



**DELIVERING HUMAN RIGHTS  
IN SCOTLAND  
DURING COVID-19:**

A 2020 SURVEY OF  
PUBLIC AUTHORITIES





## ABOUT THE AUTHORS

### Human Rights Consortium Scotland (HRCS)

The Human Rights Consortium Scotland is the civil society network to protect and promote human rights in Scotland. We work towards two strategic outcomes: a strong, collective civil society voice to protect and promote human rights in Scotland, and to ensure civil society has the resources and understanding that it needs to protect and promote human rights in Scotland.

### Amnesty International Scotland (AI Scotland)

Amnesty International is a campaigning organisation with the purpose of protecting people wherever justice, fairness, freedom and truth are denied. Amnesty's Scottish office provides a focus for campaigning and fundraising in Scotland. It engages with Scotland's distinct political, education and media structures and takes part in wider political and cultural life in Scotland.

## THANKS

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## GLOSSARY OF TERMS

<b>HRA</b>	Human Rights Act
<b>EA</b>	Equality Act
<b>PSED</b>	Public Sector Equality Duty
<b>FoISA</b>	Freedom of Information Scotland Act
<b>HRCS</b>	Human Rights Consortium Scotland
<b>AI Scotland</b>	Amnesty International Scotland
<b>HRIA</b>	Human Rights Impact Assessment
<b>IIA</b>	Integrated Impact Assessment
<b>EQHRIA</b>	Equality and Human Rights Impact Assessment
<b>SHRC</b>	Scottish Human Rights Commission
<b>ECHR</b>	European Convention on Human Rights
<b>EHRiC</b>	Equalities and Human Rights Committee
<b>FAIR</b>	Facts, Analysis, Identification of responsibilities, Review and report
<b>PANEL</b>	Participation, Accountability, Non-discrimination, Equality and Empowerment, Legality



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## EXECUTIVE SUMMARY

COVID-19 has restricted and impacted our human rights like few things before it. Civil society has raised many concerns that the impacts of the pandemic on some groups has been far more vast and negative than on others. It is in the context of these very pressing concerns, that this survey seeks to shine a light on public authority decision-making during COVID-19 in 2020. Specifically, were authorities considering their human rights legal duties? What part did human rights law or standards play in changes to services, to policy and to practice during the pandemic?

This report draws on the approach taken by previous surveys in 2006 and 2010 by Amnesty International and others<sup>1</sup> that asked questions about public authority compliance with the Human Rights Act (HRA). In November 2020, a consultant working on behalf of HRCS sent a Freedom of Information request to 48 public authorities around their human rights considerations during 2019, and March-September 2020.

In summary, results to the survey found that:

1. There is a stark lack of evidence of a human rights-based approach to decision making throughout the period March – September 2020.
2. There has been some limited progress pre-pandemic through the introduction of integrated impact assessments which evaluate equalities and human rights.
3. Many examples of impact assessment provided in response to this survey related to internal business such as human resource management, rather than service delivery.
4. Understanding of the distinct nature of duties under human rights and equalities legal frameworks is still variable among public authorities.
5. Human Rights are still assigned a subsidiary role in service and policy design when compared to duties under the Equality Act.

As we begin to rebuild from the pandemic and Scotland takes ambitious steps on the human rights journey, it is a matter of urgency that government as part of COVID-19 recovery gives proper attention, resourcing and commitment to ensuring that public authorities fully comply with their current human rights duties. This will put them in good stead for implementing new human rights duties and culture as a result of incorporation, as well as preparing them well for whatever lies ahead in post-COVID Scotland.

1. Amnesty International, *Delivering Human Rights in Scotland, 2006*, available at <https://hrscotland.org/wp-content/uploads/2021/05/Delivering-Human-Rights-in-Scotland-1-2006.pdf>; Amnesty International, SAMH & others, *Delivering Human Rights in Scotland: An update, 2010*, available at: <https://hrscotland.org/wp-content/uploads/2021/05/2010-report-HumanRights-Scot-2-1.pdf>



## INTRODUCTION

COVID-19 has restricted and impacted our human rights like few things before it. As the whole population dealt with sweeping, dramatic changes to lives and livelihoods in early 2020, Scottish civil society began ringing loud alarm bells that the impacts on some groups were far more vast and negative than on others. Evidence was gathered that suggests that those particularly at risk include: healthcare and key workers; those accessing social care; residents in care homes; those living in poverty; older people; disabled people, people of colour, children, people seeking asylum and women<sup>2/3</sup>. Government decision-making affected all of us, but for some people, poor or ill-thought-out public authority decisions were threatening their health, their homes and their families. Sometimes these bad decisions even affected their right to life.

It is in the context of these very pressing concerns, that this survey seeks to shine a light on what was going on behind public authority closed-door decision-making during COVID-19 in 2020. Specifically, were authorities considering their human rights legal duties? What part did human rights law or standards play in changes to services, to policy and to practice during the pandemic? Did authorities take a rights-based approach to decision-making?

This report draws on the approach taken by previous surveys in 2006 and 2010 by Amnesty International and others<sup>4</sup> that asked questions about public authority compliance with the Human Rights Act (HRA). The ability to compare progress from those surveys to now is important – it is now over twenty years since the HRA was introduced, 13 years since the Scottish Human Rights Commission was established and 5 years since human rights was formally added to the Equalities and Human Rights Committee (previously the Equal Opportunities Committee) in the Scottish Parliament. Human rights are in our National Performance Framework, and human rights are increasingly spoken about and referenced in Scottish policy and law, as well as plans for strengthening of human rights law (as outlined below). By asking (simple) questions about what a public authority has done to consider its human rights

2. SHRC (2020) Submission to the Equalities and Human Rights Committee, Inquiry COVID-19:

<https://www.scottishhumanrights.com/media/2063/covid-19-ehrc-submission.pdf>; EHRC (2020) How COVID-19 has affected equality and human rights: <https://www.equalityhumanrights.com/en/publication-download/how-COVID-19-has-affected-equality-and-human-rights>; Engender (2020) Engender submission of evidence to Equality and Human Rights Committee inquiry on Impact of COVID19 pandemic on Equalities and Human Rights: <https://www.engender.org.uk/content/publications/Engender-submission-of-evidence-EHRiC-Inequalities-and-Covid19.pdf>

3. SHRC (2020) Covid-19, Social Care and Human Rights: <https://www.scottishhumanrights.com/media/2102/covid-19-social-care-monitoring-report-vfinal.pdf>

4. Amnesty International, Delivering Human Rights in Scotland, 2006, available at <https://hrcscotland.org/wp-content/uploads/2021/05/Delivering-Human-Rights-in-Scotland-1-2006.pdf>; Amnesty International, SAMH & others, Delivering Human Rights in Scotland: An update, 2010, available at: <https://hrcscotland.org/wp-content/uploads/2021/05/2010-report-HumanRights-Scot-2-1.pdf>



duties, this survey can provide valuable insight into actual progress with human rights, exploring the extent to which human rights law, policy and rhetoric affects the actual decisions made by duty bearers. By asking these questions both about 2019 – a fairly ‘average’ year – and during COVID-19 in 2020, we hoped to identify and mark progress from the previous surveys, as well as exploring the extent to which human rights were considered in the face of such a crisis.

