Education Scotland – Equality Impact Assessment

At all stages of the assessment process, colleagues should consider the requirements of the general equality duty for public bodies, as defined in the Equality Act 2010:

- **eliminate discrimination, harassment and victimisation that is prohibited under the Act;**

- **advance equality of opportunity between people who share a protected characteristic and those who don't; and**

- **foster good relations between those who share a protected characteristic and those who don't.**

The following "protected characteristics" should be taken into account: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Title of Policy/Procedure/Task to be assessed:	Corporate Plan 2013- 2016	Person (s) Completing Assessment:	Anna Boni & Jane Renton
		Date:	30-7-13
STEP ONE: Identify aims and scope of the work			
Aims/purpose of the Policy/Procedure/Task:	To set out the strategic agenda and corporate business for Education Scotland over the next three years.		
Who is affected by the Policy/Procedure/Task?	All Education Scotland staff. Children, young people and adult learners. Education Scotland works in partnership with the full range of bodies and organisations active in the field of Scottish education, including Scottish Government officials, local authorities, further and higher education, third sector organisations, and parent groups.		

	Other stakeholders, including MSPs and Scottish Ministers.
What data are available about those affected by the Policy/Procedure/Task, with reference to each of the "protected characteristics"? **(see list on page 1)**	See Appendix 1 for data relating to Education Scotland's core staff. For data relating to our stakeholders, see Appendix 2 which contains extracts relating to education from The Scottish Government's evidence reviews , published along with *Scottish Government Equality Outcomes and Mainstreaming Report – 30 April 2013* (see link in box below). These reviews explore available evidence about the scale and severity of issues faced by people with protected characteristics. Education Scotland will use this information to inform workstreams arising from the Corporate Plan 2013-16.
What further information do we require in order to assess the potential impact of this work?	A new initiative will be launched later this year by Scottish Government and fully supported by Education Scotland, to ensure that all diversity data held for core staff is updated and accurate. Further analysis of the Education Scotland Diversity Statistics by job grading is required. Further analysis of the Education Scotland Diversity Statistics is required to compare our data with those of the Scottish Government overall, as outlined in *Scottish Government Equality Outcomes and Mainstreaming Report – 30 April 2013* http://www.scotland.gov.uk/Publications/2013/04/2397. Pages Education Scotland will also collate diversity data relating to temporary staff; seconded staff; Associate Assessors; Lay Members; Student Team Members for college reviews; and any other non-core staff.
How and when shall we obtain this information?	The HR team will lead on the above processes, working with colleagues across the organisation who have responsibility for the various non-core groups referred to. By 31 March 2013.

STEP TWO: Assess the impact of the work:

| **Taking account of the information noted in *Step One*, in what ways might this work impact positively and/or provide opportunities to promote equality?**

Consider all the "protected characteristics" groups. | In developing Education Scotland's core values of integrity, respect, excellence and creativity and the culture which underpins the work of the agency, and the structures, policies & procedures which will guide it, we have the opportunity to reaffirm, and to strengthen, our commitment to promoting equality and diversity. This aim applies equally to our own staff (the internal equality agenda) and to our stakeholders (the external equality agenda). One of the overarching aims of the corporate plan is to reduce inequality across the Scottish Education system.

The Civil Service Code, which now guides the work of staff, highlights the need for impartiality and states that: "You must carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests."

Colleagues also belong to a number of professional associations such as the GTCS and HPC which regulate the professional conduct of individuals ensuring the Equalities legislation is upheld by members..

INTERNAL EQUALITY AGENDA
Through the Scottish Government's HR policy framework, and its own specific HR and equality policies and procedures, Education Scotland and its legacy organisations has had a strong record of promoting equality and diversity amongst its staff. All staff have had equality and diversity training as part of their induction and ongoing professional development programmes.

EXTERNAL EQUALITY AGENDA
Education Scotland and its predecessors organisations have had a strong tradition of ensuring and promoting equality across Scottish education through various workstreams.

