

ANNEX

ISSUE	QUESTIONS	RESPONSE
<p>Inclusive Communication</p>	<p>According to the Scottish Government, it is estimated that over a million people in Scotland have some form of communication support need. The Committee asks the Scottish Government what action it has taken to ensure that life-saving messages and key policy documents around Covid-19 and the support available have been provided in accessible formats to those who need them, and available at the same time as plain text versions are released, and in ways that recognise barriers of digital exclusion and means of effective communication to all groups.</p> <p>The Committee asks the Scottish Government what consideration it has given to working towards a national commitment to inclusive communication while the country is recovering from the pandemic to ensure a reduction in social isolation for many people in Scotland, including those with hearing loss, older people, those with long-term health conditions or disabilities and people who are living in poverty.</p>	<p>The Scottish Government is committed to inclusive communication and worked with Disability Equality Scotland and partners to establish and maintain the Inclusive Communication Hub - https://inclusivecommunication.scot/. We recognise the importance of communicating in a number of ways to ensure that people get the information they need in a format that suits them.</p> <p>In relation to British Sign Language (BSL) users, the Scottish Government arranged for in-situ BSL/English interpreters to cover the daily COVID-19 press conferences, and continue to work with broadcasters to ensure the interpreter is included in their broadcasts. Furthermore, we are working with the Scottish Commission for Learning Disability and Disability Equality Scotland to produce BSL and Easy Read versions of key information. Similarly, NHS Inform are producing Easy Read and BSL versions of the COVID-19 advice and information to ensure it is accessible to all.</p> <p>Within two weeks of lockdown the Scottish Government granted funds to Deafblind Scotland to provide translations of official UK and Scottish Government advice in Braille, Moon, XXXL print and audio. This information is being shared with other organisations working with people who may have visual impairment and deafness, and with organisations working with older people. We are also funding the British Deaf Association to produce daily news summaries with factual news being taken from official sources.</p> <p>We are also working to ensure that people with other forms of communication support needs are supported, for example:</p>

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		<ul style="list-style-type: none"> • Engaging closely with key stakeholders including Age Scotland to ensure older people receive the right advice at the right time; • The Scottish Prison Service is translating key communications into different languages and access to translators is also being provided for those who ask; • Working with partners to contribute to communications with children and young people and efforts to enable them to participate in decisions that affect them; • Continuously working to make our website and information as <u>accessible</u> and usable as possible for all abilities and disabilities. This includes older audiences and those with visual, hearing, cognitive or motor impairments; • COVID-19 guidance documents have also been translated into multiple languages. <p>In response to the issue of digital exclusion, the Cabinet Secretary for Health and Sport, Jeane Freeman MSP, announced the Connecting Scotland programme which will support 9,000 low income individuals across Scotland that are clinically at risk of COVID-19. The £5 million programme will offer an internet connection, training and support, and a laptop or tablet to people who are clinically at risk, on a low income and not already online during the response to COVID-19. The Scottish Government also provided funding to Glasgow Disability Alliance to support people without a device or internet, to access it with supportive training.</p>
<p>Care planning and Do Not Attempt Resuscitation</p>	<p>The Committee asks what guidance the Scottish Government will provide to ensure that patients released from hospitals, as well as advance care planning by GPs and social care support workers respect human rights and do not have a disproportionate impact on any groups, including</p>	<p>The Scottish Government’s Cardiopulmonary Resuscitation (CPR) Decisions policy guidance emphasises the importance of ensuring that decisions relating to CPR are made on a case by case basis, with the individual and their loved ones where possible.</p>

