

## Corporate Administration

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Ms Elizabeth Thomson

SENT BY EMAIL TO:

[request-600642-  
2e47a1fa@whatdotheyknow.com](mailto:request-600642-2e47a1fa@whatdotheyknow.com)

<b>Date</b>	10 December 2020
<b>Your Ref</b>	
<b>Our Ref</b>	FOI 16446
<b>Direct Line</b>	Working remotely
<b>Email</b>	foi@ggc.scot.nhs.uk
<b>Contact</b>	

Dear Ms Thomson

### REQUEST FOR INFORMATION FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Thank you for your request received on 11 November 2020 for the provision of the following information:-

*I am writing to request information under the Freedom of Information (Scotland) Act relating to your bodies' duties under the Human Rights Act (1998) and Scotland Act (1998) to comply with the European Convention on Human Rights (ECHR)*

*Section 6 of the Human Rights Act obliges public authorities to comply with the ECHR and Sections 29 and 57 of the Scotland Act oblige the Scottish Parliament and Ministers to likewise act in a way compatible with the ECHR.*

*The Human Rights Act framework establishes that; the ECHR rights form a common set of binding values among public bodies; public bodies must have human rights principles in mind when making decisions about people's rights, and that human rights must be part of all policy.*

*Specifically i would like to request any information you hold regarding:*

- 1. How your authority has monitored and evaluated its compliance with the Human Rights Act and any outputs from the monitoring and evaluation process.*
- 2. Specific actions taken to comply with the HRA and ECHR. For example only, this might include staff training, employment of a human rights lawyer to advise on policy, carrying out due diligence on any private bodies contracted or outsourced to (the HRA applies to all bodies performing a public function, including private companies), carrying out human rights impact assessments on policy.*
- 3. Human rights considerations related to any change of practice or services provided due to the Covid-19 pandemic.*

*I would like to request the information outlined in points 1 and 2 above for the calendar year of 2019, and points 1,2 and 3 for the period of the Covid-19 pandemic, March - September 2020. I would like the information broken down by these two time periods.*

We are treating your request under our procedures for responding to requests for information under the Freedom of Information (Scotland) Act 2002.

NHS Greater Glasgow and Clyde is the largest NHS Board in Scotland, providing services to a core population of 1.2million, and specialist regional services to more than half the country's population. It also employs approximately 38,000 staff, which represents a quarter of the workforce in NHS Scotland

The information that we are able to provide in response to your request is given below, underneath each of your questions, and in the attached documents. You will be aware that FOI deals in recorded information and we are attaching four documents in response to your request. However, under our Section 15 duty to provide advice and assistance we are providing full explanation and descriptions of how we have monitored and evaluated our activities in relation to the HRA and hope this is helpful.

**1. *How your authority has monitored and evaluated its compliance with the Human Rights Act and any outputs from the monitoring and evaluation process.***

NHSGGC reports on compliance with the Human Rights Act within Equality Scheme Monitoring Reports. Annual monitoring reports cover April to March. We have attached two monitoring reports for your information:

- A. Meeting the Requirements of the Equality Legislation : A Fairer NHSGGC : Progress Report 2018-19
- B. Meeting the Requirements of Equality Legislation : A Fairer NHS : Greater Glasgow & Clyde Monitoring Report 2019 - 2020

A key element of our approach is our integrated Equality and Human Rights Impact Assessment (EQIAs). Equality impact assessments are available on the public-facing NHSGGC website and we are providing a link:

<https://www.nhsggc.org.uk/your-health/equalities-in-health/meeting-the-requirements-of-equality-legislation/equality-impact-assessments/>

All the NHSGGC Board papers are screened for equalities and human rights considerations. For your information we can tell you that all the Board papers are published on the NHSGGC website at <https://www.nhsggc.org.uk/about-us/nhsggc-board/>

There is a NHSGGC directive for equality and human rights impact assessments on new / reviews of policies and strategies; service developments; service redesigns and cost savings as part of our commitment to the specific duties of the Equality Act 2010.