HM Inspectors have ensured that equalities issues are always discussed during its inspections and reviews. A question relating to Equality and Diversity now features prominently in the pre-inspection self-evaluation pro forma completed by headteachers. Education Scotland and its predecessors organisations have identified and shared good practice in inclusion and in equalities education, including through a wide range of publications, notably a number of documents supporting CLD staff in addressing the equalities agenda in their work with local |

	communities.

Education Scotland has developed a variety of on-line materials specifically devoted to inclusion and equality and additional support needs.   We have worked closely with other organisations, such as SQA to develop resources to, support young people facing barriers to their education such as *Show racism the red card* in 2013. We have supported and published events for learners and practitioners in the areas such as Anti- sectarianism, Martin Luther King's Day and Holocaust awareness
In meeting the objectives outlined in our corporate plans, we must take every opportunity to continue to promote equality and diversity. Building on all the positive aspects outlined above, we shall aim for continuous improvement in our equalities-related work.

We shall go beyond minimal compliance with equality legislation, and model best practice in relation to equalities in all aspects of our work.

In line with the general duty placed on public bodies by the Equality Act 2010, we shall work towards eliminating discrimination harassment and victimisation that is prohibited under the Act; advancing equality of opportunity between people who share a protected characteristic and those who don't; and fostering good relations between those who share a protected characteristic and those who don't.

The ultimate aim of our work in this area will be to ensure that: all our staff are treated fairly and are fully aware of equality and diversity issues; all learners in Scotland have the opportunity to achieve: and all learners and educators develop an understanding of equality and diversity issues. |

Taking account of the information noted in *Step One*, in what ways might this work impact negatively on the "protected characteristics" groups identified?	**INTERNAL EQUALITY AGENDA** In line with the aims outlined in the section above, we shall ensure that our corporate plan and all activity related to the delivery of the plan ensures equal opportunities for all our staff, taking full account of the information we have about the "protected characteristic" groups, and the need to improve equalities-related information where necessary. Work will include ensuring that: - our six strategic objectives and associated "deliverables" take account of equality and diversity issues; - revised/new policies and procedures arising from the plan take account of the needs of our "protected characteristic" groups across the organisation. **EXTERNAL EQUALITY AGENDA** In line with the aims outlined in the section above, we shall work towards ensuring that all learners in Scotland have the opportunity to achieve, taking full account of the information we have about the "protected characteristic" groups, and the need to improve equalities-related information where necessary. As we deliver our Corporate Plan we shall continue to develop practitioners' understanding of equality issues and to support them in identifying groups at risk of not benefiting fully from education and in taking action to meet their needs. Capacity building in this area will include sharing of good practice through publications and support for professional learning; and professional dialogue with practitioners during inspection, review, continuing engagement, and various capacity building, improvement or engagement activities. Our stakeholder engagement arising from our plan will ensure that "protected characteristic" groups are as fully involved as possible. We have already ensured that our stakeholder engagement in developing the corporate plan was comprehensive and that the voices of leaners, including those from 'protected characteristic' groups were specifically sought. For example, Young Scot was commissioned to work with young people from a diverse range of groups including LGBT, those not in positive destinations and those with significant learning needs. There is a risk that the Corporate Plan workstreams do not take sufficient account of the equalities agenda, including the opportunity to ensure best practice. The above may lead to negative impact on "protected characteristic" groups, both internal and external.

As a result of this assessment, what action shall we now take?	The Equality and Inclusion Group will be responsible for supporting the review of activity arising from the Corporate Plan advising CMG on proposed equality outcomes for Education Scotland, in meeting the requirements of specific duties for Scotland relating to the Equality Act 2010.

