

## Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy in ANNEX A

Are you responding as an individual or an organisation?

- ☐ Individual  
☒ Organisation

Full name or organisation's name and sector

Scottish Care

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name  
☐ Publish response only (without name)  
☐ Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes  
☐ No

Questionnaire

Question 1

Do you agree with the vision?

- ☐ YES
- ☐ NO
- ☒ DON'T KNOW

Please explain your answer or provide further information.

It is important to first contextualise our responses to this consultation, to better highlight our viewpoints. Scottish Care represents the independent social care sector in Scotland, advocating for over 350 organisations and nearly 1,000 services, including residential, nursing, day care, care at home, and housing support. The sector provides the majority of social care, supporting 53% of care at home users and 90% of care home residents—nearly 74,000 individuals. In 2023, it employed 77% of the adult care workforce, including 86.9% of care home staff and 3,600 nurses. As a membership organisation our goal is to ensure social care in Scotland is sustainable, high-quality, and people centred. Although most of our members are in the independent sector, many perform the public function of providing social care on behalf of the Scottish government. We recognise that, because of this function they will play an instrumental part in implementing human rights in Scotland’s social sector.

For this reason, Scottish Care supports the Consultation’s vision with some amendments to ‘*support the continued growth of strong communities across Scotland, built on a solid foundation where everyone enjoys **the progressive** realisation of their human rights. These communities will be diverse, inclusive, empowered, resilient and safe*’. We support the Scottish Government’s commitment to ‘*tackling the persistent and entrenched systemic inequalities that still exist in Scotland*’.

Commented [BY1]: It might be adding in here (or somewhere else appropriate) a bit about who Scottish Care represents, our work on and commitment to Human Rights, and the context (social care) in which our response is framed.

Commented [IA2R1]: How about this description?

Question 2

Do you agree with the objectives?

- ☐ YES
- ☐ NO
- ☒ DON'T KNOW

Please explain your answer or provide further information.

Commented [BY3]: Format of bullet points has broken up some mid-sentence

Scottish Care supports the objectives laid out by the Scottish Government to:

- Remove systemic barriers.
- Improve how policy decisions are made and delivered.
- Establish the leadership, capability, capacity, culture and practice that ensures Government and public sector policy, and service delivery are focused on equality and human rights.
- Embed transparency so it is easier for those affected by decisions to hold Scottish Government and the wider public sector to account.
- Inform the direction and development of policymaking at all stages, especially early stages of influencing and shaping planning and outcomes.

Additionally, we believe an additional objective should be included, ensuring adequate resources and training are available for those legally expected to enforce, implement, and support this vision. In the context of social care, care providers and their staff must receive sufficient resources and training to effectively implement this strategy. Without this, the aspirations of mainstreaming equality and human rights risk being unachievable in practice.

**Question 3**

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 4**

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 5**

Have we captured the core elements of strengthening leadership within the context of mainstreaming?

- ☐ YES
- ☐ NO
- ☐ X DON'T KNOW

Please give reasons for your answer or provide more information.

To a certain extent, the core elements of strengthening leadership within the context of mainstreaming have been captured. However, a few key considerations are still needed to ensure completeness and alignment with the strategy's goals. Explicitly outlining how leaders can measure progress in mainstreaming equality and human rights would enhance the framework—for instance, defining clear metrics for collaborative efforts and sector inclusivity could drive continuous improvement. Additionally, further clarity on how political, executive, and public sector leadership interact to support integrated strategy delivery could strengthen coordination, particularly in addressing social care challenges.

**Question 6**

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

Please see Q5

**Question 7**

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 8**

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

- ☐ YES  
☐ NO  
☒ DON'T KNOW

Please give reasons for your answer or provide more information.

This section highlights the importance of accountability and transparency and outlines steps already in place, but it is unclear how the Scottish Government specifically plans to mainstream equality and human rights. While existing mechanisms are acknowledged, no new measures are introduced or emphasised, making it difficult to assess progress beyond the current framework. If the strategy intends to rely on the existing framework, there should be a clear focus on addressing its shortcomings and improving its effectiveness. As highlighted in our consultation for the Human Rights Bill, meaningful and adaptive input from external stakeholders, such as care providers, the Scottish Human Rights Commission and rights holders, is essential to strengthening accountability and transparency. Without this, existing mechanisms risk becoming stagnant and ineffective, ultimately hindering the progressive realisation of human rights in Scotland. Ensuring accuracy and responsiveness in these frameworks is crucial to making them viable enforcement tools.

**Question 9**

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

See q8

**Question 10**

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

- ☐ YES  
☐ NO  
☐ DON'T KNOW

Please give reasons for your answer or provide more information.

#### Question 11

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

- ☐ YES  
☐ NO  
☐ DON'T KNOW

Please give reasons for your answer or provide more information.