The purpose of this report therefore is to seek to bring greater clarity as to the extent to which human rights have been considered in public body decision-making during this time. This clarity will enable accountability together with vital learning to inform COVID-19 recovery and human rights progressions in Scotland.

## **HUMAN RIGHTS STATUTORY FRAMEWORK**

It is now over twenty years since Section 6 of the HRA has required all public authorities to comply (not act incompatibly) with the European Convention on Human Rights (ECHR). Human rights are devolved to the Scottish Parliament and interwoven into devolution: Section 29 of the Scotland Act 1998 requires MSPs to pass ECHR compliant legislation, and Section 57 of the Scotland Act requires Scottish Ministers to comply with the ECHR.

While the mainly civil and political rights contained in the ECHR are protected by the HRA, economic, social, and cultural rights, and rights for specific groups, are also recognised under seven international treaties ratified by the UK and which the Scottish Parliament has competence to observe and implement.

They are:

1. Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW)
2. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
3. UN Convention on the Rights of Persons with Disabilities (UNCRPD)
4. Convention on the Rights of the Child (CRC)
5. International Covenant on Economic, Social and Cultural Rights (ICESCR)
6. International Covenant on Civil and Political Rights (ICCPR)
7. Convention Against Torture (CAT)

In addition, the Children and Young People (Scotland) Act 2014 resulted in the use of child rights and wellbeing impact assessments (CRWIAs) within Scottish

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Government and requirements on certain public bodies to prepare a report every three years setting out what they are doing to better secure, or give further effect to, the rights set out in the UNCRC.

Whilst the FOI survey did not specifically ask about these child rights obligations, there was flexibility in the third FOI question asked around human rights considerations during COVID-19 to respond around these, and a few authorities chose to do so.<sup>5</sup>

## A NEW HUMAN RIGHTS STATUTORY FRAMEWORK FOR SCOTLAND?

It is important to note that this report is written in the midst of exciting and ambitious developments around human rights law reform in Scotland. In 2019, a National Taskforce for Human Rights Leadership was tasked with developing proposals for a new human rights statutory framework. Their recommendations published in March 2021 stated that four international treaties – CEDAW, UNCRPD, ICERD and ICESCR – be directly incorporated into Scots law for the first time. Alongside these, they recommended that there be a right to a healthy environment and particular rights for LGBTI+ people and older people, as well as recommendations around implementation and capacity building. The then Scottish Government accepted these recommendations in full. As Judith Robertson, Chair of the SHRC said:

*“...Taskforce recommendations, and the Scottish Government’s commitment to implement them, represent a major milestone for human rights in Scotland. This marks the beginning of a vital new era for all of our rights.”<sup>6</sup>*

Also in March 2021, a Bill to incorporate the UN Convention on the Rights of the Child was passed unanimously by the Scottish Parliament. This Bill has since been referred to the Supreme Court by the UK Government to clarify aspects which they are concerned are outwith the competence of the Scottish Parliament. However, the UK Government stated that they share a common objective to protect vulnerable children and protect children’s rights<sup>7</sup>.

5. Together: <https://www.togetherscotland.org.uk/about-childrens-rights/monitoring-the-uncrc/children-and-young-people-scotland-act-2014/#:~:text=The%202014%20Act%20resulted%20in%20the%20use%20of,promote%20the%20wellbeing%20of%20children%20and%20young%20people.>

6. Scottish Human Rights Commission statement 12 March 2021, available at: <https://www.scottishhumanrights.com/news/a-new-era-for-human-rights-commission-welcomes-scottish-government-commitment-to-ground-breaking-new-human-rights-law-for-scotland/>

7. UK Government letter to Scottish Government, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/973000/Letter.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973000/Letter.pdf)



Meanwhile, at a UK level we have serious concerns about reviews that threaten to reduce human rights accountability of government. For example, there is a consultation looking at judicial review in court, and a review of the Human Rights Act looking at the extent to which the European Court of Human Rights cases are given consideration by UK courts and the role of the courts vis a vis Parliament or Government<sup>8</sup>. These reviews come hot on the heels of regression on legal rights protections with the loss of the EU Charter of Fundamental Rights<sup>9</sup>.

## COVID-19 LEGISLATION AND HUMAN RIGHTS

In April and May 2020, legislation was introduced in the UK<sup>10</sup> and Scottish Parliaments conferring a range of powers on UK and Scottish Ministers to respond to the COVID-19 pandemic. This legislation did not override the UK and Scottish Parliament's duties under the human rights framework – in fact these HRA public authority duties were explicitly included in coronavirus legislation. However, this emergency legislation included significant human rights implications such as restrictions on movement and gatherings. Some limited and qualified ECHR rights were restricted as part of the COVID-19 response, with explicit recognition from both governments as well as human rights organisations of the recognition that such human rights restrictions may be necessary and proportionate measures to protect the right to health and the positive obligation to protect life. However, there was also recognition that these new powers had to be time-bound and subject to ongoing monitoring to measure impact and proportionality, so that all restrictions on human rights are lifted at the earliest possible moment in order to guard against rights regression.