What is the level of risk with regard to each of the protected characteristics?	*Assess the level of risk as High, Medium, Low or Neutral*
	
	    GROUP RISK
	  Race *Low*
	
	  Disability *Low*
	
	  Gender *Low*
	
	  Religion or Belief *Low*
	
	  Sexual orientation *Low*
	
	  Age *Low*
	
	  Other protected *Low*

	characteristics if relevant (gender reassignment; marriage and civil partnership; pregnancy and maternity)
STEP FOUR: Monitor progress with the action:	
When will this work be reviewed and by whom?	

Sign off and publish impact assessment on Education Scotland website	
Policy/Procedure/Task	Corporate Plan 2013-16
Strategic Outcome	Smarter
Directorate or Agency	Learning & Justice
Group	Education Scotland
Division	n/a
Name	Bill Maxwell

Education Scotland – Equality Impact Assessment

Signature	<mark>INSERT SIGNATURE</mark>
Position	Chief Executive Officer
Sign off date	<mark>INSERT DATE</mark>

Guidelines: Issues to consider

- Equality Impact Assessments should take account of all "protected characteristics" i.e. age (young and old), disability (physical and mental), race (such as white, black, Asian, etc), religion and belief (such as Muslim, Jewish, Christianity etc as well as "no-faith" groups), gender (male, female, transgender) gender reassignment, sexual orientation (heterosexual, gay, lesbian, bisexual), marriage and civil partnership, pregnancy and maternity
- A policy/procedure/task may have a positive impact on particular groups but have an adverse impact on others. Consideration should be given as to how this could be addressed
- Consideration should be given as to the level of consultation required with any particular groups as this will form an important part of the assessment process

When carrying out an EQIA, please refer to the guidance provided below to evaluate the level of concern you have about any potential negative impact on the "protected characteristic" groups.

- **High** – The EQIA has outlined a significant number of changes/improvements that need to be made. There is substantial evidence that people from the group(s) are (or could be) negatively affected by the policy. Failure to address these issues will result in reputational risk.
- **Medium** –The EQIA has outlined a few changes/improvements that need to be made. There is some evidence that people from the group(s) are (or could be) negatively affected. Failure to address these issues may result in reputational risk.

- **Low** – The EQIA has outlined minor or no changes that need to be made. There is little or no evidence that people from the group(s) are (or could be) negatively affected. There is very little reputational risk involved.
- **Neutral** – The EQIA has shown that the group is not affected.

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APPENDIX 1

Education Scotland Diversity Statistics (April 10 2013)

Gender: Female – 65.3% Male – 34.3%

Age

	No.	%
16-29	23	9.4%
30-39	41	16.7%
40-49	63	25.7%
50-59	103	42.0%
60+	15	6.1%
Total	245	100.0%

Marital Status

	No.	%
Married	116	47.3%
Single	44	18.0%
Civil partnership	*	*
Living together	5	2.0%
Divorced	12	4.9%
Separated	*	*
Legally separated	*	*
Widowed	*	*
Not known	60	24.5%
Total	245	100.0%

EQIA Corporate Plan 2013-16

Disability

	No.	%
Disabled	*	*
Not Disabled	109	44.5%
Not known	**	**
Total	245	100.0%

Ethnic Origin

	No.	%
White	107	43.7%
Asian Pakistani	*	*
Not known	**	**
Total	245	
		100.0%

Sexual Orientation

	No.	%
Heterosexual	41	16.7%
Not known	204	83.3%
Total	245	100.0%

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Religion or belief

	No.	%
Church of Scotland	13	5.3%
Roman Catholic	6	2.4%
Other Christian	*	*
Muslim	*	*
No religion or belief	16	6.5%
Not known	205	83.7%
	245	
Total	245	100.0%

APPENDIX 2

1. AGE
Educational qualifications by age group
Dividing working-age adults into age categories, those in the 25-34 age group are most likely to be educated to at least degree level (34%)[5]. Those in this age group are also the least likely to have no qualifications (8%). Those in the most senior working age category (55-59 year-old women and 60-64 year-old men) are the most likely to have no qualifications (33%). Apart from the 16-24 age group, this group was also the least likely to be educated to degree level or above (19%).

