



# **Response to the Scottish Government consultation on the draft equality and human rights mainstreaming strategy**

**February 2025**

## **1.0 Introduction**

Close the Gap is Scotland's policy advocacy organisation working on women's labour market participation. We have been working with policymakers, employers and employees for over 20 years to influence and enable action that will address the causes of women's labour market inequality.

Close the Gap welcomes this opportunity to respond to the consultation on the Equality and Human Rights Mainstreaming Strategy. Gender mainstreaming is a core focus of our work, and we have extensive experience of policy engagement on gender mainstreaming within the Scottish-specific duties (SSDs) of the public sector equality duty, and of gender mainstreaming in practice through our work supporting public bodies' compliance. While the principles of gender mainstreaming can inform broader approaches to equality mainstreaming, it is essential to recognise that a homogenised approach to equality and human rights is not supported by evidence, and it is highly likely to further diminish focus on women's inequality specifically. An effective approach to mainstreaming must account for the unique experiences and structural inequalities faced by different groups. This ensures that mainstreaming efforts are inclusive, impactful, and responsive to diverse needs.

The public sector equality duty (PSED), particularly the specific duties on mainstreaming and equality impact assessment, is Scotland's primary regulatory mechanism for ensuring Scottish Government and public bodies are mainstreaming gender and wider equality into all of their functions. Equalities organisations in Scotland have long highlighted the lack of mainstreaming by public bodies, despite this being a legislative requirement for more than a decade. The SSDs are intended to ensure public bodies use equality evidence to shape policy decisions and equality outcomes. However, successive assessments by Close the Gap and equality

organisations, along with the Equality and Human Rights Commission (EHRC), have highlighted that this has not been achieved.<sup>1</sup>

Nowhere is this clearer than in policy responses to Covid-19; a key example of the failure of government and public bodies to mainstream equality in decision-making when it was needed most, which exacerbated the disproportionate impact of the pandemic on women.<sup>2</sup> This failure was driven by years of limited or no investment by duty bearers in the development of gender competence and action to embed equality in their functions. While PSED has created a framework for action on inequalities, including women's inequality in employment, government and public bodies have consistently failed to take the necessary action to deliver meaningful change.

Given that over a decade has passed since PSED was introduced, without improvement in public bodies' practice, it is evident that there is no robust and enforceable regulatory framework for equalities. There is clear evidence that public bodies are unlikely to take action on equality without meaningful accountability for doing so. We recognise that the EHRC is the regulator of the Equality Act 2010, and as such of PSED, and that compliance oversight by the Commission has been increasingly under-resourced and therefore ineffective. Scottish Government must improve the accountability of public bodies by using its powers under the duties more effectively.

The poor standards of compliance with PSED were a key driver for Scottish Government commitments to reform the SSDs. However, despite the wealth of evidence that substantive reform is a necessity, these commitments have progressively diminished in scope and ambition. The current proposals for reform fall far short of what is required to secure improvement, and do not represent a solution to the most stubborn problems with public bodies' performance of the duties. That the SSDs have been insufficient to implement mainstreaming also indicates that a non-regulatory approach to mainstreaming is unlikely to be a strong enough lever to deliver change in public bodies' practice. Close the Gap acknowledges the commitment to deliver improvements to PSED as part of a phased approach, however we firmly believe that substantive reform to the duties is urgently needed if this Mainstreaming Strategy is to be effective. **Scottish Government must ensure the PSED reform process is prioritised and not allowed to further stall.**

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<sup>1</sup> Close the Gap (2022) *Close the Gap submission to the Scottish Government Consultation on the Review of the operation of the Public Sector Equality Duty in Scotland*, available at: <https://www.closesthegap.org.uk/content/resources/Close-the-Gap-submission-to-the-SG-consultation-on-the-review-of-the-operation-of-the-PSED-in-Scotland.pdf>

<sup>2</sup> Close the Gap (2021) *One Year On: How Covid-19 is impacting women's employment in Scotland*, available at: [https://www.closesthegap.org.uk/content/covid-19/1617267711\\_One-Year-On---How-COVID-19-is-impacting-womens-employment-in-Scotland.pdf](https://www.closesthegap.org.uk/content/covid-19/1617267711_One-Year-On---How-COVID-19-is-impacting-womens-employment-in-Scotland.pdf)

Without meaningful accountability, it is unclear how the Equality and Human Rights Mainstreaming Strategy will deliver the much-needed step change in public bodies' action to advance equality and human rights. In addition, it is difficult to comment on its potential effectiveness without sight of the proposed action plan and toolkit, as it is through these that improvements in mainstreaming would be delivered. **We are committed to continued engagement on the Strategy and its action plan and toolkit and call on Scottish Government to ensure that these are prioritised and properly resourced.**

## **2.0 Answers to questions**

### 1. Do you agree with the vision?

No

#### 1a. Please explain your answer or provide more information

We are concerned that the vision is too high level, and lacks the specificity needed to clearly articulate the intended outcome on realising women's equality and rights. Avoiding homogenisation is set out as a cross-cutting principle, yet the language used perfectly encapsulates the homogenised approach that increasingly defines equality work by Scotland's public sector. Evidence and experience tells us that when women are not visible in a strategy their needs are ignored in implementation.

The term "strong communities" is vague and it is not clear what this means in practice. It does not acknowledge that different groups face varying deficits in equality and human rights. The term "communities" is reminiscent of the term "people with protected characteristics", widely used in public bodies' reporting on PSED, which obscures the specificity of inequality and facilitates a broadbrush approach that prevents meaningful action. In addition to this we are disappointed that the concept of equality used throughout is the retrograde formal equality i.e. equal of opportunity, rather than substantive equality i.e. equality of outcome. This is a step backwards and should be remedied as a priority if women's rights are to be fully realised and substantive equality achieved.

A further omission is that there is no timeframe for achieving the vision. A lack of timeframe hinders delivery progress and accountability. It also makes it difficult to determine whether the objectives are correctly defined.

The vision is also heavily externally focused and it is not clear how Scottish Government and public bodies will operationalise the changes needed to secure culture and practice change. The vision must speak directly to the problems with mainstreaming practice that it is trying to address. It should be a vision for a Scotland where public sector leaders prioritise equality and human rights, and are accountable for their progressive realisation.