There has been some criticism that emergency coronavirus legislation impacted on some human rights without due consideration or justification. For example, the Coronavirus Act 2020 allowed for regulations that reduced local authority duties, such as the duty to carry out an assessment of social care needs or involve service users in decision making.<sup>11</sup> There is significant concern that these regulations reduce people's agency over their own lives in significant ways, and that this is disproportionate and unnecessary rights restrictions. There is no comprehensive data in Scotland on local authority use of these reduced Coronavirus Act duties and the reasoning for their use<sup>12</sup>, and anecdotal evidence

8. Independent Human Rights Act Review website: <https://www.gov.uk/guidance/independent-human-rights-act-review>

9. Lock, T, *Brexit and Human Rights*, 2019, available at: <https://www.civilsocietybrexit.scot/wp-content/uploads/sites/49/2019/05/csbp-briefing-may-19-human-rights.pdf>

10. Coronavirus Act 2020; Coronavirus (Scotland) Act 2020; Coronavirus (Scotland) (No.2) Act 2020.

11. <https://www.alliance-scotland.org.uk/blog/news/social-care-and-covid-19-emergency-powers/>

12. Scottish Government, *Coronavirus Acts: first report to Scottish Parliament*, June 2020



suggests that many disabled adults and families with disabled children have been very negatively impacted by reduction in vital services. It should be noted that Article 11 of the UNCRPD specifically highlights the need for greater protection of disabled people in times of national emergency, not less.

Ministers are required to keep the necessity of the provisions under review, and to report every two months on the status of the provisions of the Act and on the use of the powers in the Act.

There have also been criticisms of the process by which Coronavirus laws and regulations changed over the course of the pandemic. Changes to regulations were often announced before they had been written, with little or no oversight and scrutiny, delivered to duty bearers very late sometimes hours before they came into force and the changes often created confusion, contradictory interpretations and potential rights violations. This is contradictory to fundamental human rights principles and rule of law; curtailment to rights need to be legal i.e. passed in the correct legal manner, the law needs to be clear and unambiguous to the public so that individuals cannot accidentally fall foul of the law, and the law needs to be predictable i.e. changes are clear, timely and well communicated. While the pandemic was unprecedented and emergency legislation was necessary, over the course of the following year from the initial lockdown there was less excuse for the rushed and unclear changes.

## **METHODOLOGY**

### **> Building on previous surveys**

In 2006, Amnesty International funded a report into Scottish public authorities' compliance with the Human Rights Act (HRA)<sup>13</sup>, and in 2010, a group of charities working in human rights, mental health, women's aid and refugee support came together to commission an update of this report<sup>14</sup>. Ten years on, the HRCS alongside Amnesty Scotland commissioned this third report examining how public bodies have fulfilled their duties under S6 of the HRA both during 2019, and while responding to the COVID-19 pandemic in 2020.

13. Amnesty International, *Delivering Human Rights in Scotland: a report on Scottish public authorities, 2006*, available at: <https://hrscotland.org/wp-content/uploads/2021/05/Delivering-Human-Rights-in-Scotland-1-2006.pdf>

14. Amnesty International et al, *Delivering Human Rights in Scotland: An update on Scottish public authorities in 2010*, available at: <https://hrscotland.org/wp-content/uploads/2021/05/2010-report-HumanRights-Scot-2-1.pdf>



### > **Using the Freedom of Information (Scotland) Act 2002**

As with the previous two reports, the methodology for this research primarily involved writing to public bodies under The Freedom of Information (Scotland) Act 2002 (FoISA). In November 2020, a consultant working on behalf of HRCS sent a Freedom of Information request to 48 public authorities asking to be supplied with information regarding:

- How authorities monitor and evaluate their compliance with Section 6 of the HRA;
- What specific actions authorities have taken to comply with Section 6 of the HRA;
- Human rights considerations related to any change of practice or services provided due to the Covid-19 pandemic.

The 48 authorities surveyed were all 32 local authorities in Scotland, all 14 Scottish health boards, Police Scotland, and the Scottish Prison Service. The information was requested for the period of March to September 2020 to capture decision making processes around the ‘first wave’ of the Covid-19 pandemic in Scotland. The same information was also requested for the period of 2019 for comparative purposes.

The request was made under the Freedom of Information (Scotland) Act 2002 on November 11th 2020. Reminders were issued to those who had not responded and at the conclusion of this project, a total of 43 responses had been received representing an approximately 90% response rate within, or shortly after the statutory deadline of December 10th 2020. A range of information was received from answers of just a few sentences to a significant number of pages including links to Equality and Human Rights Impact Assessments (EQHRIA).

### > **Freedom of Information during COVID-19**

Throughout the pandemic, concerns have been raised about poor compliance with FOI time limits, and enforcement action by the Information Commissioner’s Office has dropped sharply<sup>15</sup>. The Coronavirus (Scotland) Act also relinquishes public bodies of any statutory duty to publish reports relating to their functions if “they consider that doing so would impede their ability to take action to combat COVID-19.”<sup>16</sup> Two authorities responded to our survey citing their

15. Campaign of Freedom of Information, 2020, available at: <https://www.cfoi.org.uk/latest-news/>

16. The COVID-19 (Scotland) Act 2020, Schedule 6, Part 3, available at: <https://www.legislation.gov.uk/asp/2020/7/notes/division/3/10>



exemption under the legislation to publish statutory reports as justification for refusing to disclose any information. However, the majority responded with some or all of the information requested, within or just over the statutory time limit. Five authorities (just over 10 %) had not responded to the information request by January 10th 2021, one month after the statutory deadline.

### > **Response to the FOI requests**

It should be noted that three authorities responded to this survey stating simply that “new and revised policies were impact assessed in line with human rights principles” throughout March to September 2020 but did not enclose or signpost to evidence. A search of the relevant authorities’ websites was conducted to locate examples of human rights based decision making, such as Human Rights Impact Assessments (HRIAs), however none were found. While this does not definitively mean the authorities in question had not taken a human rights based approach to coronavirus related policy and service delivery, these three responses were not included in the final number of 11 bodies that did conduct EQHRIAs and whom provided or signposted to evidence of doing so.

Information disclosed by authorities in response to this survey varied widely. Some published information amounting to a number of pages, including links to impact assessments and other online material, while others answered some or all of the three questions very briefly.

Clearly therefore, there must be caveats as to generalisations that can be drawn from such diverse responses, with gaps where authorities failed to respond comprehensively, if at all. Nonetheless, the responses that were received as well as the lack of responses or inadequate responses received, provide a picture of public authority consideration of human rights obligations that is valid, insightful and indicative of the change that is needed.