The findings for low qualifications are echoed by the National Indicator data from *Scotland Performs*. These report that the proportion of adults with low or no qualifications is strongly associated with age. Over a quarter of 60-64 year olds have no or low qualifications, which compares to around a tenth of those aged below forty.

Further and Higher Education Students
Young people under 21 make up 36% of all entrants to higher education.

The majority of further education students study part-time (75%) and of these students, the largest age group is 25-59 year olds (45%). Of the full-time further education students (25%), the largest age group is the 16-18 year olds (44%). The second largest group is the 19-24 year olds (32%), followed by the 25-59 year olds (21%).

Older data show that between 1998-99 and 2004-05, the number of enrolments into further education increased most markedly for those aged 50 years and over, up 72% from 42,460 to 73,215.

The *High-level summary of equality statistics* plots trends in higher education by age (see graph below). Since 1994-95, the number of higher education students studying in Scotland has increased across all age groups. The largest increase has been for students aged 50 years and over, more than a four-fold increase from 3,515 in 1994-95 to 15,145 in 2004-05, and this is followed by students aged between 40 and 49 years, who have more than doubled from 15,810 in 1994-95 to 32,630 in 2004-05. As would be expected, the highest proportion (over 50%) of all higher education students are aged 24 years or less, in 2004-05.

Higher education students by age
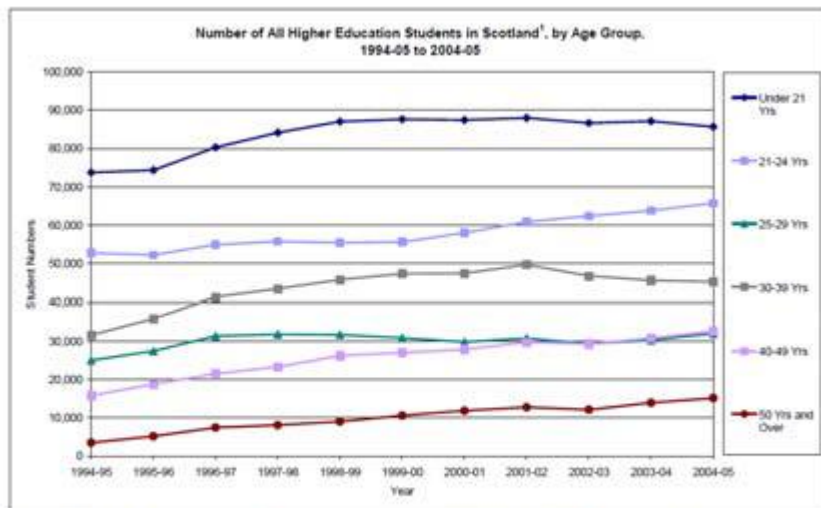
Source: Higher Education Statistics Agency (HESA) and Scottish Funding Council (SFC)
Note: 1. Numbers include students on Higher Education courses at Higher Education Institutions or Further Education Colleges in Scotland.

The teaching profession
The *High-level summary of equality statistics* plots the number of school

teachers by age (see chart below). More than a third of male and female primary and secondary school teachers were aged between 50 and 59 years in 2005. There were fewer male and female teachers in the younger age groups, most notably those aged under 25 years.

