more about the causes of the problem

influencing changes to the law or public policy

influencing organisations that set standards (such as regulators, inspectorates, or ombudsman

helping decision-makers such as employers or public bodies to improve their practice

challenging decision-makers (such as employers or public bodies) when they break the law

helping individuals get justice (for example, people who have experienced discrimination)

**Do you have any ideas for specific activities we could do that would help us to achieve any of the Priority Aims listed above (optional)?**

See comments above.

**We propose to improve access to services for particularly disadvantaged groups.**

**Which of the following areas is most important to you? Please tick all that apply.**

access to education for Gypsies, Roma and Travellers

access to health services for Gypsies, Roma and Travellers X

access to appropriate housing for Gypsies, Roma and Travellers

access to appropriate education for disabled people

access to appropriate housing for disabled people X

access to appropriate health services for asylum seekers and people who have migrated to Britain X

access to appropriate housing for asylum seekers and people who have migrated to Britain

access to appropriate health services for transgender people

understanding and addressing the reasons why a disproportionate number of ethnic minorities are detained in the mental health system in England and Wales

Any other feedback and contacting you

**Do you have any other comments on our draft plan (optional)?**

Whilst we recognise that there are legislative restrictions on the EHRC we believe strongly that there would have been real benefit in the creation of distinctive national plans. Scotland like other devolved nations within the United Kingdom has specific needs albeit that some of these are shared elsewhere. Together with these there is a distinctive legislative and policy environment. For the EHRC to speak beyond the national confines of particular areas it needs to not only consult and engage on a UK plan but to develop bespoke plans for each nation – thereafter to edit these into a whole to meet the Parliamentary and legislative requirements. Otherwise there is a real risk that the work of the EHRC in Scotland will continue to remain marginal to central issues of concern, however well-intentioned areas of focus and activity might well be.