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	<p>those that have protected characteristics under the Equality Act 2010.</p>	<p>It is a specific objective of the guidance to ensure that decisions regarding CPR are made according to current ethical principles, legislation such as the Human Rights Act (1998) and Adults with Incapacity (Scotland) Act 2000 as well as international human rights instruments such as the European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. Further information on this can be found via the attached link: https://www.gov.scot/publications/decisions-cardiopulmonary-resuscitation-integrated-adult-policy/pages/1/</p> <p>We are aware of some instances where anticipatory care planning discussions between GPs and people at the highest risk of becoming severely ill from COVID-19, particularly those that have encompassed the use of Do Not Attempt CPR (DNACPR) forms could have been handled in a more sensitive manner. The guidance on the use of DNACPR forms has not changed and we would never want anyone to feel pressured into agreeing a specific care plan or completing a DNACPR form if they are not comfortable doing so.</p> <p>Because some care planning conversations could have been handled in a more sensitive manner and - in response to concerns raised by Age and Disability stakeholders, the EHRC and the public - on 10 April the Scottish Government's Chief Medical Officer, BMA and RCGP wrote jointly to GP practices to remind them of relevant ACP and DNACPR guidance and to provide advice and support on having anticipatory care planning conversations and to make clear that there is no requirement for health professionals to have a DNACPR discussion as part of this conversation, unless the patient wishes to discuss it or clinician feels strongly it is necessary to raise in conversation for the patient's wellbeing.</p>
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		<p>Additionally, on 17 April, a further joint letter from the Scottish Government’s Chief Medical Officer, BMA and RCGPs was sent to GPs to reinforce this message and set out how they could effectively support care homes during this difficult time.</p> <p>Officials in the Equality Unit also engaged closely with the Chief Medical Officer and supported discussions with a wide range of equality stakeholders about the urgent need for impact assessment of ethical guidance.</p>
<p>The Coronavirus Act 2020 and mental health legislation in Scotland</p>	<p>As a matter of urgency, the Committee recommends the Scottish Government works with the UK Government to repeal Schedule 9. These powers have not been used, even at the peak of the outbreak, and therefore can no longer be deemed as proportionate. The Committee is concerned that the longer these powers remain in law the harder it will be to reverse the position.</p>	<p>The time-limited powers contained in Schedule 9 of the UK Coronavirus Act provide an important safeguard mechanism – enabling the mental health system to operate in extremely difficult circumstances - but would only be switched on in the event of severe need.</p> <p>We cannot be absolutely sure that there won’t be a further peak. The changes, if implemented, will seek to ensure that people can continue to be treated and cared for in a way which respects their rights while ensuring that services can better cope with staff shortages.</p> <p>The Scottish Government notes that the Royal College of Psychiatrists has also written to the Committee asking them to reconsider this recommendation in light of the risks of a further peak of cases or significantly increased caseload in the coming months.</p> <p>Although these temporary provisions are not yet commenced we acknowledge that there needs be consideration given as to how they may impact on patient safeguards, and potentially on human rights. Scottish Ministers therefore have committed to commencing these provisions only when there is a real need to do so, to ensure safe running of mental health services. The balancing exercise involved in considering competing human</p>

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		<p>rights will remain during the period of the pandemic with Article 2 (the right to life) considerations being paramount. Assessing whether the legislative provisions remain both necessary and proportionate in terms of its practical impact is a core element of the ongoing process to ensure that human rights are respected, protected and fulfilled and equality objectives are achieved.</p> <p>The Scottish Government agrees it is essential that the need for the legislation, and its operation, is kept under robust and regular review.</p>
<p>Emergency powers relating to the Social Work (Scotland) Act 1968</p>	<p>The Committee shares these concerns and asks the Scottish Government for its detailed views on its intention regarding these powers.</p>	<p>At present there is no change to the provisions of s.13ZA of the Social Work (Scotland) Act 1968. The temporary modifications in relation to s.13ZA are not yet in force in any area and will not come into force until Scottish Ministers decide – on the basis of data, evidence and advice - to commence the provisions.</p> <p>Scottish Ministers are clear that if the measures are commenced, it will be only when absolutely necessary, and could be at different times geographically, depending on need.</p> <p>Until the s.13ZA provisions as detailed within the Coronavirus (Scotland) Act 2020 are commenced by Scottish Ministers through the Scottish Parliament, all practice should continue to comply with existing legislation.</p> <p>Even if the measures are commenced, the expectation is that existing laws, principles and process should continue to be complied with as far as possible with the temporary amendments only being relied upon to provide additional flexibility in situations where complying with existing</p>

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		<p>legislation would not be for the benefit of the adult, would be impractical or would cause undesirable delay.</p> <p>Clear information will be given if and when Scottish Ministers decide to commence the temporary modifications to the legislation.</p>
<p>Domestic violence against women and girls</p>	<p>The Committee asks the Scottish Government what actions it is taking to fulfil women’s right to protection during the coronavirus including monitoring and responding to the need for extra support, refuge places and housing, and clear communications further promoting the support available and women being lawfully allowed to leave home to escape violence.</p>	<p>It is our priority that victims of domestic abuse and gender based violence get the support they need during these challenging times and are kept safe from harm Support is still available for victims and we have provided additional funding to services to ensure they have the capacity to adapt and respond to the crisis, At the end of March, the First Minister announced an additional £1.35m to Scottish Women’s Aid to support service redesign, expand National Helpline capacity and provide support for vulnerable women and children.</p> <p>Escaping from harm is defined as ‘reasonable excuse’ in Coronavirus regulations and guidance on domestic abuse accompanying the regulations was published in May. Our message remains clear that support is still available and victims should not delay in seeking that support.</p> <p>We have also worked with COSLA and the Improvement Service to publish guidance for local authorities which signposts to local resources, and assists decision-makers in identifying women and children at risk as well as the short, medium and long term steps they can take to support their recovery and wellbeing. It will help to maximise the effective protection and provision of support for those experiencing gender-based violence, both during this immediate crisis period and in the longer term.</p> <p>In addition, Scottish Women’s Aid and the Chartered Institute for Housing Scotland have published guidance for social</p>