#### Question 12

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

The actions listed under this objective once again highlight things that are already in motion as opposed to specific, measurable action that will be utilised to achieve this objective. This makes it difficult to comment or make recommendations towards creating an effective regulatory and policy environment through this strategy. Scottish Care supports the steps made to introduce specific legislation that directly supports equality and human rights. However, we are concerned about the progress of the Scottish Human Rights Bill and the reasons it has been placed on hold. The enforcement of human rights requires continuous advancement, and the Human Rights Bill would provide a crucial foundation for people in Scotland to engage with and uphold their rights. However, with this Bill now stalled, it is unclear what is being done in the interim to support the realisation of rights or when the Bill would be re-engaged. The active progression of this Bill will increase the efficiency of the regulatory and policy environment in mainstreaming equality and human rights.

Commented [DM4]: @Ifeoluwa Asefon This para needs some work ... 'therefore the introduction of the HRB would give a strong foundation for people ... However AS this Bill

Commented [IA5R4]: I have re-written the sentence, do you think this reads better now?

Commented [DM6R4]: perfect

#### Question 13

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

#### Question 14

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

#### Question 15

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

To ensure that utilising evidence and experience contributes to mainstreaming, a structured approach to high-quality data collection and analysis must be established, addressing gaps and ensuring consistency across all sectors. Social care providers are often inundated with multiple and similar data requests from various regulatory and governmental organisations. These requests lead to the consumption of time and resources which takes away from staff availability to deliver care. To mitigate any duplication and avoid data fatigue within the sector existing processes should be mapped to eliminate duplication and enhance coordination across sectors. Furthermore, clearly defining the purpose and use of collected data will improve transparency and stakeholder engagement, ensuring that insights drive meaningful improvements. Also, investing in digital infrastructure and training will equip social care providers with the tools needed to contribute effectively.

Scottish Care recommends that the Scottish Government enhance its evidence-gathering approach by incorporating qualitative insights from stakeholders responsible for implementing this strategy, such as social care providers. While current plans to collect both quantitative and qualitative data offer useful trends, they may not fully capture the complexities of social care and human rights in practice. Gathering qualitative evidence from providers, alongside lived experiences from rights holders, ensures decision-making reflects real-world challenges. This approach will also help identify gaps often overlooked in numerical assessments—such as access barriers, service disparities, and social impacts—leading to more effective, equitable, and sustainable solutions.

Commented [DM7]: @ifeoluwa Asefon takes away from STAFF

Commented [BY8]: It would be good to add something here as well about the need for a holistic approach to data and evidence that also factors in qualitative information - the importance of people's experiences and impacts to inform as well.

Commented [IA9R8]: How does this look?

**Question 16**

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 17**

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

### Question 18

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

While the outlined action plan towards the objective of enhancing capability and culture for mainstreaming human rights and equality is crucial for systemic change, it may not directly address the immediate and practical challenges faced by stakeholders such as social care providers. Social care services are already under immense pressure due to funding shortages, staffing crises, and increasing demand. While cultural transformation is important, it does not provide the immediate relief needed by frontline workers who are struggling with resource constraints and unsustainable workloads. Additionally, the strategy primarily targets government and public sector institutions, with limited direct support for organisations who perform a public function such as independent or third-sector care providers who deliver most social care services in Scotland. Without direct investment or structural reforms that consider the needs of these organisations, the strategy may not lead to tangible improvements in service delivery or workforce conditions.

Another key limitation is the lack of practical solutions within this objective. The strategy focuses more on training within government than lessons from that training being shared. Rather than direct training for relevant stakeholders such as social care workforce, stakeholders will have to try and apply these lessons themselves to their own services.

Currently, social care staff require better wages, improved staff retention strategies, and recruitment initiatives to ensure sustainability. The social care sector is also struggling to remain viable, with several care providers across the country closing their services. With these concerns the plan to share lessons learned without operational support could divert time and resources away from care delivery. While enhancing equality and human rights knowledge is valuable, its implementation could add complexity rather than streamline processes for care providers. One of our suggestions under the Human Rights Bill was to create human rights officers, who are appropriately and consistently funded by the Scottish Government, to exclusively work with care providers. These officers will be able to articulate any extra workload placed on care providers at a time where they have limited resources and assist them. These officers will also work with the Scottish Government and other relevant organisations in outlining what further assistance these care services require to mainstream and implement human rights.

Commented [DM10]: @ifeoluwa Asefon no need for a new sentence at With limited ... in para 1  
2nd para should be 'than' not 'then'  
... the social care workforce... 'try and' apply

### Question 19

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

- ☐ YES
- ☐ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 20**

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

- ☐ YES  
☐ NO  
☐ DON'T KNOW

Please give reasons for your answer or provide more information.