Importantly, this vision is almost identical to the vision and aims that were conceptualised when the SSDs were first created. Given that the duties have failed to deliver on this, it is critical that Scottish Government reflects on whether this Strategy can produce a different result, particularly in the absence of an effective regulatory framework on equality and human rights.

A key point is that the Strategy does not appear to be rooted in evidence of what is most likely to work. The consultation does not refer to any evidence on existing mainstreaming practice. It is asserted that the drivers of change “collectively form a theory of change”, however, we do not agree that drivers alone constitute a theory of change. There is no mention of the international gold standard “twin-track” approach to mainstreaming, which includes targeted interventions alongside the integration of equality in all policymaking. Existing mainstreaming approaches take a specific focus, for example gender mainstreaming, in order that the parameters are clearly defined, measurable, and actionable. What is proposed is a broad equality and human rights mainstreaming strategy: we are not aware of this model ever having been tested. While it is commendable that Scottish Government is seeking to be a global leader on equality and human rights it is essential that it is realistic about where current mainstreaming practice in Scotland is, and what can be achieved from this extremely low starting point. Adopting an untested model at national scale, that does not align with international best practice is a significant risk, as failing to deliver on mainstreaming commitments is likely to be extremely damaging to Scotland’s reputation on equality and human rights. Furthermore, there is a considerable risk that this approach will damage equality and human rights work more widely. Already, a narrative has developed which asserts that mainstreaming and equality impact assessments do not work, therefore there is no point in pursuing. It is not that mainstreaming and equality impact assessment do not work but rather they have been ineffectively done, or not used at all, for more than a decade because of a lack of prioritisation and competence.

The strategy should include a vision of a society where equality and human rights are at the core of all decision-making, creating systems and structures that are responsive to the different needs of, and challenges faced by, different protected groups including women. It must explicitly commit to a best practice twin-track approach in line with evidence of what works to advance women’s equality. A broadbrush focus on everyone, without targeted action, will mean that no one benefits.

## 2. Do you agree with the objectives?

No

## 2a. Please explain your answer or provide more information

While we welcome the focus on improving how policy is made and delivered, and the general aim to improve transparency, the objectives are too high level which makes them intangible and less likely to be achieved. This is the same issue that equality advocates have identified in Scottish Government and public bodies' work on PSED since the first mainstreaming reports in 2013, which has progressively worsened since. When public bodies make commitments on equality that are overly broad and therefore overly ambitious, experience shows that this does not lead to progress.

“Remove systemic barriers” is vague, and requires more specificity to drive understanding, attention and direction. The homogenised approach is again replicated in the objectives, with no clarity on which groups the objectives are intended to deliver for. There is also no indication of how the objectives will be prioritised or sequenced, nor any reference to resourcing – an essential element of implementation. Furthermore, it is not clear how the objectives will be measured, and the objectives could therefore be strengthened by including measurable elements to track progress.

The reference to accountability does not reflect the extent to which accountability needs to be strengthened in Scottish Government and among public sector leaders. The impact of duty bearers making commitments and then repeatedly failing to deliver on them is reputationally damaging, and weakens trust in those bodies, particularly from women who are most marginalised, and equality and human rights advocates. Where progress fails to materialise, the risk is that Scottish Government and other duty bearers view this as a weakness in the mainstreaming model itself, rather than recognising it as their failure to take an effective approach to mainstreaming.

As poor or absent leadership is one of the key drivers of the lack of compliance with PSED, the objectives must include strengthening the accountability of Scottish Government and public sector leaders for delivery of mainstreaming. The strategy itself correctly identifies that *“[s]trong leadership is fundamental to the successful achievement of all other mainstreaming drivers”*. Public sector leaders have to date largely failed to deliver leadership on equality and human rights, evidenced by the poor standard of PSED compliance, the progressive deprioritisation of work on women's equality and equality more generally. There is substantial evidence that shows that public sector leaders are unlikely to take action to advance equality and human rights unless they are held accountable for doing so.<sup>3</sup>

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<sup>3</sup> Close the Gap (2022) *Close the Gap submission to the Scottish Government Consultation on the Review of the operation of the Public Sector Equality Duty in Scotland*. Available at:

The transparency objective as currently drafted is insufficient. Public sector leaders have not been compelled to act despite decades of advocacy from equalities and human rights organisations, and individuals. The strategy must meaningfully engage with this problem if it is to be successful in achieving a step change in mainstreaming.

Related to this, it is of concern that the consultation fails to acknowledge the current financial context, where Scottish Government and public bodies are operating on ever tighter budgets. We know that, in times of economic crises and financial constraint, equality and human rights are one of the first things to be deprioritised. A key example of the failure of both Scottish Government and public bodies to mainstream equality in decision-making when it was most needed is the response to Covid-19. This failure exacerbated the disproportionate impact of the pandemic on women and in particular women who are most marginalised such as disabled women, women of colour and single parents.<sup>4</sup> It was driven by years of limited investment in the development of gender competence and action to embed equality in their functions.

It is also of concern that Scottish Government engagement on the development of the Strategy has indicated that mainstreaming strategy action plan will largely be a collation of all existing actions on equality and human rights. The Strategy cannot achieve its vision and objectives while remaining cost-neutral, or while publishing an action plan that contains no or only limited new actions to advance equality and human rights. The evidence has shown that current actions are not enough, and that action can only be delivered if it is properly resourced, as the consultation correctly identifies in its drivers of change.

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

Yes

#### 3a. Please explain your answer or provide more information.

As the Strategy acknowledges, its vision and objectives cannot be achieved without strong leadership. This requires leaders within Scottish Government and public bodies to be willing to meaningfully engage with the mission of realising equality and human rights, to accept this as a core responsibility of theirs, and to be accountable for progressing a mainstreaming approach.