Teaching profession by age

Number of Teachers[1] in Primary and Secondary Schools, by Age Group, Scotland, 2005
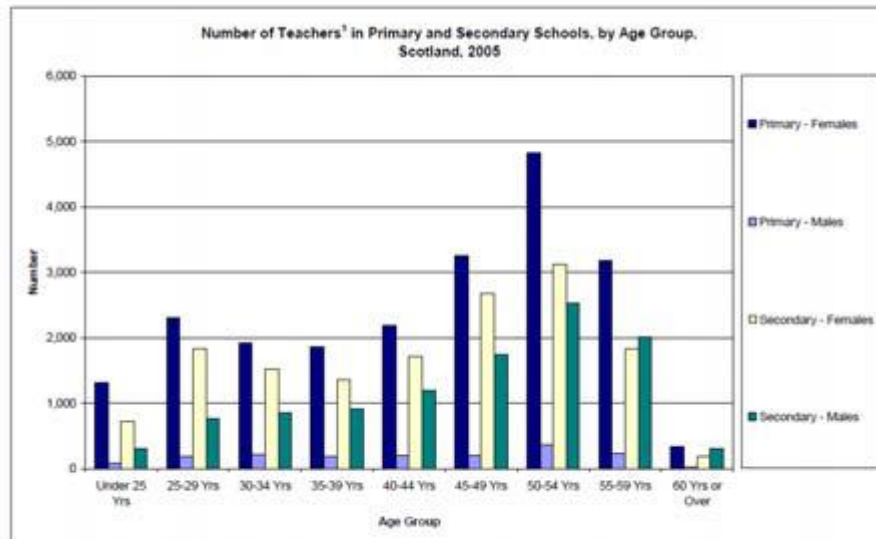
Source: Teachers in Scotland, 2005
Note: 1. Excludes teachers in grant aided schools.

2(i) DISABILITY (SCHOOL)

Demographics

The *High Level Summary of Equality Statistics* illustrates the learning difficulties in school-age children in Scotland in 2005 (see chart below). Of those pupils with a Record of Needs and/or an Individualised Educational Programme, a fairly large proportion had moderate learning difficulties (21.3%) or specific learning difficulties (20.9%). Between 2003 and 2005, the proportion of pupils with a Record of Needs or Individualised Educational Programme remained fairly constant for most types of learning difficulty.

Figure 1: Learning disabilities in schools (Source: Scottish Government (2006)
*High Level Summary of Equality Statistics*)

Main Difficulty in Learning of Pupils with a Record of Needs (RoN) and/ or an Individualised Educational Programme (IEP) in Publicly Funded Primary Schools, Secondary Schools and Special Schools, Scotland, 2005

- Profound Learning Difficulties & Other Complex/ Multiple Impairments 1.6%
- Not Known 0.2%
- Hearing Impairment 1.8%
- Other Complex/ Multiple Impairments 8.7%
- Visual Impairment 1.5%
- Physical or Motor Impairments 3.8%
- Severe Learning Difficulties & Other Complex/ Multiple Impairments 3.2%
- Language and Speech Disorder 4.9%
- Moderate Learning Difficulties & Other Complex/ Multiple Impairments 5.3%
- Autistic Spectrum Disorder 10.1%
- Dual Sensory Impairment 0.2%
- Specific Learning Difficulties 20.9%
- Social and Emotional Difficulties 12.9%
- Profound Learning Difficulties 0.4%
- Moderate Learning Difficulties 21.3%
- Severe Learning Difficulties 3.4%
- All Pupils with RoN/ IEP = 34,577

Source: Pupils in Scotland, 2003, 2004 & 2005

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Provision for special educational needs in schools

The *High Level Summary of Equality Statistics* also explores the provision for special educational needs in schools, by gender (see graph below). It observes that a markedly higher proportion of pupils with a Record of Needs or Individualised Educational Programme are male, regardless of the type of classes or school they attend, and this is consistent over time. In 2005, 70% were male. Of all pupils with a Record of Needs or Individualised Educational Programme, the majority (66%) were in mainstream classes all the time, while 23% were attending special schools or special units/ classes all the time, and 11% were in mainstream classes sometimes. The 70:30 male to female ratio was constant across types of provision.

