

SIAA Roundtable | 2 August 2023

Minutes Human Rights Bill Consultation

# Welcome and meeting structure

Thank you to member that joined the meeting. Structure of meeting outlined.

# Context

Context around the Human Rights Bill and consultation was covered. Details on this can be accessed on the [Scottish Government’s website](https://www.gov.scot/publications/human-rights-bill-scotland-consultation/pages/9/) and [Citizen Space consultation hub](https://consult.gov.scot/equality-and-human-rights/a-human-rights-bill-for-scotland-consultation/). Further versions and links about the consultation can be found below:

* Listen to an [audio transcript](https://soundcloud.com/scotgov/sets/human-rights-bill-consultation-full-version) of the consultation
* Read an [Easy Read](https://www.gov.scot/publications/human-rights-bill-scotland-consultation-easy-read/) version of the consultation
* Read a [Gaelic](https://www.gov.scot/publications/gaelic-translation-human-rights-bill-scotland-consultation/) version of the consultation
* Read a [short guide](https://www.gov.scot/publications/human-rights-bill-scotland-guide-consultation/) to the proposals in the consultation
* Watch a [BSL](https://www.youtube.com/watch?v=55RSK_h_St8) translation of the short guide
* Listen to an [audio transcript](https://soundcloud.com/scotgov/sets/human-rights-bill-consultation-summary-version) of the short guide
* Read a [Gaelic version](https://www.gov.scot/publications/gaelic-translation-human-rights-bill-scotland-consultation-guide/) of the short guide
* If you are planning to host a group discussion on the consultation, you may wish to refer to our [facilitator's guide](https://www.gov.scot/publications/human-rights-bill-consultation-facilitator-guide/pages/1/).

There is also a civil society [guide to the consultation that has been published by Human Rights Consortium Scotland (HRCS)](https://hrcscotland.org/2023/08/14/consortium-launches-human-rights-bill-consultation-guide/) and further consultation events from [Scottish Government](https://www.eventbrite.com/o/scottish-government-64606319533) and [HRCS](https://hrcscotland.org/2023/06/15/the-scottish-human-rights-bill-consultation-is-out-now/) that you can take part in.

The consultation closes on 5 October 2023.

# Consultation questions

Where does advocacy sit in all of this? Advocacy appears in the Access to Justice section of the consultation document with one question asking about advocacy.

Question 27. What are your views on the most effective ways of supporting advocacy and/or advice services to help rights-holders realise their rights under the Bill?

# Breakout group discussions

Breakout groups discussed three areas that SIAA are gathering members views on to respond to the consultation.

**1. Groups discussed if they agreed on recommending a clear definition of independent advocacy** **suggested from ‘Principles’ as "independent advocacy should:**

**- Have structural, financial and psychological independence from others**

**- Provide no other services, has no other interests, ties or links other than the delivery, promotion, support and defence of independent advocacy.”**

Comments from group:

* The group agreed with the definition
* They thought it was helpful for funders to understand what independent advocacy is (Noted that some commissioners are starting to fund for 'advocacy' rather than independent advocacy)
* They mentioned that it was important to highlight the 'independence' element to understand the difference between IA and other services (like information services, advice)
* Having a clear definition is key to protect IA
* A definition that can be used everywhere would be useful and support better understanding of ‘independent advocacy.’
* Using the SIAA definition does describe independent advocacy, but parts of the definition are ambiguous (i.e, separate from others).  The bullet points would read better reversed.
* ‘Independent advocacy’ is a term in its own right - not part of a pick and mix of ‘advocacy’ like non independent advocacy, self-advocacy.

**2. Funding model for independent advocacy that would support local grassroots organisations and collective advocacy groups**

* Group agrees that we want to protect national grassroots providers
* There are concerns about a centralised national funding model as local knowledge and connections would be lost with one national provider and that organisations are not in a position to bid for a national contract
* Theres also a worry/question that if care service is nationalised, it may follow that IA would have to be nationalised which is concerning for people that get so much out of local independent advocacy provision that is rooted in their communities, has local knowledge and expertise and meets advocacy partners face to face
* A paper would be useful outlining the different options for sustainable funding.
* Funding for prison work – going straight to SPS to fund IA when it is funded through Health and Social Care, IA very limited and not enough funding.
* Childrens Hearings model of funding has worked exceptionally well.
* Concerns about ‘National Advocacy Service’ and one national advocacy provider

**3. Independent advocacy for all and opt out for some groups. Clarifying models of advocacy e.g. individual, citizen and collective.**

* Concerns about having the resources to support 'opt out' and how this would look in practice. A member mentioned that resources shouldn't be a problem in theory as if it's in law Government would need to resource it.
* Question around what would the eligibility criteria be?
* Some groups that are most vulnerable should be prioritised
* Collective advocacy groups should be able to take cases to court
* In principle agree with opt out but reality would currently be unworkable at present due to huge demands on current advocacy organisations and groups
* To extend IA it would need to be resourced adequately, implementation would need to be considered early and often as Bill goes through.
* Could work for certain groups of people or certain points like, detention, adults with incapacity.
* If not, resourced would cause huge waiting lists, and if the right funding model and organisations are not resources then it would reduce the quality of IA and not meaningfully help people have their rights realised
* Currently not everyone with the right to IA is accessing advocacy.
* Linked to funding, capacity and sustainability

Beyond the Human Rights Bill - Scottish Government engagement with SIAA members

Scottish Government leads in key policy areas including Human Rights Bill team and National Care Service team have expressed interest in having an ongoing dialogue with SIAA members to gather your expertise.

Some members at the roundtable expressed that they were stretched capacity wise so they would find it difficult to attend meetings and share views despite seeing it as very important it was just not feasible for them at present.

Other members at the roundtable identified that they had capacity and saw it as a necessity that they were around the table when key policy decisions about independent advocacy were being made.

# Next steps

* SIAA will be drafting a response that will be sent out to member for further comment.
* SIAA will aim to publish their response to the consultation, focussing on independent advocacy several weeks before the closing date of 5 October 2023 and encourage members and other civil society groups to support our position around independent advocacy.
* SIAA will looking into options for writing two papers. One on funding options for widened access to independent advocacy and one on progressive realisation of the right to independent advocacy for all and specialist ‘opt out’ independent advocacy for groups most at risk of rights infringement.
* SIAA will plan meetings with Scottish Government officials working on key policy areas so members can share views with consideration of members’ limited time and resources.