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<https://www.closesthegap.org.uk/content/resources/Close-the-Gap-submission-to-the-SG-consultation-on-the-review-of-the-operation-of-the-PSED-in-Scotland.pdf>

<sup>4</sup> Close the Gap (2021) *One Year On: How Covid-19 is impacting women's employment in Scotland*, available at: [https://www.closesthegap.org.uk/content/covid-19/1617267711\\_One-Year-On---How-COVID-19-is-impacting-womens-employment-in-Scotland.pdf](https://www.closesthegap.org.uk/content/covid-19/1617267711_One-Year-On---How-COVID-19-is-impacting-womens-employment-in-Scotland.pdf)

Over the last decade, this commitment from public sector leaders has not materialised in any credible way. Rather, there has been a distinct lack of prioritisation from public sector leaders which has resulted in the diminished performance of the duties. Close the Gap works extensively with public bodies, and it is our experience that leaders often seek to dilute action on equality in their organisations, for example by agreeing equality outcomes that their organisation has already met and by ignoring the recommendations of their equality leads. The statements made by public body executive officers in their PSED reports frequently present a rosy picture of the performance of their organisations, despite these reports showing a clear lack of action or progress. This demonstrates not only complacency but also obstruction to engaging substantively with equality work, and this is very likely to present a barrier to implementing the Strategy.

Senior leaders set the culture of an organisation, decide how resources are distributed, and are responsible for ensuring their organisation meets their legal obligations. If a senior leader made mainstreaming a priority in their organisation, it is reasonable to conclude that this would accelerate action across the Strategy's key drivers. Where the senior leaders of public bodies prioritise image and other areas of work perceived to be more important, progress on tackling women's labour market inequality, wider inequalities, and discrimination will be significantly constrained.

There is a lack of intersectional gender competence public sector leaders, and this drives the inertia which characterises how equality work has progressed in the past ten years. The law itself has not proven to a sufficient imperative to compel action. There is a need to build competence in senior leaders so that they understand the imperative of mainstreaming, and the benefits to staff and service users, and to organisational efficiency.

Scottish Government has also demonstrated increasingly weak leadership on equality as the PSED reform proposals have been progressively diluted, with only two minor reforms to the duties being proposed. This is a significant departure from the original proposals in the public consultation in 2022, which were themselves criticised as lacking in ambition and scope.<sup>5</sup> In addition, throughout engagement on this Strategy, and on PSED reform, action on equality has been framed by Scottish Government, and other public bodies, as a "resource burden", and it has been stated that this Strategy will not create such a burden on public bodies. This sends a strong message

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<sup>5</sup> Close the Gap (2022) *Close the Gap submission to the Scottish Government Consultation on the Review of the operation of the Public Sector Equality Duty in Scotland*. Available at: <https://www.closesthegap.org.uk/content/resources/Close-the-Gap-submission-to-the-SG-consultation-on-the-review-of-the-operation-of-the-PSED-in-Scotland.pdf>

to public bodies that equality and human rights are not a priority, and that it is acceptable to devote minimum resources to the task, despite the Strategy naming adequate resourcing as a key driver of change. This messaging, alongside the scaling back of PSED reform, are examples of a lack of leadership from Scottish Government that undermines the Strategy and raises significant questions about its commitment to meaningfully mainstream equality and human rights.

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

Yes

##### 4a. Please explain your answer or provide more information.

While there are commonalities in the responsibilities of leaders across Scottish Government and the wider public sector, including both executive and non-executive leaders, there are also key differences that the Strategy must speak to.

Scottish Ministers must be at the forefront of improving leadership at all levels. The credibility of this Strategy depends on Scottish Government leading from the front in its commitments and accountability. This includes prioritising the resources necessary to do mainstreaming effectively within Scottish Government, alongside resourcing a substantive programme of support for public bodies to improve mainstreaming in their own organisations. If Scottish Government leaders fail to materially and visibly prioritise equality and human rights mainstreaming, other duty bearers will follow suit.

Acknowledging the influence of the different levels of leadership in an organisation means recognising the influence of “deep structures”<sup>6</sup> that exist and present resistance by undermining and extinguishing work on women’s equality rights. Meaningful buy-in and accountability is critical from leaders at all levels if change is to materialise.

The group of leaders that are not mentioned in the consultation are middle managers, a core group of staff with responsibility for implementation. In our experience, middle managers can create roadblocks to implementation through disinterest or resistance. Also, where workloads are high, and there is not a clear prioritisation of mainstreaming equality work from leaders, it is easier for middle managers to ignore and deprioritise if they are minded to do so.

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<sup>6</sup> Rao, A., David Kelleher and Carol Miller (2015) ‘No Shortcuts to Shifting Deep Structures in Organisations’, *IDS Bulletin*, Vol.46 (4), July 2015.



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

Yes

5a. Please explain your answer or provide more information.

The Strategy has accurately identified many of the core elements of strengthening leadership, however, while accountability is referenced a number of times throughout the consultation document, there is no mention of it in this section. This is a significant omission.

As stated in elsewhere in this response, the Strategy must engage with public sector leaders' failure to be accountable for advancing equality and human rights. The evidence is clear that public sector leaders are unlikely to prioritise or resource action on equality and human rights unless they are held accountable for doing so. Everything this Strategy is seeking to achieve is contingent on the commitment and engagement of public sector leadership. Scottish Government cannot ignore this in the development of the Strategy if it is to achieve its aim of creating an implementable and effective tool for change.

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

Close the Gap welcomes the recognition of the need to strengthen leadership on equality and human rights. However, we are not persuaded that this can be achieved without regulatory change. It is Close the Gap's view that **there must be a duty to ensure executive accountability for mainstreaming and equality impact assessment.**

In addition to this, Scottish Government could **use regulation 11 to direct public bodies to set leadership objectives to drive action and accountability on performance of the duties.** An additional or alternative mechanism for this could be Ministerial letters of guidance. While these do not have legal standing in the same way as the SSDs, they do carry significant weight. Failure to adhere to ministerial guidance can result in risks to funding and reputational harm. **Ministers may also hold public bodies accountable through oversight mechanisms, especially where funding, appointments, or other resources are tied to performance.** If Ministers set a specific directive for public sector leaders, this will send a clear message that they are expected to be accountable for the delivery of their organisation's obligations under the duties.

**Public bodies should be also required to ensure that all senior leaders, including executive officials, have accountability on equality and human rights included in their job descriptions and performance management profiles.** If leaders are required

to evidence how they have acted to progress equality and human rights in their role this is likely to improve accountability and drive action.

Finally, there needs to be **targeted action to increase the diversity of public sector leaders, and also ensure that those leaders are gender competent**. Women are the vast majority of the public sector workforce but are underrepresented among chief executives (just 35%), and in other senior leader roles.<sup>7</sup> There also needs to be more leaders who are disabled, racially minoritised, LGBTI, and from working class backgrounds. More women, especially marginalised women, need to be in leadership roles in the public sector so that their experiences are reflected in decision making.