During March to September 2020, NHSGGC developed a COVID-19 Remobilisation Plan. A review of this plan identified 10 Equality and Human Rights Impact Assessments required. These are described below. Human rights work will be reported in the annual equality scheme monitoring report due April 2021. We are attaching a copy of Board Paper 20/51 which has an update about the remobilisation plan (Attachment C). It, and all other NHSGGC Board Papers is available on the public-facing NHSGGC website at: <https://www.nhsggc.org.uk/about-us/nhsggc-board/>

The NHSGGC website also has an Equality and Diversity section and we are providing a link to that also: <https://www.nhsggc.org.uk/working-with-us/hr-connect/equality-diversity-and-human-rights/>

**2. *Specific actions taken to comply with the HRA and ECHR. For example only, this might include staff training, employment of a human rights lawyer to advise on policy, carrying out due diligence on any private bodies contracted or outsourced to (the HRA applies to all bodies performing a public function, including private companies), carrying out human rights impact assessments on policy.***

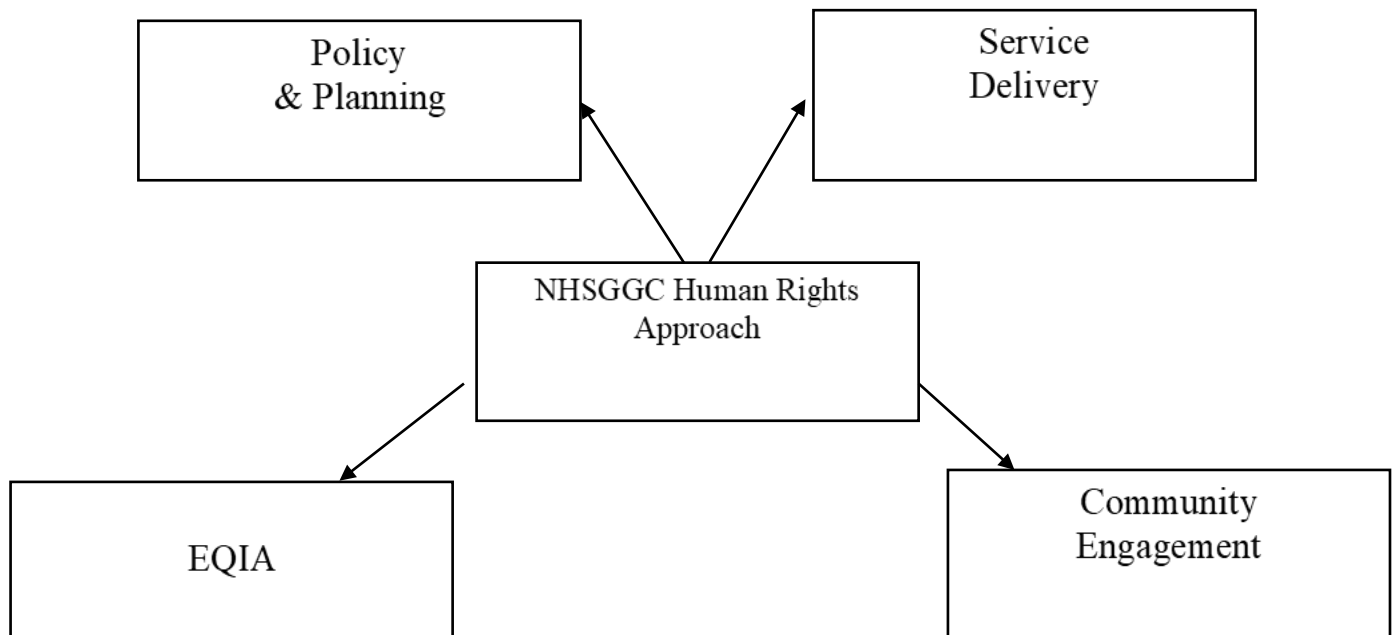
**EQIAs**

In the calendar year 2019, the following equality and human rights impact assessments were carried out: NHSGGC Access Policy; NHSGGC Public Health strategy, NHSGGC Attend Anywhere (Near Me) virtual consultations approach; NHSGGC review of interpreting services, NHSGGC person-centred visiting strategy, NHSGGC review of Support and Information Services; NHSGGC Missing Patient protocol, Dermatology services redesign, Bardowie Mental Health Unit service redesign, Development of Patient Enhancing roles – Clyde orthopaedics, Review of Youth Health Services;

Bipolar Hub pilot, roll out of community link workers and tender for NHSGGC alcohol related brain damage services.