## **KEY FINDINGS**

### **Summary headlines**

6. There is a stark **lack of evidence of a human rights-based approach to decision making throughout the period March – September 2020** in relation to areas of significant human rights concern, including delivery of social care services, education and housing. 26 authorities surveyed provided evidence that impact assessments including human rights considerations (integrated IAs
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- or EQHRIAs) were routinely used to assess policy throughout 2019 – **however, this number dropped to 11 for the period March to September 2020.**<sup>17</sup>
7. In addition to these 11 authorities a further 4 listed actions taken during the pandemic they deemed relevant to their duties under the HRA, but no evidence that they were the result of a human rights based approach to decision making, or had been assessed for impact against ECHR rights.
  8. **There has been some limited progress pre-pandemic through the introduction of integrated impact assessments which evaluate equalities and human rights. However, the majority of authorities were still not able to provide any evidence of monitoring or reporting processes relevant to their obligations under the HRA.** There is evidence that suggests that the absence of M&E is linked to the lack of a legal duty upon public authorities to report on compliance with S6 of the HRA.
  9. Many examples of impact assessment provided in response to this survey related to internal business such as human resource management, rather than service delivery. While it is positive that public authorities' HR practices are subject to EQHRIAs, such examples demonstrate that the integration of human rights considerations into impact assessment alone does not always signal that human rights principles will inform decision making in all policy areas.
  10. **Understanding of the distinct nature of duties under human rights and equalities legal frameworks is still variable among public authorities.** Many respondents conflated their duties under the Equality Act (EA) and S6 of the HRA to some degree. This ranged from an assumption that meeting duties under the PSED automatically fulfilled obligations under the HRA, to citing 'Equality and Diversity' training as an action taken towards meeting HRA obligations.
  11. **Human Rights are still assigned a subsidiary role in service and policy design when compared to duties under the Equality Act.**

These findings have been broadly divided into three categories:

- **Leadership and Understanding** – refers to evidence of the mainstreaming of human rights across the business of the public authority as well as detailed knowledge of how the human rights framework applies to the delivery of public services.
- **Implementation** – this category includes specific examples of how human rights compliance is achieved and how decision-making processes take human rights obligations into account. For example, it should be established

17. The number of 11 may be variable, this is dealt with in the methodology and the 'Implementation' => 'accountability and transparency' section of the findings.



how decisions that have the potential to infringe upon human rights such as on funding services or agreeing policy have been assessed for their impact, or how human rights considerations sit within an action plan.

- **Monitoring and review** – Public authorities should be able to show an audit trail of how human rights have explicitly influenced decision making and how that information has been used to monitor and evaluate compliance with S6 of the HRA.

## LEADERSHIP AND UNDERSTANDING

### **Conflation between Human Rights and Equality Duties**

1. As was highlighted in the 2004 and 2010 reports, there still exists a degree of conflation between authorities' duties under the HRA and equality legislation. All authorities that made a positive attempt to respond to the survey by disclosing some degree of detailed information cited their duties under The Equality Act (2010) and the reporting duties associated with that legislation.
  2. In evidencing specific actions taken to comply with the ECHR throughout 2019 and 2020, 19 authorities including local authorities and health boards cited recent examples of training programmes for staff, however this number dropped to 12 when those referring exclusively to 'Equality and Diversity' training were excluded. While without access to the content of the training modules referenced it is impossible to exclude the possibility that human rights principles have been integrated into the referenced Equality and Diversity training, this potentially represents another fundamental misunderstanding of the distinctive nature of human rights based training and approaches. It should also be noted that 12 authorities did specifically reference human rights training, clearly demonstrating understanding. For example:
    - *“Training and development work with complaints staff to explore human rights approaches has resulted in staff identifying changes to work practices such as improving approaches with patients who are distressed or have complex issues [in addition to]...staff training on human rights legislation and using FAIR model and PANEL principles – NHS Greater Glasgow and Clyde.”*
  3. On average local authorities were slightly more likely to demonstrate an inferior understanding of their duties under the HRA, implying a belief that adherence to the EA would result in automatic compliance with the HRA.
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– “[the] Council monitors and evaluates its compliance with the HRA by taking steps to meet the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and the Fairer Scotland Duty.”

– “The Chief Executive reminded all Services about their equalities duties in her bulletin of 9th October 2020 to conduct an Equality Impact Assessment, particularly related to any change of practice or services provided due to the Covid-19 pandemic.”

### Human Rights assigned a subsidiary role

4. Many responses to this survey suggest that human rights are still delegated to a subsidiary role when designing and assessing policy and service delivery. Duties under the Equality Act are not only better understood, but compliance was evidenced across the majority of authorities despite the fact that the FOI did not request this information.

Four authorities issued responses containing statements similar to the example below, suggesting a preference for an equalities framework for decision making:

– “Please note that it is important to understand that the HRA 1998 does not protect people from discrimination in all areas of their life. There are other laws that offer more general protection, such as The Equality Act 2010 and in Scotland the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and the Fairer Scotland Duty.

Conflation between obligations under the HRA and equalities legislation were a key finding of previous reports and there is significant evidence that detailed understanding among public authorities of the distinct nature of the respective legislation remains low. While approaching equality duties in the correct way may help public bodies to meet some of their obligations under the HRA and international human rights law, the duties placed on them by the Equality Act (2010) and obligations under the HRA (1998) differ:

- The Equality Act 2010 includes a public sector equality duty (PSED) which came into force in 2011 and requires authorities to assess the impact of policy to ensure that it does not discriminate unlawfully in relation to protected characteristics.
- The specific duties (Specific Duties) (Scotland) Regulations 2012 require each listed authority to publish a set of equality outcomes which it considers will



- enable the authority to better perform the general equality duty every four years, and produce a progress report every two years.
- The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland in April 2018 and places a legal responsibility on certain public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage.
  - The HRA places public authorities under a duty to comply with the ECHR in ensuring that all service users have equal access to the rights contained therein. Unlike the Equality Act the HRA does not place any monitoring and reporting duties on authorities. Victims of a human rights breach can take legal action under the Act, and UK courts must take into account the judgements, decisions, declarations and advisory opinions of the ECHR, the Council of Europe and Committee of Ministers when they are making decisions.

## IMPLEMENTATION

The information disclosed specifically relating to the period March – September 2020 varied widely in its level of detail.