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

Yes

7a. Please explain your answer or provide more information.

As already set out, Close the Gap sees accountability and transparency to be fundamental to delivering change. There is a substantial evidence base that supports this. Alongside other equality organisations, we have consistently called for greater accountability of Scottish Government and public bodies' senior leaders as a means of securing prioritisation of mainstreaming as a central part of public bodies' work. While we welcome the inclusion of this driver in the Strategy, we are not persuaded that greater accountability and transparency can be achieved without improvements in regulation and enforcement.

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

No

8a. Please explain your answer or provide more information.

The Strategy suggests that a number of key stakeholder groups and mechanisms that provide accountability on equality and human rights; however it is clear that these are not working. It notes that "*external accountability is achieved through key stakeholder groups, who examine policy intentions and make subsequent recommendations*". It is true that stakeholder working groups are routinely set up to make recommendations to Scottish Government and other public bodies. However, even where recommendations are accepted, external accountability of recommendation implementation is extremely weak. This has contributed to both

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<sup>7</sup> Engender (2023) *Sex and Power*, available at: <https://www.engender.org.uk/content/publications/SP2023NEW.pdf>

the lack of pace in implementation and the increasingly concerning implementation gap in Scottish Government policymaking.

The key issues of accountability, scrutiny and implementation are the core focus of the National Advisory Council on Women and Girls (NACWG). In its most recent report<sup>8</sup>, NACWG notes that while there has been welcome commitment from Scottish Government's leadership on its accountability and scrutiny model, in practice it has "*encountered challenges in taking forward a new, accessible, and meaningful external accountability process*". It further observes "*an undercurrent of cultural resistance to accountability of this type from an external group [like NACWG]*". It makes a specific call to action that Scottish Government create a culture of expectation that this type of external accountability work is a key responsibility of government officials, and that this would also support the Government in meeting the international principles of Open Government it has signed up to.

There is no information in the consultation about any work Scottish Government has done to understand the limitations of existing accountability mechanisms. It is therefore not clear how the Strategy intends to remedy this.

In principle it seems evident that, as part of their own compliance with the duties, regulatory bodies such as those enumerated in the consultation document should be integrating equalities in their enforcement and support work. As an approach this has the potential to support work on equality and human rights, for example, through regulatory bodies highlighting PSED compliance issues to the EHRC. In practice however, Close the Gap has seen very little evidence of this happening. Where we have seen evidence of the inclusion of equality in the mainstreaming reports of regulatory bodies, this has been minimal, of poor quality, and has had little discernible impact on the work.

Further, Close the Gap included a small number of regulatory bodies within our assessment of public bodies' performance of the PSED. We found their reports to be of poor quality with little substantive action planned to meet the duties and a lack of mainstreaming. This indicates a lack of understanding of equality and human rights, of PSED, and of their role as regulatory bodies. This evidence provides limited confidence in the ability of these stakeholders to secure progress in equality and human rights mainstreaming.

On Accountable Officers, Close the Gap is not aware of evidence or reporting on their work to ensure mainstreaming of equality and human rights through their duty to deliver Best Value. The 2011 Best Value Guidance contains two pages on the cross-cutting theme of equality, which set out strategic and operational requirements on

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<sup>8</sup> National Advisory Council on Women and Girls (2024) *2024 Report*, available at: <https://www.generationequal.scot/second-focus-of-scrutiny/>

organisations. It states that *“a Best Value organisation will demonstrate that consideration of equality issues is embedded in its vision and strategic direction and throughout all of its work”*, for example through *“meeting the requirements of equality legislation”*, *“equality [being] mainstreamed into all the processes”*, and *“demonstrating that all leaders and senior officers within the organisation are committed to considering the needs of equality groups in their policies, functions and services”*.<sup>9</sup>

While the connection between equality mainstreaming and value for public money is recognised in a number of Scottish Government’s previous mainstreaming reports, there is no specific mention of “Best Value” practice, or of Accountable Officers. There is overwhelming evidence that equality and diversity can drive excellence in service design. With their central role in accountability on equality mainstreaming it is a concern that there appears to be no publicly available reporting on this work. Given what is known about the persistent poor standards of public bodies’ performance of PSED, Close the Gap is concerned that Accountable Officers are not working effectively to ensure equality and human rights are embedded in approaches to Best Value.

Close the Gap is also concerned regarding the emphasis that has been placed on accountability through the public. It is correct that individuals should not require specialist knowledge to be able to access and understand information on how Scottish Government and public bodies are meeting their duties on equality and human rights, and to challenge them where they are not. However, it does not follow that empowered individuals can provide an effective form of scrutiny. Nor should scrutiny rely upon individuals having the resources and will to take up such challenges, particularly when it is the most disadvantaged people who are the least likely to have such resources. Indeed, this represents an individualised approach to a structural problem. Inequality cannot be tackled, nor access to human rights improved, through individual challenges. Robust and meaningful accountability structures are necessary to create change.

Finally, the section on accountability and transparency does not engage substantively with the issue of regulation and enforcement. As set out already, it is highly unlikely that the Strategy can deliver greater accountability and transparency in the absence of an effective regulatory regime. If the Strategy does not engage with this barrier it is difficult to see how it can be successful.

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<sup>9</sup> Scottish Government (2011) *Best Value in Public Services: Guidance for accountable officers*, available at: <https://www.gov.scot/publications/best-value-public-services-guidance-accountable-officers/>

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

Scottish Government **must recognise that effective accountability mechanisms must be adequately resourced, and set out how this will be achieved.** A cost-neutral approach is unrealistic.

**If scrutiny bodies are to be required to assess performance and make recommendations on equality and/or human rights to those public bodies within their remit, they will require significant capacity building on intersectional gender equality to do so.** Without this, the involvement of regulatory bodies is very likely to sustain poor practice by failing to identify areas of concern and being unable to provide the necessary support to improve performance.

Close the Cap would recommend a **review of the role and effectiveness of Accountable Officers in ensuring equality and human rights is given proper consideration in Best Value.** Given that these Officers operate at the highest level of leadership in Scottish Government, their role could present a valuable opportunity to improve scrutiny and accountability, and it is necessary to understand current approaches to and outcomes of work on equality and human rights in Best Value in order to identify how best to do so.

