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:	Annual Review 2012/13	Person (s) Completing Assessment:	Maureen Gore and Linda Rae
		Date:	13.11.13
STEP ONE: Identify aims and scope of the work			
Aims/purpose of the Policy/Procedure/Task:	To reflect and illustrate the range and depth of what has been achieved by Education Scotland in the year 2012/13		
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.		

Education Scotland – Equality Impact Assessment

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 <u>evidence reviews</u>, 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.
What further information do we require in order to assess the potential impact of this work?	None.
How and when shall we obtain this information?	N/A

Education Scotland – Equality Impact Assessment

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"** **(see list on page 1)**	The Annual Review outlines Education Scotland's delivery to improve learning outcomes for all. The Review reflects the ambitions of the organisation and illustrates the range and depth of what has been achieved. The Review is an information and accessible account of our contribution to Scottish education as a whole. The work of Education Scotland addresses the needs and of all learners regardless of disability, religion, age and gender. The Annual Review reflects this. Our vision, outline in the Review, is that learners in Scotland will progress in one of the most effective education systems in the world, renowned for the ability of national and local partners to work flexibly together to achieve high-quality and equitable outcomes for all. The vision has a strong focus on improving outcomes, and on doing so in ways which seek to eliminate the inequity which currently exists amongst learners from different backgrounds and particular vulnerable groups, and with particular protected characteristics. Achieving this vision will mean inequity in educational outcomes is eradicated. The Annual Review outlines our six strategic objectives. The actions we intend to take relating to equality and diversity are: • focus on reducing inequity in educational outcomes for all learners by working with partners to identify and drive effective strategies to improve achievement and raise attainment, particularly in literacy, numeracy and health and wellbeing; • lead a national partnership to ensure the effective implementation of CLD strategic guidance with the aim of building stronger communities to help improve life chances for people of all ages; • work with the Scottish Prison Service to transform the education provision and improve learning outcomes for young people, for example at HM Young Offenders Institute Polmont; and • provide a clear focus on improving life chances for our most vulnerable learners, including delivering career-long professional learning in preventative work.

Education Scotland – Equality Impact Assessment

Taking account of the information noted in *Step One*, in what ways might this work impact negatively on the "protected characteristics" groups identified?	There is a risk that the Annual Review does not take sufficient account of the equalities agenda. There is a further risk that work relating to equality and diversity is not given sufficient profile.
As a result of this assessment, what action shall we now take?	1. Ensure that the Annual Review for 2013/14 takes sufficient cognisance of our work and its impact on those with protected characteristics. 2. We will ensure that our staff are aware of their responsibilities under the Equality Act 2010. 3. That we maintain appropriate data.

Education Scotland – Equality Impact Assessment

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**
	Age	Low
	Disability	Low
	Gender reassignment	Low
	Marriage and civil partnership	Low
	Pregnancy and maternity	Low
	Race	Low
	Religion or Belief	Low
	Sex	Low
	Sexual orientation	Low

STEP FOUR: Monitor progress with the action:	
When will this work be reviewed and by whom?	The Assistant Director and Lead Officer with responsibility for equality and diversity are in the lead, working with the Equality and Diversity Network which meets three times a year and has representation from across the agency. They will support staff across the agency with the actions identified through this EQIA, and with work relating to equality and diversity as outlined in the Business Planning Tool, and monitor progress. They will provide an annual progress report to CMG, and other reports as requested.

Education Scotland – Equality Impact Assessment

Sign off and publish impact assessment on Education Scotland website	
Policy/Procedure/Task	Annual Review 2012/13
Strategic Outcome	Smarter
Directorate or Agency	Learning & Justice
Group	Education Scotland
Division	n/a
Name	Bill Maxwell
Signature	*Bill Maxwell*
Position	Chief Executive Officer
Sign off date	14/11/2013

Education Scotland – Equality Impact Assessment

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.

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%**

Education Scotland – Equality Impact Assessment

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%**

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%
Total	**245**	**100.0%**

EQIA Corporate Plan 2013-16

APPENDIX 2
Extracts relating to education from The Scottish Government's evidence reviews, published along with **Scottish Government Equality Outcomes and Mainstreaming Report – 30 April 2013.**