### Approach

Our human rights approach is described in the diagram shown below.



### Training

The Equalities and Human Rights eLearning module is mandatory training for all staff from induction and is included within a suite of seven mandatory eLearning modules. In addition, 342 staff from primary care, mental health services and older people's teams received bespoke face to face training as part of tests of change on human rights based approaches. NHSGGC also undertook a series of interactive sessions exploring unconscious bias, which covers human rights, societal and institutional discrimination. Session content was planned in partnership with CRER (Coalition of Racial Equality and Rights) and delivered to more than 500 members of staff.

### Development Work

The following provides examples of development work undertaken in 2019:

- Training and development work with NHSGGC complaints staff to explore human rights approaches has resulted in staff identifying changes to work practices such as improving approaches with patients who are distressed or have complex issues.
- Work with the NHSGGC's specialist Work and Health service has found an improvement in confidence, skills and knowledge around human rights issues for staff. Comments included: *"I liked the concept of the Human Rights flowchart and could see that when speaking with clients over the phone this would a useful approach. The handout explaining this was good".*
- Training and development work with third sector mental health services (Glasgow Association for Mental Health, Waverley Care) resulted in a range of materials developing, which staff and service users still use (e.g. Patient held 'rights to health' z leaflets; human rights posters developed with young people taking a human rights approach to Adverse Childhood Experiences). Case studies are available on the long term impact of training on patients and staff. The 'Rights to Health' leaflet, produced in conjunction with a patient group, has also been requested in alternative languages by community groups (English, Arabic, Farsi, Polish, Urdu, Mandarin and Romanian) and distributed widely. Extensive engagement work has ensured that these resources reach their target group (10 different community organisations and nearly 700 people). For your information we are attaching a copy of the leaflet (Attachment D). Staff resources have also been disseminated at various training

sessions, including an interpreting service awareness raising session attended by over 200 staff members.

- Joint work took place with Older People's Acute Services in 2019 to develop staff knowledge and confidence in balancing human rights and risks in care delivery in hospital settings. Following staff training on human rights legislation and using FAIR model and PANEL principles, staff in Ward 52 of the Langlands Building at the QEUH, delivered a Test of Change (ToC) which aimed to provide holistic person centred care by meeting patients' spiritual and emotional care needs. A direct outcome of this work was 53 patients referred by staff to spiritual care services. Case studies are available on how patients might benefit from support from spiritual care services, from a human rights perspective.
- In February 2019, Turning Point staff and service users attended NHSGGC's Alcohol and Drug Services Person Centred Care and Equalities Group to share the learning from their approach. Service user case studies are available. For example, one service user reported *"Before this I didn't know what my rights are, now I know & I won't forget. I have the right to a job & a life. I am doing hair dressing now & love it."* Leads in this Group across NHSGGC agreed to explore human rights approaches in their local areas.

In addition, NHSGGC's procurement process continues to include equalities and human rights screening. As part of the selection evaluation of each procurement exercise, suppliers must demonstrate the policies and processes they have in place to ensure equalities within their organisation.

An internal review of NHSGGC approaches to human rights was carried out in late 2019. Priority settings for human rights development work had previously been agreed as: Mental Health Services; Acute Older Peoples Services; Alcohol and Drugs Services; integration into poverty; and child poverty work; and appropriate corporate functions. The 2019 review showed examples of human rights development work in a range of Mental Health Services, Acute Older Peoples Services, Corporate Services, examples within child poverty and poverty work and early developments in Alcohol and Drugs Services. The following long term aspirations were outlined:

- Priority areas for service user increased awareness;
- Targets for staff training in key settings;
- A sustainable peer trainer model for human rights;
- Develop and disseminate a service user and staff human rights tip card, linked to the Patient Rights Act;
- Priority areas for Senior Management awareness;
- Priority areas for Clinical Governance engagement with human rights;
- Review policy and service delivery EQIAs every two years for human rights elements; and
- Explore NHSGGC implementation of human rights in health and social care standards

These areas will be comprehensively revisited post pandemic.