Close the Gap also calls on Scottish Government to **revisit the proposal, made in the 2022 consultation on PSED reform, to add a new duty to the SSDs that requires public bodies to produce a strategic plan that sets out how they plan to meet each of the Scottish Specific Duties.** This requirement has the potential to make scrutiny of public bodies' approach to compliance with the duties easier, and thus to enable greater accountability. It also has the potential to enable public bodies to better understand and implement the duties, therefore improving their approach to mainstreaming. **The same consideration should be given to aligning with reporting under any forthcoming Human Right Bill.**

Close the Gap **supports the NACWG's recommendation that a Ministerial annual statement on intersectional gender policy coherence, followed by a debate, be delivered to the Scottish Parliament.** This recommendation was accepted by Scottish Government, but has yet to be delivered.

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

Yes

10a. Please explain your answer or provide more information.

An effective regulatory and policy environment is both a driver and a result of mainstreaming equality and human rights. Mainstreaming is the way in which policy is developed that is both gender competent, and intersectional.

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

No

11a. Please explain your answer or provide more information.

The related aim includes the creation of regulation and policies “*that meet the public sector equality duty*”; however, it must be acknowledged that the PSED, in its current form, has proven to be an ineffective duty for advancing equality and women’s equality specifically. The consultation does not substantively engage with the well-known issues with the duties which does not provide confidence that these challenges are being engaged with adequately within Scottish Government.

Close the Gap is not persuaded that an Equality and Human Rights Mainstreaming Strategy is enough to secure progress in mainstreaming by duty bearers. The consultation states that Scottish Government is driving “*specific and significant transformation*” on legislation that supports equality and human rights; however, its current proposals for improving PSED compliance, and the delay in the progress of the Human Rights Bill, do not align with this. Scottish Government has regressed substantially on its commitments on PSED reform. This is indicative of deep cultural resistance to the prioritisation of meaningful work on equality and human rights. A government invests in what it values. Scottish Government must re-engage with PSED reform on a more meaningful basis, and move beyond the minimalist approach it is currently taking.

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

As stated in our response to question 11a, Close the Gap calls on Scottish Government to **revisit PSED reform to deliver the much-needed improvements in action on tackling inequality and discrimination across the public sector**. Stakeholders within the women’s sector and wider equality organisations have extensive expertise to offer and are keen to support Scottish Government to create a set of duties which are both more effective and more enforceable than the current regulations.

The draft strategy sets out an intention to continue to improve equality impact assessment processes. We welcome action that will improve equality impact

assessment; the persistently low quality of these is well rehearsed. We are concerned that the plan to develop and pilot a human rights impact assessment framework will be extremely challenging to operationalise. If public bodies are failing to do good quality equality impact assessment after more than a decade, then introducing a new type of assessment will compound these problems. This issue has already played out when Fairer Scotland impact assessments were introduced. There needs to be clarity on what good practice is in relation to equality impact assessment.

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

Yes

13a. Please explain your answer or provide more information.

Utilising evidence and experience are fundamental to realising equality and human rights. A public body cannot do mainstreaming without gathering and analysing the right data, and being able to understand and apply this analysis to the development of policies that are intersectional and gender-sensitive and advance equality and human rights.

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

No

14a. Please explain your answer or provide more information.

The consultation does not acknowledge the significant challenges with the gathering, analysis, and use of equality data across the public sector. These issues are fundamental to understanding the barriers faced, and to developing effective responses. At present public bodies are required to gather, analyse, and use employee data as part of the SSDs; however they often fail to get beyond the gathering stage, resulting in unutilised data that could be used to improve outcomes for women and other marginalised groups. For example, analysis by Close the Gap found that in 2023, 82% of public bodies published a pay gap of over 5%, and only 9% of these had published an equality outcome or action that addressed its causes. Many public bodies are also still not gathering the data mandated by the duties, for example in 2023, only 38% of public bodies had published their occupational segregation information as required by the duties. A further 29% of public bodies had published this data in part, one third of public bodies failed to publish any data at all.<sup>10</sup>

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<sup>10</sup> Close the Gap briefing on the PSED gender pay gap duty (Forthcoming)

Many public bodies cite systems challenges that prevent the gathering of data required by the SSDs. It is unacceptable that public bodies have not acted to address such issues in the 12 years since they first reported under PSED. Improving their ability to utilise evidence is dependent on them having access to the necessary evidence in the first place. This includes data and evidence gathered by public bodies, alongside national and sectoral data gathered by Scottish Government, scrutiny bodies and Office for National Statistics.

There should be greater acknowledgement of Scottish Government's own role in improving duty bearers' access to data, and ability to use it effectively. There is currently no effective mechanism to ensure that data that is available gets to and is usable by those that need it. Local authorities will need different data from colleges, and departments within local authorities will need different data to effectively mainstream equality and human rights within their various functions. In those organisations, responsible people will require appropriate levels of analytical skills to use data effectively in their roles.

The consultation rightly highlights the current challenges in gathering and using intersectional data. The root of this lies in the lack of attention given to the experiences of women who are most marginalised. Most data collection tools and systems have been designed to exclude and ignore intersecting inequalities. Many public bodies struggle to meet the equality data requirements of the SSDs. However, intersectional data is an even greater challenge for the public sector, with very few examples of this happening in practice. Increasingly the language of intersectionality is being adopted, however the use of this analytical framework in policy development is far rarer. A particular problem is the dearth of understanding around intersectionality as a concept, and how to apply intersectional analysis to policy development. Lack of prioritisation and underinvestment in intersectional data and analysis underpin the challenge.

Lived experience is mentioned as a main method to gather evidence which is welcome. However, it is not acknowledged that practice in this area requires considerable investment to improve. NACWG highlighted this in its last report: *"There is significant scope to improve lived experience evidence gathering and co-production, where current practice is uneven with no coherent approach and often not line with good practice"*.<sup>11</sup> It is also important to recognise that there must be a balance between lived experience evidence and evidence from research, administrative data and other statistical sources.

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<sup>11</sup> National Advisory Council on Women and Girls (2024) 2024 Report, available at: <https://www.generationequal.scot/second-focus-of-scrutiny/>



Finally, it is not clear from the consultation how this driver will link to the desired outcome of more effective equality impact assessments. Gathering and analysing data are central to the impact assessment process but connection to the driver need to be expanded. Similarly, there needs to be greater clarity on how Scottish Government's approach to utilising evidence and experience will be used to improve policy development process to advance women's equality.