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		<p>landlords on housing, domestic abuse and COVID-19. This guidance will help ensure social landlords respond in an informed way to domestic abuse - to prevent women’s and children’s homelessness; support victims of domestic abuse effectively; and hold perpetrators to account. We are working with SWA and Chartered Institute for Housing Scotland on fast tracking the pathway to prevent homelessness for women and children experiencing domestic abuse.</p> <p>On 29 May Kevin Stewart and Cllr Elena Whitham wrote to all Local Authorities’ chief housing officers, Chief Executives of RSL’s and the Scottish Association of Landlords to highlight the importance of landlords using best endeavours to bring empty properties (voids) back into use where they can safely do so; and the importance of developing and reviewing domestic abuse housing policies to help support victims of domestic abuse both during and after the pandemic. We set out that it is more critical than ever that social landlords have a robust domestic abuse housing policy in place to support victims based on the current good practice guidance.</p> <p>In addition, on 5 June the Homelessness and Rough Sleeping Action Group (HARSAG) reconvened to make recommendations to Ministers on what actions are needed to support people experiencing homelessness during and after this pandemic as well as the actions needed to accelerate the prevention of homelessness; this includes consideration of women and children experiencing domestic abuse.</p>
	<p>The Committee would like to know what the Scottish Government is doing specifically to help more vulnerable women who experience different and complex barriers, including, for example, where English is not their first language and who</p>	<p>The Scottish Government recognises the different and complex barriers women and children may experience in relation to protected characteristics, socio-economic status and multiple and complex needs.</p>

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	<p>therefore cannot access helplines or access the internet to get the support they need.</p>	<p>In relation to accessing support nationally, it may be helpful for the Committee to note that Scotland’s Domestic Abuse and Forced Marriage Helpline is open to anyone experiencing domestic abuse, or those calling on their behalf; that Language Line interpreting services are provided; that there is a procedure in place for deaf or hard-of-hearing callers and the helpline is able to take minicom calls; that publicity material is available in seven community languages; and that a web chat service is provided. Front line services continue to develop competency in supporting women with different and complex barriers, and bespoke services like Shakti Women’s Aid and Hemat Gryffe exist to support women from minority ethnic communities.</p> <p>We are focused in addition on supporting women with learning disabilities. We are currently in the process of establishing a working group looking at resources on gender based violence available for people with learning disabilities and the barriers preventing them from accessing support.</p>
	<p>The Committee recognises children as well as women can be affected by domestic violence, as such what is the Scottish Government doing to ensure children’s safety due to school closures and in particular, to prevent forced marriages and female genital mutilation.</p>	<p>The Scottish Government recognises children as victims of gender based violence in their own right. We have taken the following actions:</p> <ul style="list-style-type: none"> • Guidance on allocation of school places has been produced, and agreement with COSLA, ADES and SOLACE enabled local authorities to determine who should be allocated places in hubs, including children who were newly vulnerable. • Guidance is being prepared on returning to school which will be inclusive of domestic abuse concerns. • Local services continue to be in regular contact with children that are known to them, and local services, helplines and other approaches are identifying children newly vulnerable, albeit it is understood that children in