**Question 21**

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

- ☐ YES  
☒ NO  
☐ DON'T KNOW

The action point listed towards this objective cannot only be geared towards the Scottish Government and the wider public sector. Consideration must also be given to organisations such as private care providers who provide a public function on behalf of the Government. When they are not appropriately and adequately funded, they will struggle to mainstream equality and human rights to the standards highlighted in this strategy. Furthermore, the actions listed can support independent social care providers in Scotland to mainstream equality and human rights, however their effectiveness will depend on how they are implemented and whether independent providers are actively included in the process. Resource allocation and grant funding can help providers integrate equality and human rights into their services, while training and specialist support will build their capacity to implement best practices. Including independent providers, in intersectional analysis and impact assessments ensures services meet diverse needs, and collaboration with civil society organisations can further enhance inclusive practices. Additionally, aligning financial decision-making with equality budgeting approaches will help independent providers contribute to equality and human rights goals. However, to be fully effective, these measures must actively include independent and third-sector care providers, ensuring they receive the necessary support to implement meaningful change.

Commented [DM11]: Scottish Government - capital ...  
also line 4 Government

Please give reasons for your answer or provide more information.

**Question 22**

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

**Question 23**

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

- ☐ YES
- ☐ NO
- ☒ DON'T KNOW

Please give reasons for your answer or provide more information.

As the current action plan includes some general points, we would like to highlight that this action plan should be developed collaboratively with those it will impact to ensure effective application and implementation. This allows all stakeholders to understand their roles and contribute meaningfully. For example, with social care, it is crucial to involve service users, staff and care providers in the process. Additionally, a well-structured action plan should include regular review points to assess progress, identify necessary changes, and drive continuous improvement. Built-in mechanisms for monitoring, evaluation, and adaptation will help keep human rights central to service delivery while ensuring care standards evolve over time.

**Question 24**

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

- ☐ YES
- ☒ NO
- ☐ DON'T KNOW

Please give reasons for your answer or provide more information.

While the proposed toolkit provides some valuable resources for mainstreaming equality and human rights, it will not effectively address the immediate and structural challenges faced by the struggling organisations carrying out public functions, such as social care providers. The social care sector is currently grappling with severe workforce shortages, funding constraints, and operational pressures that require urgent and tangible support beyond guidance materials.

A web-based toolkit, while informative, does not address the fundamental issue of inadequate funding and resources that prevent care providers from implementing meaningful change. Also, social care staff already face overwhelming workloads, leaving little time for additional training and self-diagnostic exercises. Without financial investment, workforce expansion, and policy reforms that directly support frontline care services, the toolkit risks becoming an underutilised resource rather than a transformative solution.

Additionally, mainstreaming equality and human rights in social care requires systemic change, including fair pay, better working conditions, and recognition of the sector's critical role. A toolkit alone cannot resolve the sector's structural inequalities or the lack of integration between health and social care. Unless accompanied by concrete actions, such as increased funding, workforce planning, and policy reforms, the toolkit will have limited impact in addressing the urgent needs of a struggling social care sector.

**Question 25**

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

Please see Q24

**Question 26**

What are your views on additional reporting requirements?

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

Please give reasons for your answer or provide more information.

We highlighted in our submission to the Human Rights Bill consultation that we support additional reporting requirements as a means of ensuring accountability for the progressive realisation of human rights. Furthermore, we strongly advocate for a reporting process that requires public bodies to engage with those directly affected by their decisions, ensuring a more inclusive and transparent approach. Additionally, Scottish Care's report, 'Seeing the Diamond in Social Care Data: A Human Rights-Based Perspective on Creating Value in Social Care Data', details a best practice, co-designed approach to data collection that ensures shared accountability and relational working in pursuit of a mainstreamed human rights approach.

However, we also emphasise that any new reporting requirements must be accompanied by adequate resources, particularly for organisations who perform a public function and will be required to report against those functions. These types of organisations include small and medium-sized care providers in the independent and third sectors. Without sufficient financial and practical support, these organisations may struggle to meet additional obligations, which could divert time and staff away from frontline care duties. The Scottish Government must allocate funding to support providers in effectively participating in the reporting process, ensuring that reports accurately reflect the realities faced by the social care sector.

While reporting is a vital tool for accountability, it must not become an additional administrative burden that exacerbates existing pressures on the social care workforce. Any new requirements must be designed in a way that supports, rather than hinders, the ability of care providers to deliver high-quality services while upholding human rights.

**Commented [FS12]:** I'd recommend linking our report. Seeing the Diamond in Social Care Data: A Human Rights-Based Perspective on Creating Value in Social Care Data. June 2021.