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

**Action is needed to ensure public bodies have the systems in place to gather good-quality data on equality and human rights.** This will require both leadership prioritisation and investment; allowing systems issues to persist will weaken the ability of duty bearers to mainstream equality and human rights. Scottish Government must also make a concomitant investment in its own systems and in its workforce. The lack of intersectional sex-disaggregated, gender-sensitive data is repeatedly highlighted by Close the Gap, and other women's organisations. It has also been identified as a central concern by NACWG. While it is recognised that Scottish Government acknowledges this as a problem, it is critical to **move beyond acknowledgment to prioritise investment to improve the range of data available and analytical capability to use data to produce better policy and services that meet the needs of women.** NACWG notes that it is within this context that it is not clear how Scottish Government is measuring its performance on gender equality. Close the Gap supports NACWG's call that **Scottish Government should publish a measurement framework to track progress on women's equality in Scotland.**

Close the Gap has previously highlighted its concerns about the National Performance Framework (NPF) and its failure to integrate a gender analysis.<sup>12</sup> The recent review of national outcomes resulted in some welcome steps to improve the new national outcomes' alignment with Sustainable Development Goal (SDG) 5 on gender quality and empowerment of women and girls. In particular, we welcome the intention to integrate SDG5 targets poverty, care, health and communities into various national outcomes. However, we are very concerned that the gender review of NPF conducted by Scottish Government did not result in a specific outcome on gender equality. It is our understanding that it was decided not to have a specific outcome because of a belief that gender would be mainstreamed in the NPF. This speaks to a lack of understanding about gender mainstreaming, and a lack of skills and capability to take a gender mainstreaming approach to national measurement frameworks. **A national outcome on gender equality is needed to translate the**

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<sup>12</sup> Close the Gap (2023) *Response to the Scottish government consultation on the review of the National Performance Framework National Outcomes*, available at: <https://www.closesthegap.org.uk/content/resources/NPF-Consultation-Response-June-2023.pdf>

**original ambition of SDG5 into the NPF.** Without this specific outcome, the current homogenisation approach will further minoritise women in policymaking. A specific national outcome on gender equality would also improve gender policy coherence, by giving cross-government prominence and priority to the mission of women's equality. The lack of gender policy coherence has been a core challenge persistently highlighted by NACWG.<sup>13</sup>

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

Yes

16a. Please explain your answer or provide more information.

Close the Gap agrees that capability and culture are key drivers of mainstreaming however, while they are interconnected, they are different issues. In taking these themes together, the strategy does not give sufficient attention to either, and risks losing the necessary focus to tackle each effectively. The implication is that improving individual capability will necessarily result in a more conducive culture for equality and human rights which is incorrect.

It is clear that to do mainstreaming effectively, duty bearers must have the necessary capability. As Scottish Government and public bodies have been required to do equality mainstreaming since PSED was introduced over a decade ago, it is reasonable to expect that mainstreaming capability would improve over time. Despite this, assessments consistently show a decline in performance, and we are yet to see equality mainstreaming in action in any substantive way. Significant investment is needed in a programme of capability building on intersectional gender equality to tackle this.

Culture is undoubtedly a key driver of this failure to develop mainstreaming capability. Throughout the public sector, there is a persistent culture of resistance to prioritisation of and investment in action to advance intersectional gender equality. It is not possible to secure the action needed to improve mainstreaming capability while this culture prevails. Close the Gap is of the view that more reflection by Scottish Government is necessary to understand the cultural challenges that exist in Scottish Government, and in the wider public sector, and the solutions to these if the Strategy is to be effective.

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<sup>13</sup> National Advisory Council on Women and Girls (2024) *2024 Report*, available at: <https://www.generationequal.scot/second-focus-of-scrutiny/>

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

Yes

17a. Please explain your answer or provide more information.

It is well recognised that even the best strategy will fail if organisational culture is not aligned with its goals. The consultation does not acknowledge the deep cultural issues around progressing equality that exist within Scottish Government. The systematic rolling back of PSED reform proposals is indicative of significant cultural resistance to the prioritisation of, and adequate investment in, equality within Scottish Government and the wider public sector. Gender equality advocates have also observed resistance to the development of specific action on gender inequality, on the basis that action must benefit all protected groups, despite evidence showing that a generic approach to equality and human rights does not work and particularly undermines intersectional analysis. The repeated framing of equality and human rights work as a “resource burden” is also reflective of a culture that does not value or prioritise equality, and is in opposition to what this Strategy is supposed to be doing. If this is not addressed the Strategy will fail.

On building capability, the Strategy’s commitment to “*ensur[e] all staff have the required level of knowledge and skills and that there are highly competent specialist staff as required*” is commendable; however it must be recognised that this is a substantial task. Such capability can only be built through an adequately resourced programme of action to build individual and organisational knowledge on equality, human rights, and mainstreaming, including expertise on women and other protected groups, and intersecting inequalities. Given this Strategy has been presented as resource-neutral, it is difficult to see how this will be achieved. This point is particularly pertinent in the current financial context in which public sector budgets are under significant pressure. Given the declining performance of public bodies under PSED, it is entirely unrealistic to expect a sudden prioritisation of intersectional gender equality, or equality and human rights more generally. This speaks to Close the Gap’s concerns about a lack of effective theory of change for the mainstreaming strategy.

The consultation sets out that offering “just in time” training, development and resources will be an underpinning principle. We agree that there are key advantages to this type of capacity building including immediate relevance to the task at hand, and flexibility and adaptability in delivery. However, by itself this will not deliver the outcomes the strategy seeks to achieve. Policy is often developed at pace where workloads are high and capacity scarce. We therefore have specific concerns that an overreliance on just-in-time training will mean that capability building is missed in the

process and quality will be affected because of time constraints. This also reflects the experience of equality impact assessment which, as has been well rehearsed elsewhere, are usually done too late in the process or not at all, or are such a low quality, as to be pointless. Just-in-time training is unlikely to build a deeper understanding of key foundational concepts, and as it is a reactive rather than strategic approach, the opportunities to develop long-term organisational capabilities are limited.