A key element of NHSGGC's Human Rights over the last eight years has been by formal and informal partnership work. National and third sector liaison includes:

- University of Strathclyde Centre for Health Policy;
- NHS Greater Glasgow Mental Health Network;
- Scottish Recovery Network;
- The Alliance;
- Mental Health Foundation;
- Glasgow Homelessness Network;
- Mental Welfare Commission;
- Glasgow Association for Mental Health;
- Turning Point;
- Recovery communities Glasgow (Alcohol and Drugs Services);
- Royal College Psychiatrists;
- Waverley Care;

- Care Commission;
- Child Poverty Action Group; and
- The Poverty Alliance

As mentioned previously, the Equalities and Human Rights e-module is mandatory training for all staff. As at the end of October 2020, 96.4% of workforce are compliant with it and, by compliance, we mean staff who have completed the module; it does not reflect any staff who are working through it at present. This the most up to date information we hold.

In addition, human rights considerations fed into a review of nursing induction materials and midwifery induction materials. Human rights considerations were also included in specific child poverty training materials. Glasgow Association for Mental Health also commissioned face to face human rights training for new staff (12 staff) accompanied by use of NHSGGC's equalities and human rights eLearning module.

Between March and September 2020, the following equalities and human rights impact assessments have been completed: COVID community assessment centres; review of urgent care; introduction of the Netcall system; introduction of a virtual strategy; Littleinch Day Care Centre redesign; and Community Treatment Centre for Brain Injury redesign. An EQIA of the new active clinical referral triage system is near completion. The EQIAs provided either evidence of mitigation against human rights breaches, or that there was no impact on human rights.

No HRBA tests of change have taken place due to NHSGGC COVID-19 remobilisation plan prioritisation.

### **3. *Human rights considerations related to any change of practice or services provided due to the Covid-19 pandemic.***

NHSGGC's COVID-19 remobilisation plan is informed by an equalities and human rights approach. A range of approaches have developed due to COVID-19; examples include the COVID-19 community assessment centres and the Humanitarian Hubs. The COVID-19 community assessment centres provide local access where COVID-19 cannot be ruled out by clinical triage. The equality and human rights impact assessment found, using the FAIR methodology (**F**acts: What is the experience of the individuals involved and what are the important facts to understand?, **A**nalyse rights: Develop an analysis of the human rights at stake, **I**dentify responsibilities: Identify what needs to be done and who is responsible for doing it, **R**eview actions: Make recommendations for action and later recall and evaluate what has happened as a result) that no mitigation around human rights was required although a range of equalities good practice was put in place in setting up the service.

The Humanitarian Hubs were set up in response to emergency human rights issues such rights to food, fuel and housing. Service users tend to be those marginalised in society with a range of complex needs. In addition, NHSGGC corporate staff worked with staff from the Acute service and Health and Social Care Partnership staff to facilitate wider community supports for people who may have been plunged into poverty or poverty exacerbated by the pandemic. This includes a recognition of human rights to food, fuel and income by our Acute sites with emergency food packages for those in need on discharge from hospital, and money advice and fuel issues addressed. In terms of accessible COVID-19 related services, COVID-19 materials were translated into community languages and BSL.

I hope that this is helpful. If you are not satisfied with our response to your request, you have a right to request a review of this decision within 40 working days of receiving this response. The attached note describes our review procedure. Your request for review must be in permanent form and should state:

- That you are asking for a review of this decision and
- Why you are unhappy with the response you have received.

If you wish us to carry out a review, please complete the form enclosed and return it to the Head of Corporate Governance and Administration, NHS Greater Glasgow & Clyde, Corporate HQ, JB

Russell House, Gartnavel Royal Hospital, 1055 Great Western Road, Glasgow G12 0XH or by email to [foi@ggc.scot.nhs.uk](mailto:foi@ggc.scot.nhs.uk)

If following a review you remain dissatisfied with the outcome, you have the right to ask for advice, assistance or to make a formal appeal in writing to the Scottish Information Commissioner within six months of receiving the outcome of a review. The Commissioner can be contacted at: Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS or at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

If following appeal to the Scottish Information Commissioner you still remain dissatisfied with the outcome, you have a right of appeal to the Court of Session on a point of law against the decision of the Scottish Information Commissioner.

Should you require any clarification about this letter or the right to request a review please contact me at the details at the top of the first page of this letter.

Yours sincerely

*Kay Dougans*

**Kay Dougans**  
**Freedom of Information Officer**

Standard Enclosures:  
FOI Requirement for Review document  
Request for Review form