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		<p>these particular circumstances may find have found it difficult to ask for help during lockdown.</p> <ul style="list-style-type: none"> • A Vulnerable Children’s Leadership Group has been established under the leadership of the Interim Director of Children and Families/Chief Social Work Adviser and an expanded definition of ‘vulnerable children’ has been agreed with COSLA. • The Leadership Group held a themed session on domestic abuse on 11 June with expert input from Scottish Women’s Aid and the Safe and Together Institute, and follow up actions will be progressed to ensure that domestic abuse is further embedded in our whole system response to supporting families and that it is informed by the expertise of those organisations. • In relation to FGM and forced marriage, Police Scotland and the child protection system continue to respond to concerns at an operational level during the pandemic. • A meeting of the FGM National Implementation Group was convened in April to update stakeholders and receive feedback on emerging issues. • We continue to maintain ongoing contact with stakeholders, including statutory services and front line service providers, in relation to these matters.
<p>Impact Assessments</p>	<p>Those providing evidence to the Committee urged the Scottish Government to engage with them. The Committee asks the Scottish Government to commit to carrying out Impact Assessments at the earliest stage of development, to publish these online and draw on evidence from those with lived expertise for all coronavirus-related law, policy and resource decisions.</p>	<p>The Scottish Government is committed to carrying out and publishing Equality Impact Assessments in relation to COVID-19. These are designed to ensure that our policies - in response to COVID-19 - work for everyone, in a way that is founded in fairness and dignity, and which ensures that equality and rights are safeguarded.</p> <p>Scottish Government and EHRC guidance makes clear that EQIAs should be commenced as soon as possible in the policy development cycle. Impact assessments are of critical</p>

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		<p>importance in tackling inequality and support the development of better policy.</p> <p>To that end, Ministers wrote to all Directors-General to urge the completion of equality impact assessments during the crisis period; and guidance on completing EQIA during Coronavirus was shared across the organisation. There has been a programme of equality and rights mainstreaming work which has connected policy teams with equality and rights stakeholders; supported EQIA development; liaised regularly with the EHRC on impact assessment issues; and issued regular reminders to Directorates of the importance of assessing policy for equality and rights impacts during the pandemic.</p> <p>On Children's Rights, Ministers have a clear expectation that Child Rights and Wellbeing Impact Assessments (CRWIA) will be undertaken on all new policies and legislation to help them fulfil their duties under Part 1 of the Children and Young People Act (2014). CRWIAs have been published for the: Coronavirus (Scotland) Act 2020, Coronavirus (Scotland) (No.2) Act 2020 and the Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020.</p> <p>An initial impact assessment was undertaken as part of the development of a strategic framework for reopening schools, early learning and childcare provision in Scotland; and equality impact assessments are in development across a wide range of other policy areas including Shielding Policy, Border Controls, Transport Restart and Test and Protect.</p> <p>Evidence and data gathered by equality and rights stakeholders has been widely shared with those working on impact assessment; and new sets of key data relating to four</p>
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		<p>of the protected characteristics are being published on the equality evidence finder website.</p> <p>The newly established Advisory Board for Social Renewal will also play a key role in hearing lived of the pandemic and conveying that to those working on policy development to inform impact assessment.</p>
	<p>The Committee asks the Scottish Government what steps it's taking to work with other public bodies to ensure that they carry out Impact Assessments for all coronavirus-related policy and practice change.</p>	<p>Section 149 of the Equality Act 2010 imposed a general equality duty (known as the Public Sector Equality Duty (PSED) on public authorities, including the Scottish Government, and other bodies when exercising public functions. This requires public bodies when fulfilling their functions, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people. It is for public bodies to ensure they comply with the duties, including by carrying out impact assessments. The Equality and Human Rights Commission is the body with statutory responsibility for ensuring compliance.</p> <p>The Scottish Government is committed to working with listed public authorities as part of its response to this pandemic. For example – the Scottish Government has worked collaboratively with CoSLA and community groups in relation to meeting the urgent health needs of the Gypsy/Traveller community. The Scottish Government has also worked with a wide range of equality stakeholder groups throughout this crisis. The Advisory Board on Social Renewal will also strengthen our work with public bodies.</p>
	<p>In relation to cumulative impact and intersectionality, the Committee would like to know what steps the Scottish Government will take to ensure that coronavirus-related policies</p>	<p>The Scottish Government is committed to embedding human rights, children's rights and equality at the heart of our response to COVID-19. The systems and policies we are putting in place now must work for all of Scotland's people.</p>

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	<p>and practice changes don't adversely affect particular groups, such as women and can identify accurately any intersectional impact, for example in relation to BME women or older people with disabilities.</p>	<p>The Scottish Government recognises the intersectional nature of inequality and has provided a range of guidance and training to staff on the completion of equality impact assessments, including guidance that is specific to this current crisis, and which highlights how crisis decision making can often inadvertently discriminate. That guidance reminds staff of the need to consider to look at the intersectional nature of discrimination and inequality and to ensure that in developing policy and strategies the intersectionality is factored into impact assessments.</p>
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