Staff should be able to access training and resources when they need it, but capability must be embedded in the structures and processes an organisation to ensure continuity of action on equality and human rights. In the wider public sector, such work is routinely done by one or two individuals in a team or organisation who have the capability and personal motivation to drive work on equality, and when they leave, the organisation loses this knowledge base and action falters.

The consultation references the Centre of Expertise, which originated from a NACWG recommendation to develop Centres of Expertise on intersectional gender competence.<sup>14</sup> The implementation was generic in its approach with instead a Centre of Expertise on equality and human rights being piloted in the economy directorate. We are not aware of any evidence of the impact of the Centre's work on women's economic equality specifically, and on equality more widely. Close the Gap has previously shared concerns about the lack of intersectional gender competence in the Centre, and also insufficient influence in the policymaking process to effect the substantive change that is needed.

We are not persuaded of the Strategy's proposed model for duty bearers to identify which drivers are priorities for their organisation or department, and to take action on these. Duty bearers have insufficient knowledge of gender equality, and equality and human rights more broadly, to do mainstreaming effectively as it stands. Mainstreaming reports frequently present a Panglossian picture of work on equality within public bodies that is at odds with the lack of progress there has been in performing the duties. This suggests either a concerning level of complacency from public bodies, or a lack of understanding of what they should be doing to advance equality. In either case, this indicates that public bodies do not have the capability to objectively identify which drivers are most relevant to them. The evidence shows that action is required across each of the drivers, and beyond.

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<sup>14</sup> National Advisory Council on Women and Girls (2019) *2019 Report and Recommendations*, available at: <https://www.generationequal.scot/app/uploads/2022/03/2019report.pdf>

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

The consultation refers to there being “*clear frameworks of knowledge, skills and behavioural requirements allow equality and human rights to be built into all aspects of management including recruitment and promotion, performance management (building on the use of diversity objectives), development and talent management*”. We agree that better integration into management practice is necessary to improve capability and shift cultural resistance.

The Skills for Success framework makes marginal reference to equality and diversity, which in practice does not translate into the necessary skills, experience and behaviours required to do mainstreaming. In Close the Gap’s experience it is very common to engage with officials who have low or no gender competence, and this is even sometimes the case when doing a piece of work that is specifically about women. **The Skills for Success framework should be revised to include foundational knowledge on intersectional gender equality, with middle managers and senior leaders expected to demonstrate intersectional gender competence.** This tiered approach would be both effective and pragmatic, and ensures proportionate skills development and realistic expectations at each level. It would build organisational capacity systematically and create clear progression pathways. It would also allow for targeted, level-appropriate training rather than aiming to give everyone the same basic level which is insufficient from a whole organisation perspective.

The framework which integrates intersectional gender competence should be aligned with the performance management system. We agree that the inclusion of diversity objectives should be built upon, as in practice they can be superficial or have no accountability of action. Specific objectives on intersectional gender equality should be included to annual appraisals. The intersectional focus is important because it requires knowledge and action beyond thinking only of gender. This is one of the principal arguments for an intersectional approach: that it is not just women that benefit. Embedding the requirement for intersectional gender competence into recruitment and progression practice is critical to ensure that the necessary skills are developed in the workforce. This means including intersectional gender analysis skills in job descriptions, and linking progression and promotion to demonstrating this competence.

**Close the Gap supports NACWG’s 2019 recommendation that policymakers national Standards be developed to support quality standards and accountability on intersectional gender competence in policymaking,** with a requirement that all policy and analytical staff will adhere to it. This recommendation has been accepted by Scottish Government but not implemented. This should be progressed as a priority

to ensure that women are not further minoritised within the broad equality and human rights mainstreaming approach Scottish Government is pursuing.

As set out, a significant concern for Close the Gap is the dilution effect of the equality and human rights agenda on women's equality specifically. This is coupled with increasing cultural resistance to targeted work on women's equality and rights – the “why women?” question. To effectively challenge this, **we support NACWG's call that, in line with international good practice, Scottish Government implement a twin-track approach to mainstreaming, and a national strategy on intersectional gender equality be developed.** The absence of a national strategy contributes to the lack of policy coherence that hinders progress on women's equality. Investing in a strategy would give prominence and prioritisation to gender equality, and would mitigate some of the diluting effects of the broader equality and human rights focus.

Close the Gap also recommends that **a network of champions is established to support mainstreaming** The role of champion should not lie with one individual but with a group of staff from different levels and different areas of the organisation. The role should have clearly defined responsibilities and it is important that the role is part of a formal workload allocation, rather than an add-on to existing workload which would make it more difficult to deliver. Organisations often want to demonstrate commitment through initiatives such as champion networks, but without making the structural changes such as reallocating resources and workload that would make those commitments meaningful. This can create a facade of progress while often creating burnout for those most committed to making change. Burnout is a particular challenge for gender equality champions because of the emotional labour involved, the slow pace of change which demotivates and creates cynicism, and where the champion work is being done on top of their existing job which is often the case, without an adjusted workload. **The champions network model could be replicated in other public sector organisations, with Scottish Government facilitating champions coming together to discuss emerging good practice and challenges.** This would support ongoing learning on mainstreaming for the public sector as a whole, and create momentum for action.

A further action that Scottish Government should **establish a funding stream for innovation and best practice on mainstreaming**, both within Government and in the wider sector. This would incentivise proactive approaches to mainstreaming, support experimental policy development, and would create space for flexible, targeted interventions. Robust evaluation and sharing of learning across Government and the public sector would be an important feature of this, as should the need for a mechanism for upscaling successful approaches.

Finally, a recurring theme that surfaces in engagement with Scottish Government officials is lack of resources within the mainstreaming unit and wider equality, inclusion and human rights directorate. It is very concerning that the mainstreaming unit is underresourced while a nationwide mainstreaming strategy is being developed, with plans to rollout across the public sector. **Ensuring adequate resourcing of the mainstreaming unit is essential to enable implementation.** Without this, there is a high chance that the mainstreaming strategy becomes another example of the increasingly common implementation gap.

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?

No

19a. Please explain your answer or provide more information.