Something along the lines of:

Scottish Care's report, 'Seeing the Diamond in Social Care Data: A Human Rights-Based Perspective on Creating Value in Social Care Data', details a best practice, co-designed approach to data collection that ensures shared accountability and relational working in pursuit of a mainstreamed human rights approach.

**Commented [DM13]:** Need to address lack of flow between opening sentence and a sentence starting 'Organisations' - at moment does not make sense

**Commented [IA14R13]:** Is this better? These types of organisations include small and medium-sized care providers in the independent, third and voluntary sectors.

**Commented [DM15R13]:** yes



### Question 27

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

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

Please give reasons for your answer or provide more information.

Commented [BY16]: a great, really clear section

The drivers outlined to mainstream equality and human rights capture several key areas of activity, but there are gaps that must be addressed to ensure a comprehensive approach. While the emphasis on leadership, capability-building, accountability, and cultural change is essential, the strategy must better consider the structural and resource-based challenges that could hinder effective implementation.

One key omission is the need for clear mechanisms to measure and evaluate progress beyond general commitments. Without this it will be difficult to ensure that mainstreaming efforts lead to tangible improvements in policy and practice. Furthermore, there is insufficient consideration of how external scrutiny, through engagement with rights holders, independent bodies, and other relevant stakeholders, can strengthen accountability and reinforce a rights-based approach.

Additionally, while workforce capability is highlighted, it is crucial to ensure that mainstreaming equality and human rights is embedded across all levels of decision-making. This requires not only training but also dedicated resources, time, and staffing to allow organisations such as social care providers to progressively integrate human rights into their service delivery without adding unsustainable administrative burdens.

Furthermore, the lack of specificity risks weakening the mainstreaming process, as it leaves room for personal interpretation rather than clear, structured implementation. Without a focused approach on specific rights, the drivers will be hindered by their generality, making it difficult to ensure meaningful and consistent application across different sectors.

Overall, while the identified drivers capture much activity, their effectiveness will depend on the inclusion of strong evaluation mechanisms, external scrutiny, and resource allocation to support implementation. Strengthening these areas will ensure that equality and human rights are not just aspirational goals, but fundamental principles embedded in everyday decision-making.

### Question 28

Please provide any further information that you think would be useful, which is not already covered in your previous responses, in the box below.

Advancing the capacity of civil society actors to operate within and across a range of public bodies and their policy mechanisms is critical to mainstreaming human rights approaches.

#### Commissioning and Procurement

Our submission has noted the necessity of progressing mainstreaming efforts beyond public sector organisations, to include independently owned services procured by public bodies. The procurement of a service such as social care, in order to meet a human rights-based objective of a public body, means that the independent care service in question is delivering a public function. It should therefore be supported to engage in mainstreaming efforts to support the organisation's delivery of a high-quality, human-rights based service.

Growing capacity necessitates addressing the power imbalance between commissioning and procurement bodies and the services they commission and procure. Creating a system that emphasises the value of shared accountability, trust, and partnership across health and social care is essential to mainstreaming efforts.

#### Budget and Finance

A key element of any sector is budgeting and finance mechanisms, and Scottish Care recommends the strategy places focus on these. A shared human rights-based approach to setting budgets (used to commission independent services), alongside subsequent impact and equality protocols (used to assess commissioned independent services) would have a profound impact upon the independent adult social care sector.

Mainstreaming efforts must therefore support the adoption of human rights budgeting, with decisions on how money is allocated and spent through procured services to be determined by the impact on people's rights, and through a process of collective decision making. This involves *transparency*, where public bodies, independent services, and the public have accessible information about budget decisions, and *participation*, where public bodies, independent services, and the public have opportunities for meaningful engagement in the budget process.

#### Other Formal Models of Collaboration

Restricting streamlining efforts to public bodies would further the power they hold over many systems in the health and social care sector. This reduces the space for civil society actors and individual citizens to exercise their agency, develop creative local solutions or to engage in genuine coproduction. Scottish Care therefore recommends that the strategy emphasise the importance of formal mechanisms for community participation in governance and co-production within sectors such as adult social care. This would involve mechanisms such as peer advice and an established process for complaints and redress.

This new perspective is inherent to the achievement and realisation of all human rights, ensuring that individual's rights are at the centre of practices (such as commissioned and procured of adult social care), brought to the fore by a range of independent actors.

## **ANNEX A**

### **Privacy Notice**

#### **Equality, Inclusion & Human Rights Directorate**

##### **1. Who we are**

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

##### **2. Why we need your personal information**

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

##### **3. What is our lawful basis**

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

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

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

##### **4. What we do with your data**

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

##### **5. How long is your data kept**

Personal data will be retained only as long as needed for analysis purposes and then securely deleted no later than December 2024.

## **6. What are your rights**

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

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

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

## **7. Complaints**

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