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.
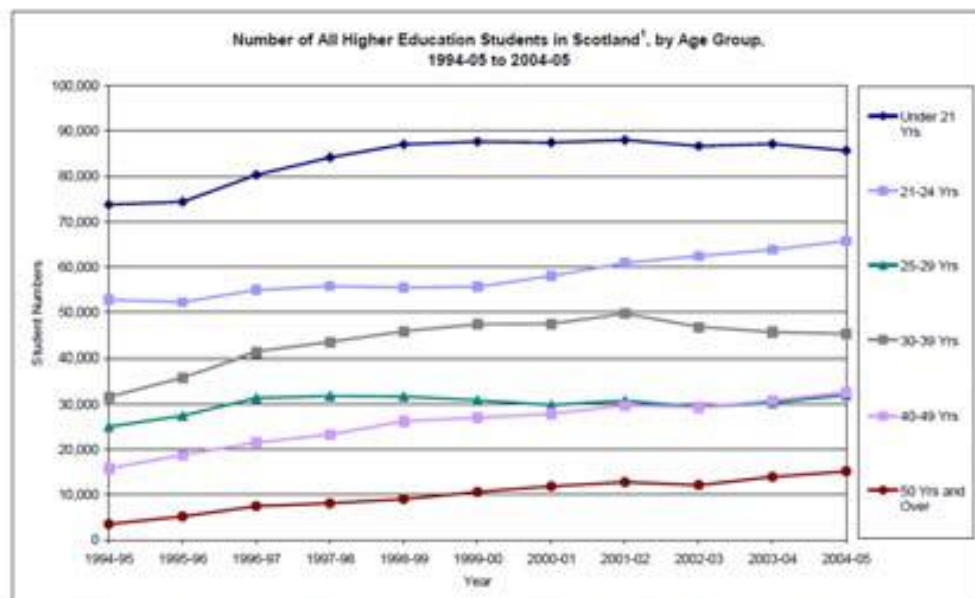
Further and Higher Education Students
Young people under 21 make up 36% of all entrants to higher education. The majority of further education students study part-time (75%) and of these students, the largest age group is 25-59 year olds (45%). Of the full-time further education students (25%), the largest 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

Number of All Higher Education Students in Scotland[1], by Age Group, 1994-05 to 2004-05

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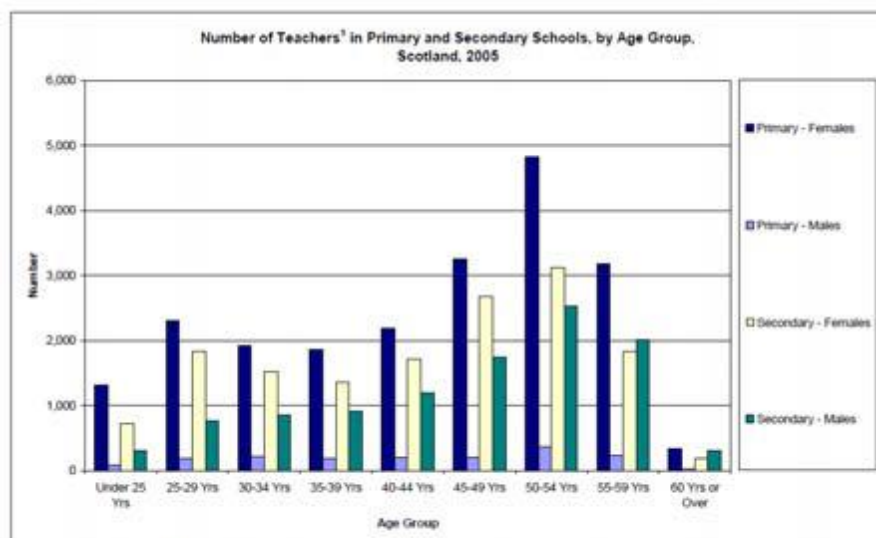Note: 1. Numbers include students on Higher Education courses at Higher Education Institutions or Further Education Colleges in Scotland.

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.

Education Scotland – Equality Impact Assessment

Teaching profession by age

Source: Teachers in Scotland, 2005
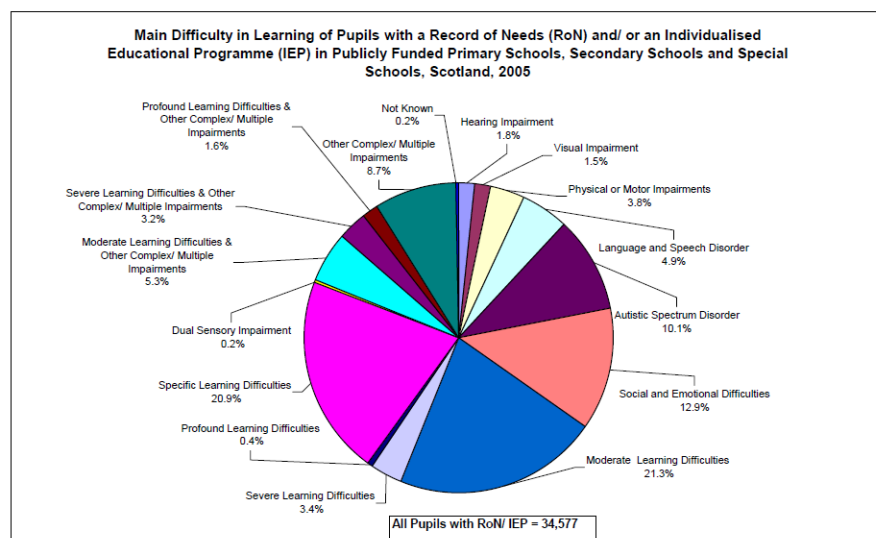Note: 1. Excludes teachers in grant aided schools.