As set out throughout this consultation response, Close the Gap is concerned that the proposed Strategy is unlikely to drive the change needed in mainstreaming practice. The content of the strategy suggests that the scale of work necessary to create change has been significantly under-estimated. There is insufficient clarity and detail throughout, which makes it difficult to identify how the Strategy can achieve its aims. In particular, we are concerned that the homogenisation that characterises the vision, the objectives, and the drivers will minoritise women within the broad agenda, and sustain the diminishing lack of focus on the intersecting inequalities women face.

The Strategy does not engage with the well-evidenced problems with equality mainstreaming and other work to meet the existing equality duties. There is no clear vision of how Scottish Government and public bodies will operationalise the changes needed to secure culture and practice change.

Concerningly, the Strategy does not align with the international evidence base on mainstreaming work. There are no examples of a broad, general equality and human rights mainstreaming being implemented. Given the already poor performance on equality mainstreaming in Scotland it seems entirely inadvisable to take an untested approach on such a scale. This “everyone, therefore no one” approach is analogous to homogenisation which characterises public body performance of PSED, and which has led to virtually no progress for women or any protected groups.

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

Yes

20a. Please explain your answer or provide more information.

Leadership and accountability are two essential conditions for securing progress on equality mainstreaming. The third is resources and investment. These are deeply interconnected. The lack of resource and investment that has been allocated to work on equality and human rights is a direct result of a lack of prioritisation by leaders in Government and the wider public sector. This failure of leadership is enabled by an absence of accountability: there is no imperative for leaders to devote resource to this work, in increasingly straitened times, when there are no consequences for not doing so. Action on gender inequality in particular has been progressively deprioritised by public bodies for many years. In order to improve capacity, leaders must be held accountable for doing so. Close the Gap is not persuaded that the Strategy can achieve this. **We urge Scottish Government to revisit the PSED reform process and commit to developing a strengthened accountability mechanism which would drive investment and capacity.**

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

No

21a. Please explain your answer or provide more information.

The messaging on resourcing throughout engagement on this Strategy has been contradictory. The consultation has correctly identified improving capacity as a key driver for mainstreaming equality and human rights, while at the same time wider engagement with Scottish Government has indicated that there is no plan for resourcing the substantive work necessary to deliver progress. Action on equality and human rights has been referred to as a “resource burden” on many occasions during engagement on this Strategy. This gives the impression that there is insufficient leadership buy-in to the Strategy, and to mainstreaming as a principle. Mainstreaming is an investment and essential to well-designed, value-for-money public services. Resourcing up front will pay dividends. This messaging must be core to any mainstreaming strategy.

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

As set out elsewhere in this consultation response, Close the Gap is concerned that Scottish Government has vastly under-estimated the level of resource necessary to deliver on such a broad Strategy. A more targeted Strategy would still necessitate a well-resourced programme of activity to deliver change, but this would be a better investment than under-resourcing a set of actions that have limited or no impact for women and other protected groups. Trust in Scottish Government’s commitment to



equality and human rights has been weakened by its progressive rolling back of commitments to PSED reform and the Human Rights Bill. In its current form, this Strategy will have a further weaken trust, and potentially damage Scottish Government's reputation on equality and human rights. Scottish Government has the leadership role on equality mainstreaming in Scotland. If it does not devote the necessary resources to this work, public bodies will follow suit, and this will be a step backwards for equality and human rights in Scotland.

**Action is needed to implement the appropriate structures and processes to ensure mainstreaming has an impact on women's equality.** Various recommendations have been made to implement gender budget analysis in Scotland's public sector, for example, by NACWG, Equality and Human Rights and Budget Advisory Group and Scottish Women's Budget Group. Despite advocacy over two decades, progress on implementing gender budget analysis has been painfully slow. There has been no notable shift in government spending priorities, and gender budgeting is not yet proactively used in major policy or infrastructure development. We support NACWG recommendations on gender budgeting which are for Scottish Government to:

- integrate intersectional gender budget analysis into the Scottish budget process, and to give this a statutory footing, and
- as part of the PSED review, place an additional duty on listed public bodies embed intersectional gender budget analysis into their budget setting procedures.<sup>15</sup>

There have been welcome steps to begin to integrate gender budgeting into the Scottish budget process, and we also welcome the recent OECD pilot. However, this is not enough to deliver the structural change needed. Scottish Government included the recommendation to add a new duty on gender budgeting in the PSED review consultation. It then decided not to implement this, which entirely undermines its ambitions on women's equality, child poverty, and equality and human rights.

**Scottish Government should accelerate action to integrate gender budgeting into the Scottish budget process, and introduce a new duty on public bodies to embed intersectional gender budgeting in their budget setting procedures.**

As previously mentioned, there is an **urgent need to include a standalone national outcome on gender equality in the NPF**. The NPF drives the focus for all Government activity, and yet women are a marginal consideration. A standalone outcome is needed not only to align with SDG5, and so that progress on gender equality is tracked, it is necessary to mitigate the dilution effect of broad equality and human rights mainstreaming. A specific national outcome on gender equality would also

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<sup>15</sup> National Advisory Council on Women and Girls (2020) *2020 Report and Recommendations*

improve gender policy coherence, by giving cross-government prominence and priority to the mission of women's equality.

The third sector is identified as a key aspect of the improving capacity driver:

*“Empowering civil society organisations financially enables them to develop specialised, tailored programmes and services for marginalised and disadvantaged groups. It allows them to recruit skilled staff, plan comprehensive strategies, and deliver programmes sustaining real impact. This builds essential capacity and expertise within the third sector to mainstream equality and human rights across society.”*

There is no recognition however that women's organisations and the wider third sector are underresourced and detrimentally impacted by years of short-term funding. The double whammy of Covid and the cost-of-living crisis has exacerbated instability, recruitment and retention challenges, and staff burnout. This inevitably affects output and particularly when organisations are managing real-term funding cuts. **Scottish Government should demonstrate the value of women's organisations and the wider third sector by implementing fair funding solutions**, including multi-year funding that includes inflation-based uplifts and full costs, including core operating costs.

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

No

23a. Please explain your answer or provide more information.

We agree it will be helpful to have all actions relevant to mainstreaming in one location, and that this would improve transparency. However, the action plan needs to be more than just collated actions. There should be a review of implementation progress, honestly reflecting what has worked, what has not worked, and why. A prioritisation exercise should be conducted so that there is clarity on sequencing that is in line with a robust theory of change. Importantly, actions need to be specific and measurable, with lines of responsibility clear.