### **Rights Based Impact Assessment**

1. 11 authorities could provide evidence of at least one EQHRIA being conducted on policy related to the pandemic, although many related to internal business, such as the impact of home working upon staff, rather than service delivery.

NHS Greater Glasgow and Clyde, and NHS Lothian provided evidence of good practice and a range of assessments on Covid related service delivery:

– *“Integrated Impact Assessments (IIA) have been carried out on major service changes implemented during the pandemic, including Rescheduling Unscheduled Care, Outpatient Modernisation, Flu Vaccination, and the use of Attend Anywhere/NearMe digital appointments.” – NHS Lothian*

– *“Between March and September 2020, the following equalities and human rights impact assessments have been completed: COVID community assessment centres; review of urgent care; introduction of the Netcall system; introduction of a virtual strategy; Littleinch Day Care Centre redesign; and Community Treatment Centre for Brain*

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*Injury redesign. An EQIA of the new active clinical referral triage system is near completion. The EQIAs provided either evidence of mitigation against human rights breaches, or that there was no impact on human rights.” – NHS GGC*

- Overall however, the survey returned a stark lack of evidence of human rights based impact assessment of service redesign; for example, in relation to areas such as housing, education and the delivery of social care services. A search of available local authority 2020 impact assessments online found few human rights based assessments on revision to the delivery of services likely to engage ECHR rights such as the right to life (Article 2), the prohibition on torture, cruel, inhuman and degrading treatment (Article 3), the right to respect for family and private life (Article 8) and the prohibition on discrimination (Article 14).

In October 2020 the SHRC published a monitoring report into COVID-19, social care and human rights. The report set out a number of findings including that the withdrawal and reduction of social care services experienced by many:

*“...had a direct and detrimental effect on people’s rights, including those protected by the European Convention for Human Rights and by international instruments such as the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities. This includes potential unlawful interferences with people’s rights to physical and psychological integrity, and negative impacts on people’s rights to a private and family life without recourse to the normal assessment and review procedures.”<sup>18</sup>*

Given this clear identification of potential for negative rights impact by Scotland’s National Human Rights Institution, it is concerning to find so little evidence of impact assessment by local authority service providers in relation to social care provision.

There are other key areas of service delivery by local authorities and health boards including education, housing and outpatient services for which only a minority of authorities offered any evidence of a human rights based approach to decision making during the pandemic.

18. SHRC 2020, COVID-19, Social Care and Human Rights, p.5: <https://www.scottishhumanrights.com/media/2102/covid-19-social-care-monitoring-report-vfinal.pdf>



3. There were several examples of strategy and assessment related to Covid but without a human rights based approach. Some authorities appeared to misunderstand the relevant survey question and answered that “as far as we are aware there has been no explicit changes regarding any Human Rights in relation to the Covid 19 pandemic, before going on to list a range of measures implemented to support “vulnerable” people. These measures typically included the provision of free school meals to children, delivery of prescriptions, provision of an education service through schools, and references to “support” for shielding residents during lockdown.
4. Others cited impact assessments described as “integrated” but which could only be shown to take Equality and sometimes socio-economic impact into consideration. Sometimes referred to as “Fairness Impact assessments”, they appeared to be the result of the Fairer Scotland Duty, Part 1 of the Equality Act 2010, which came into force in Scotland in 2018:

*“In June 2020 [the] Council completed a ‘Fairness Impact Assessment’ on the establishment of its Humanitarian Hub to ensure that residents’ basic needs (food provision), medication and wellbeing including financial wellbeing) are being met during the current emergency situation. The IA is an integrated Equality Impact and Socio Economic Impact assessment to ensure the development of the Humanitarian Hub has taken into consideration the impact on equality groups and those on low incomes in the development and delivery of services and support....While the service in question would certainly fulfil some rights outlined in the HRA, the service was not assessed against compatibility with the human rights framework.”*

5. In contrast NHS Greater Glasgow and Clyde also referenced the establishment of a ‘Humanitarian Hub’, but included the measure as part of its human rights based response, and evidenced appropriate impact assessment, stating: “The Humanitarian Hubs were set up in response to emergency human rights issues such rights to food, fuel and housing” and were assessed for human rights impact using the FAIR model.

### **Accountability and Transparency**

6. Three authorities chose not to provide any information relating to their activities for the time period of March - September 2020, while two others stated they held no detail regarding specific actions taken to comply with the HRA and ECHR.
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7. A further three stated that new and revised policies were impact assessed in line with human rights principles, but provided no evidence and no evidence could be located online.
8. Two authorities – both health boards – simply stated that the human rights considerations during the COVID-19 pandemic were “in line with Scottish Government Policy.”

### **Human Rights approach to Complaints**

9. Positively, a number of health boards highlighted that a human rights framework is used to assess patient complaints. Given that justiciability for ECHR breaches relies heavily on legal remedies, processes for reviewing complaints against human rights principles can improve access to justice.

*– “When things go wrong and patients or families make complaints we will use a human rights framework to make our assessment of what happened and what we might have done differently.” – NHS Lothian*

*– “All feedback received by the Person Centred Patient Concerns Team are screened relating to HRA and the Equality Act 2010.” – NHS Forth Valley*

### **Human Rights Approaches to Recovery and Renewal**

10. One authority explicitly stated that human rights principles had been integrated into plans and strategies for recovery in the wake of the pandemic. NHS Greater Glasgow and Clyde indicated that during March to September 2020, NHSGGC developed a COVID-19 Remobilisation Plan which identified 10 Equality and Human Rights Impact Assessments required:

*“Moving into the recovery phase after the first wave of the pandemic all NHS GGC services were required to undertake an equality impact assessment which is a combined Human Rights and Fairer Scotland duty, before approval was given to proceed by the Corporate Management Team.”*



## Children's Rights

11. Positively, some authorities made specific reference to assessing children's rights in line with the CRC, however there was a lack of evidence relating to how this was applied during the period of the pandemic. Some of these authorities referenced their duties under Part one, Section two of the Children and Young People (Scotland) Act which requires public authorities to report on the steps they have taken to secure better or further effect the requirements of the UNCRC:<sup>19</sup>

*– “NHS Fife recently revised the Equality Impact Assessment toolkit and documentation to reflect human rights and equality duties. And also includes children rights and wellbeing assessments.”*

*– “Over the last few years the Council has been focusing on embedding a Children's Rights Approach into its processes.”*

*– North Ayrshire Council*

Positively, progress has been made in integrating a human rights based approach to assessing the possible impact of policy and service delivery. Over half of authorities surveyed provided some evidence of using integrated impact assessments which included human rights considerations and set out ECHR rights. However during the period March to September 2020 evidence of human rights based assessments dropped significantly. While many of the non-assessed actions listed in response to the survey are likely to have had some positive human rights impact, it is still important that decisions be taken using established criteria which includes human rights principles, so that if necessary those decisions can be challenged using the same criteria.