Special educational needs in schools, by gender (Source: Scottish Government (2006) *High Level Summary of Equality Statistics*)
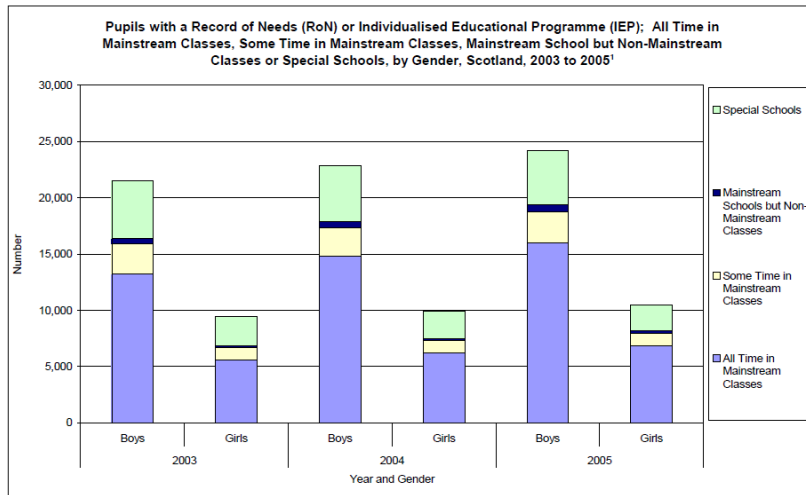
Source: Pupils in Scotland, 2005
Notes:
1. This information pre-dates the implementation of the Additional Support for Learning Act in November 2005.

Attainment

Scottish Government data show that school leavers with additional support needs (including those leaving special schools) in 2009/10 continue to have lower attainment, with only 11.7% of pupils with an additional support need achieving one or more Highers or better, compared to 52.6% for those with no additional support needs.

Areas of difficulty for pupils

In 2010/11, the rate of exclusions in Scotland for those with additional support needs was 121 per 1,000 pupils. This was four times higher than for pupils with no additional support needs.

The (then) Scottish Executive's review of communication support needs (2007) observes that children with communication support needs tend not to perform well in school, and are at increased risk of bullying due to peers" attitudes or lack of understanding. The transitions to secondary school and to further or higher education are identified as being particularly problematic, and the review advises that they should be planned in advance in consultation between the individuals concerned and professionals in both healthcare and education.

Post school destinations

3.7 Skills Development Scotland's *School Leavers' Destination Report* 2009/10[14] covers leavers from publicly funded secondary schools. It reports that 1.4% of all school leavers declared a disability, and 80% of them went into positive post school destinations. This compares to 86.8% for non-disabled pupils.
3.8 Scottish Government data show that leavers from publicly funded secondary schools with additional support needs in 2009/10 continue to be less likely to enter positive destinations on leaving school. It reports 71.3% in positive follow-up destinations compared to 86.1% for those with no additional support needs.

National Indicator data from *Scotland Performs* show an improvement to 2012: although leavers with additional support needs are still less likely to be in a positive destination than those without, around 77% of school leavers with additional support needs are in a positive destination nine months after leaving school. This compares to 88% of those without additional support needs.
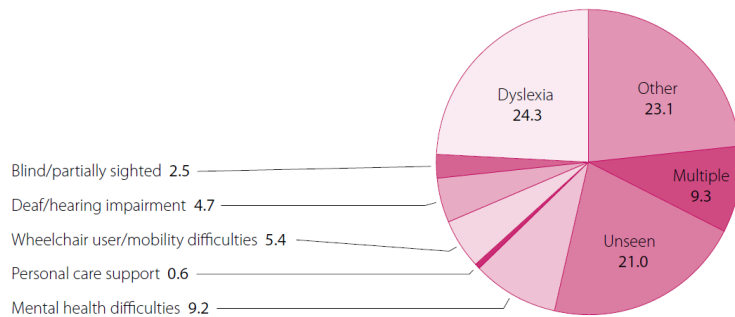
2 (ii) DISABILITY FURTHER AND HIGHER EDUCATION

Demographics
The Equality Challenge Unit's report on further and higher education in Scotland states that, over the six years to 2011, the proportion of students who chose not to declare their disability status dropped, from 13.3% in 2005/06 to 9.5% in 2010/11. The proportion of students who declared a disability increased from 11.4% in 2005/06, to 13.6% in 2010/11. Dyslexia was the most common impairment type declared in 2010/11 (see chart below): 24.3% of students who declared a disability said they have dyslexia.