Where evidence of HRIAs undertaken during the pandemic was presented, most authorities had only assessed a very small number of policies. Some related to staff wellbeing, and others were not of great significance to the serious risks to human rights presented by the pandemic, for example the reopening of recycling centres.

It is of significant concern that very few authorities provided evidence of impact assessment on major areas of service redesign which are known to have taken place. Anecdotal evidence of negative rights impact in areas such as housing, social care provision, outpatient treatment and care homes has been

19. Children and Young People (Scotland) Act 2014: <https://www.legislation.gov.uk/asp/2014/8/part/1>



reported by the media and concerns raised by civil society and politicians. In stark contrast, very little evidence that human rights considerations had guided decision-making in those areas was provided in response to this survey.

## MONITORING, REPORTING AND REVIEW

### Lack of statutory reporting obligations

1. Unfortunately, the majority of authorities were not able to provide any evidence of monitoring or reporting processes specific to their duties under the HRA. Responses such as “While [the authority] appreciates its obligations under the HRA and ECHR, [it] does not have a formal process in place for evaluating and monitoring compliance” were received from a number of respondents. Others explicitly stated the lack of a specific legal requirement to report on compliance for the lack of a formal monitoring and reporting process:

*“At present there is no legal requirement for us to monitor and evaluate our ECHR compliance and we do not therefore have a formal process in place.”*

### Integration of human rights monitoring into Equalities reporting duties

2. Six authorities referenced Mainstreaming and Equality Outcomes reports as evidence of Monitoring of duties under the HRA. For example:

*– [The health board] has monitored and evaluated its compliance with the HRA (HRA) through The Mainstreaming Report and Equality Outcomes 2017-2021. This report was developed to meet [the health board’s] legal obligations as set out in the (Specific) Duties (Scotland) Regulations 2012, The Equality Act 2010; and was produced for the Equality and Human Rights Commission to give them assurance that [the health board] is mainstreaming equality into all of its functions.*

The Specific Duties (Scotland) Regulations require listed authorities in Scotland – which include local authorities and health boards – to publish reports on progress they make in integrating the general equality duty into the exercise of their functions at intervals of no more than two years. Once again, this is a duty under the PSED and not the HRA. Some, but far from all, authorities have taken steps to integrate monitoring of human rights mainstreaming into these



reports. For example, East Renfrewshire Council's Equality and Human Rights Mainstreaming and Outcomes Report 2017-21 contains outcomes explicit to mainstreaming human rights considerations, including:

*“That the Council’s Strategic Plans reflect an increasing willingness and ability of the Council and its partners to respect, protect and fulfil human rights and empower local people to live free from discrimination...That our accountability on equality and human rights-based monitoring and reporting has increased.”<sup>20</sup>*

In contrast, another authority responded claiming: *“The Council’s Equality and Diversity Outcomes and Mainstreaming report provides information on the compliance of the Equality Act and HRA”*, however upon inspection the document contained no references to human rights.

## INDEPENDENT OVERSIGHT

3. Police Scotland’s establishment of an Independent Advisory group in March 2020 to monitor ECHR compliance is a positive example of monitoring and scrutiny. Chaired by John Scott QC, the membership was comprised of representatives from Police Scotland, the Scottish Police Authority, Crown Office, Procurator Fiscal Service and crucially key human rights scrutiny bodies including Amnesty International Scotland, the Children and Young People’s Commissioner Scotland, the SHRC and EHRC (although the EHRC later withdrew from the Group due to capacity). The Terms of Reference of the group included the aim of ensuring that use of powers by Police Scotland is compliant – both in application and spirit – with human rights principles and legal obligations, including those set out in the HRA 1998 and the Scotland Act 1998.<sup>21</sup>

As a number of authorities highlighted, there is no legal obligation to monitor, evaluate or report on compliance with Section 6 of the HRA while clear duties to report against the PSED are contained in The Specific Duties (Scotland) Regulations 2012. This is reflected in the availability of information assessing authorities’ performance against the PSED. It is possible that lack of reporting duties is related to lack of implementation, but also to a seeming lack of accountability which was evidenced in a number of authorities failing to

20. East Renfrewshire Council Mainstreaming Report and Outcomes 2017-2021: [https://www.eastrenfrewshire.gov.uk/media/1039/Equality-mainstreaming-report-and-outcomes-2017-to-2021/pdf/Equality\\_mainstreaming\\_report\\_and\\_outcomes\\_2017-2021.pdf?m=637371523946330000](https://www.eastrenfrewshire.gov.uk/media/1039/Equality-mainstreaming-report-and-outcomes-2017-to-2021/pdf/Equality_mainstreaming_report_and_outcomes_2017-2021.pdf?m=637371523946330000)

21. Independent Advisory Group: COVID-19 Powers Terms of Reference: <https://www.spa.police.uk/spa-media/o2qpcff3/draft-intro-28-4-20-1-1.pdf>



provide any evidence of compliance with the HRA, and indeed a very small number even claiming to have taken a human rights based approach only for a search of the documents provided to contradict that claim. While the duty to comply contained in Section 6 of the HRA should not only be interpreted as a duty to provide administrative processes, such as impact assessments and reporting; but also to provide outcomes for rights holders, it is clear that further measures are required to increase every-day accountability.

## CONCLUSION

When measured against the recommendations of the 2010 report<sup>22</sup>, the findings from this survey indicate a stubborn lack of progress in many key areas including continued conflation between equality duties and human rights obligations, human rights duties being given a subsidiary role compared to equality duties, and a lack of monitoring and review of compliance with the HRA. As in the 2010 report, an absence of robust structures and processes makes monitoring and evaluation of compliance very challenging. It is clear from these survey results that the lack of any legal obligation to monitor and report upon compliance, as well as a lack of national monitoring of compliance, are significant contributing factors to the lack of evidenced implementation.

There is regrettably little explicit evidence of actions taken by public authorities to comply with S6 of the HRA throughout the first wave of the COVID-19 pandemic. Where positive actions have been taken to support the most vulnerable, in some cases no EQHRIA or HRIA has been carried out, rendering it impossible to confirm that these measures were sufficient to uphold rights. There were some examples of good practice, but overall, responses to this survey show that public authorities in Scotland largely failed to take steps to ensure they upheld their duties under the HRA in responding to the COVID-19 pandemic, and that human rights considerations were not prioritised.

Positively, progress has been made through the introduction of integrated impact assessments across many of Scotland's public authorities which include human rights considerations. This is likely at least in part to be the result of the work done by the SHRC and EHRC in rolling out the EQHRIA toolkit<sup>23</sup>, as well as the commitment of the authorities and staff involved where good practice is evident. It should also be noted that the findings of the survey suggest the use

22. Amnesty International et al, *Delivering Human Rights in Scotland: An update on Scottish public authorities in 2010*, available at: <https://hrscotland.org/wp-content/uploads/2021/05/2010-report-HumanRights-Scot-2-1.pdf>

23. SHRC and EHRC, *Equality and Human Rights Impact Assessment range of resources*, available at: <http://eqhria.scottishhumanrights.com/>



of HRIAs alone does not in every case indicate sufficient understanding and mainstreaming of human rights considerations across strategy, policy and processes.

While the unprecedented pressure public authorities have been placed under during the period of the pandemic should be borne in mind, it is also the case that obligations under the HRA remained in place throughout, and therefore the limited evidence that they were upheld should be a cause for concern. Indeed, if human rights approaches to decision-making, service delivery and monitoring had been better mainstreamed in recent years, fulfilling the legislative obligation and providing evidence of doing so during the public health emergency would have been a simpler task.

Furthermore, we highlight that during a public crisis of the scale of COVID-19, it is more crucial – not less – that there be proper consideration given to how policy and practice changes will impact upon the basic freedoms and the basics that people need to live on. That the opposite was true is very concerning, and something that should inform and only add to impetus to embed human rights into government COVID-19 recovery plans.

It is still important to note that the process by which Coronavirus laws and regulations changed in Scotland, did not help public authorities perform their duties and we hope that the Scottish Government and Parliament will reflect on what lessons need to be learned and implemented as we continue to come out of lockdown.

Scotland has already started the process of incorporation of more international human rights into Scots law, with the passing of the UNCRC Incorporation (Scotland) Bill. It is concerning however, that compliance with the EHRC is still so variable as the process of further incorporation begins. In addition, similar to findings of All Our Rights In Law<sup>24</sup>, this survey shows that law and legal duties alone are not enough to ensure that human rights are embedded into decision-making. Building in duties around monitoring, reporting, transparency and participative decision-making, together with the increased capacity to fully implement these, is vital for securing compliance with human rights law, let alone for growing a human rights culture across public authorities.

24. Human Rights Consortium Scotland and SHRC, *All Our Rights In Law: Views from the wider public – A Report to the National Taskforce on Human Rights Leadership*, 2021, available at: [www.allourrightsinlaw.scot](http://www.allourrightsinlaw.scot)



As we begin to rebuild from the COVID-19 pandemic and as we take these ambitious steps on the human rights journey, it is a matter of urgency that government at all levels gives proper attention, resourcing and commitment to ensuring that public authorities fully comply with their current human rights duties. This will put them in good stead for implementing new human rights duties and culture as a result of incorporation, as well as preparing them well for whatever lies ahead in post-COVID Scotland.

## RECOMMENDATIONS

In light of this survey's findings, we recommend:

1. Public bodies must carry out and publish EQHRIAs of all COVID-19-related policy. These assessments should be participative, published and be in line with best practice set out by the EHRC and SHRC's EQHRIA toolkit. They should take as a minimum, duties under the HRA and obligations under international treaties ratified by the UK.
  2. The Scottish Government and public authorities should develop and publish action plans for a human rights-based approach to pandemic recovery and renewal, including participation of marginalised groups and those whose rights were particularly impacted by COVID-19.
  3. Public authorities should publish clear information setting out when reduced duties allowed for under emergency legislation such as the duty to carry out an assessment of social care needs or involve service users in decision making were 'switched on' and an audit trail evidencing whether human rights principles guided decision making.
  4. The Scottish Government has committed to a public inquiry into the COVID-19 response. The inquiry should take a human rights-based approach and include scrutiny of public authorities including local authorities and health boards. The remit should specifically include consideration of whether human rights duties, standards and principles were met during the pandemic. Given that Public Inquiries are lengthy processes, we urge that this inquiry includes interim phases to facilitate the expedited publication of findings into specific areas of concern.
  5. The Scottish Government and Parliament should urgently look at the process by which changes to Coronavirus law, regulations and guidance are
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being made to increase the necessary scrutiny and ensuring that relevant public bodies are receiving new regulations in a timely manner so that they can be adequately communicated to staff.

6. An agreed process for monitoring and evaluating compliance across the public sector with Scotland's current human rights framework is now needed. There are different models of how this can be achieved, and the Scottish Government should engage with the SHRC to agree the best approach in the short to medium term.
  7. Public authorities should publish information and evidence around the steps that take to ensure compliance with their HRA duties.
  8. The Scottish Government should now implement their commitment to bring a Bill before Parliament to introduce a new human rights statutory framework which incorporates ICESCR, ICERD, CEDAW and UNCRPD, a right to a healthy environment and specific rights for LGBTi people and older people, into Scots law. This Bill must include duties to comply with these rights, as well as duties around monitoring, reporting, transparency and participative decision-making.
  9. If the new human rights statutory framework is to not only be narrowly complied with, but to be fully implemented, the Scottish Government must provide adequate resources to public authorities so that they have the capacity to make the necessary culture change including carrying out full EQHRIAs. As a first step, the Scottish Government should commission a capacity assessment of public authorities around human rights, including exploring understanding around equality and human rights duties, capacity for human rights budgeting, and what would be needed for a shift to a rights-based culture. The Government should commit to resourcing public authorities according to the assessment findings.
  10. Civil society and opposition political parties must advocate for full and direct incorporation of international rights treaties within the competencies of the Scottish Parliament, and for the law's full implementation. This will mirror the "maximalist" approach of the UNCRC incorporation and will help to provide clarity for public authorities as to their obligations.
  11. Public authorities must engage with the journey towards further incorporation of international treaties and begin the process of internal capacity building. We strongly emphasise that public authority actions to
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deepen their understanding of human rights and build a rights-based culture should not be dependent on legal change, and should not wait for it. Instead, public authorities should begin now to proactively build a rights-based culture -this will bring immediate positive benefits in improved decision-making as well as compliance with existing human rights duties.