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**Students who declared a disability, by impairment type, 2010/11
(Source: Equality Challenge Unit, 2012)**

Dyslexia 24.3
Other 23.1
Multiple 9.3
Unseen 21.0
Blind/partially sighted 2.5
Deaf/hearing impairment 4.7
Wheelchair user/mobility difficulties 5.4
Personal care support 0.6
Mental health difficulties 9.2

The Equality Challenge Unit report also offers comparisons for the level of study, the subjects studied, and retention rates. A higher proportion of students studying at further education level have declared a disability (14.5%) than those studying at higher education level (7.9%). Some Scottish Credit and Qualifications Framework (SCQF) levels had markedly higher proportions of students who declared a disability than others. For example, 28.6% of students studying at FE SCQF level 3 have declared a disability, compared with 7.6% of students studying at SCQF level 8.

In terms of subjects studied, a higher proportion of students studying agriculture declared a disability than any other subject (12.3%). Students studying medicine and dentistry had the lowest rate of students who declared a disability (2.5%), although the total number of students for these subjects is small. Of students who declared a disability, 24.1% study creative arts and design, 22.2% study business and administrative studies, and 10.4% study mathematical and computing science.

Regarding retention, at higher education level, a higher proportion of students

who declared no disability complete their course than students who declared a disability (83.0% and 79.9% respectively). At further education level the gap is smaller: 88.4% of students who declared no disability complete compared with 87.6% of students who declared a disability.

In the view of the Scottish Funding Council, there is little difference between the distribution of disabilities reported by Scottish domiciled students and Scottish domiciled qualifiers, suggesting that disabled students are just as likely to qualify from their course as those students without disabilities.

Attainment
The Office for Disability Issues *Life Opportunities Survey* findings for 2011 show that disabled adults are less likely than non-disabled adults to have degree level qualifications. National Indicator data from *Scotland Performs* make similar observation for qualifications at SCQF level 4 or below. In 2010 the proportion of those with a disability who had no or low qualifications was 29%, almost three times the level of those who do not have a disability (11%). However, the fall in the proportion of people with no or low qualifications has been greater for disabled people than for people without a disability. Since 2007 the proportion of disabled people with no or low qualifications has fallen by 3 percentage points, this compares to a fall of 2 percentage points for those without adisability.

The EHRC *Triennial Review* reports on further education for the UK as a whole. The proportion of students known to have a disability within the further education student population increased from 6.5% in 2004/05 to 8.0% in 2008/09: this rise was entirely due to a rise in the number with "specific learning disabilities" such as dyslexia. Disabled students are as likely to receive a good degree as those not known to have a disability, and this varies little among students with different impairment types: for example, in 2008/09 61% of those who were blind or partially sighted achieved a first or upper

second class degree, compared to 65% of those with mental health difficulties and 58% of those with a specific learning difficulty; 62% of students with no known disability achieved these results.

A report on diversity in the further education workforce in 2005 found virtually no research about staff experiences in relation to disability. The case studies of colleges in this report found that most staff interviewed felt that this area was dealt with effectively and that there was little discrimination, although a small number of disabled interviewees felt that they encountered many difficulties. It was noted in one college that the practical nature of some work would make it unsuitable for people with certain types of impairments, although it was not evident that reasonable adjustments had been fully considered. Most staff felt that access had improved considerably though there were some concerns in relation to specific buildings.

Barriers to education

The *Life Opportunities Survey* explores the barriers faced by disabled people in education. The findings show that transport, lack of support, attitudes of others and health conditions/impairments are all seen as barriers to education for disabled people.