12. The SHRC's comprehensive research into social care provision provided vital scrutiny. As Scotland's NHRI, the SHRC should continue to monitor how human rights standards are being upheld throughout the pandemic and recovery plans, to the best of its capacity.

13. Civil society scrutiny of public authority pandemic decision-making, together with their understanding of experience 'on the ground', is unique and invaluable, and as such should be welcomed by all public authorities. Funders of civil society groups, particularly local authorities, should include such a scrutiny role within their funding agreements and develop helpful structures where they can listen to civil society in order to inform their policy and practice.

14. The Independent Human Rights Act Review panel, in their final recommendations, should highlight the importance of HRA public authority duties to comply with the ECHR and recommend no reduction in these duties or any other parts of the Act. Instead, they should recommend increased attention be given to full implementation of public authority duties under the Act. The IHRAR needs to reflect the very different human rights context in Scotland due to the HRA/ECHR being a core principle of devolution and its relation to future legislation. Furthermore, there are clear links between public authority duties and the use of the HRA in Scottish courts where many strategic cases have been used to change public authority decision-making and practice. These are important and complimentary functions of the HRA and there is no argument for regressive changes to be made to the HRA in Scotland, indeed any restrictions to the use of ECHR cases in Scottish law or policy would be in direct conflict with the direction of travel for human rights in Scotland.

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**Amnesty International Charity number: 1051681**

**Human Rights Consortium Scotland SCIO: SC050099**

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## APPENDIX 1 – LIST OF RECOMMENDATIONS FROM 2006 REPORT

1. There requires to be a rigorous application of human rights values at all levels in public authorities in Scotland as a matter of priority.
  2. Best Value criteria should include human rights promotion and compliance. This will also enable HRAivity to be sustained.
  3. Delivering and respecting human rights should be a key plank of public sector reform in Scotland.
  4. All public authorities should adopt a Human Rights Policy which is publicly available and which clearly sets out: a set of binding values, how human rights will inform decisions about people's rights and their influence in all policy development. It should also make explicit that people have human rights and that culture should be effectively respected and implemented by staff.
  5. Public authorities should designate particular members of staff to drive forward the human rights agenda within departments as well as mainstream human rights so that, like racial and sexual equality, the duty is a core part of everyone's job and is explicitly stated in the job description.
  6. Staff should be offered more training, which is reviewed and updated to take account of case law and practice.
  7. Every two years, public authorities should be required to produce an audit of human rights compliance across their range of functions.
  8. Civic Society should actively promote human rights culture and values in its work with those delivering public services in Scotland.
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## APPENDIX 2 - LIST OF RECOMMENDATIONS FROM 2010 REPORT

1. Public bodies should undertake regular reviews of compliance with the HRA as part of their commitment to deliver effective public services.
  2. To minimise risk to public funds, the Audit Scotland 'Code of Audit Practice' should explicitly state the importance of human rights in the framework for the conduct of public audit in Scotland. This requirement will assist in meeting the objective that "Public resources should be safeguarded, properly accounted for and used economically, efficiently and effectively."
  3. The EHRC Scotland should specifically address existing misunderstandings that equality duties are the same as human rights obligations. The distinctive human rights laws that relate to the public sector in Scotland, across both devolved and reserved matters, need to be better understood and compliance assured. The dual remit of the EHRC is perhaps one reason for the confusion.
  4. The EHRC Scotland should adapt the recommendations of its 'Human Rights Inquiry Report' of 2009 to give them effect in Scotland.
  5. The SHRC has published an academic study on the human rights impact assessment processes and will ultimately work towards guidance in this area. The SHRC should consider publishing this guidance as a matter of urgency to better equip the public sector to meet human rights duties. One Council has stated that it is waiting on this tool "and it is our intention to utilise this tool to widen our current impact assessment activity..."
  6. The SHRC should continue to exercise leadership by producing a range of information to help the public sector in Scotland meet its statutory obligations. The SHRC should also provide information to the public directly e.g. publications on 'human rights and local authority services'.
  7. The EHRC and the SHRC need to inform the voluntary sector about human rights obligations e.g. in delivering contracts for the public sector.
  8. Local authorities, in their drive to share services across local authority areas, should identify a central point for a national resource which disseminates information, promotes best practice and drafts guidance on human rights compliance and delivery.
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9. NGOs and the public have a role to play in monitoring human rights delivery in Scotland. NGOs and the public can apply pressure to ensure application of human rights in their geographical area or their subject area of interest. The GB EHRC and the SHRC both have a role in informing this work.





## APPENDIX 3 – LIST OF PUBLIC BODIES SURVEYED IN 2020

1. Aberdeen City Council
2. Aberdeenshire Council
3. Angus Council
4. Argyll and Bute Council
5. City of Edinburgh Council
6. Clackmannanshire Council
7. Comhairle nan Eilean Siar
8. Dumfries and Galloway Council
9. Dundee City Council
10. East Ayrshire Council
11. East Dunbartonshire Council
12. East Lothian Council
13. East Renfrewshire Council
14. Falkirk Council
15. Fife Council
16. Glasgow City Council
17. Inverclyde Council
18. Midlothian Council
19. NHS Ayrshire and Arran
20. NHS Borders
21. NHS Dumfries and Galloway
22. NHS Fife
23. NHS Forth valley
24. NHS Grampian
25. NHS Greater Glasgow and Clyde
26. NHS Highland
27. NHS Lanarkshire
28. NHS Lothian
29. NHS Orkney
30. NHS Shetland
31. NHS Tayside
32. NHS Western Isles
33. North Ayrshire Council
34. North Lanarkshire Council
35. Orkney islands Council
36. Perth and Kinross Council
37. Police Scotland
38. Renfrewshire Council
39. Scottish Borders Council
40. Scottish Prison Service
41. Shetland Islands Council
42. South Ayrshire Council
43. South Lanarkshire Council
44. Stirling Council
45. The Highland Council
46. The Moray Council
47. West Dunbartonshire Council
48. West Lothian Council