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*)

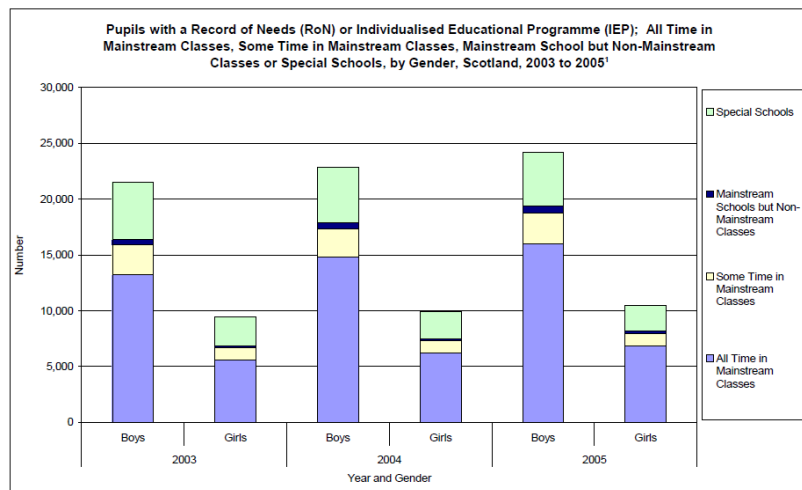Main Difficulty in Learning of Pupils with a Record of Needs (RoN) and/ or an Individualised Educational Programme (IEP) in Publicly Funded Primary Schools, Secondary Schools and Special Schools, Scotland, 2005

- 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%
- Social and Emotional Difficulties 12.9%
- Specific Learning Difficulties 20.9%
- 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

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.

Education Scotland – Equality Impact Assessment

Special educational needs in schools, by gender (Source: Scottish Government (2006) *High Level Summary of Equality Statistics***)**

Pupils with a Record of Needs (RoN) or Individualised Educational Programme (IEP); All Time in Mainstream Classes, Some Time in Mainstream Classes, Mainstream School but Non-Mainstream Classes or Special Schools, by Gender, Scotland, 2003 to 2005[1]

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.
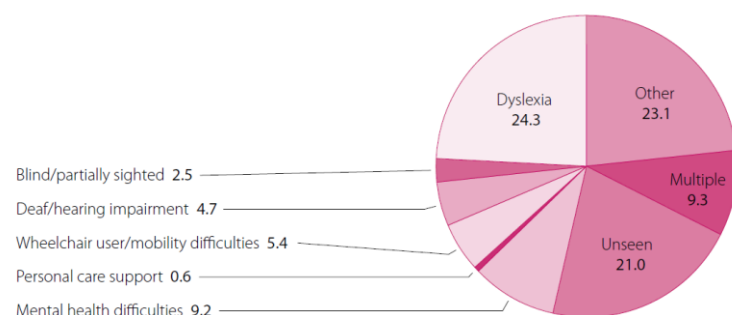
2. (ii) DISABILITY: FURTHER AND HIGHER EDUCATION

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.

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

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 a disability.

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.

3. (i) ETHNICITY: SCHOOL

Composition

Data on the ethnicity of pupils in publicly-funded schools in Scotland from the *Pupil Census* in 2012 (see table below) show that 89.5 % of pupils were recorded as being white Scottish or white other British. The largest other ethnic backgrounds include white other (3.2 %), Asian Pakistani (1.7 %) and mixed (1.0 %). It also shows that the number of Gypsy/Traveller pupils in 2012 had gone up by 17% from 737 in 20118, although this could be due to improved recording rather than an actual increase. The *Pupil Census* shows a higher proportion of ethnic minority pupils in schools than would be expected from the ethnic minority share of the population at large: this is mainly explained by the younger age profile of the ethnic minority population, and with this a higher proportion of households with dependent age children.

Pupil characteristics: ethnicity by gender, 2012 (Source: Pupil Census, 2012)

	Female	Male	Total
			Ethnicity
White - Scottish	284,211	294,925	579,136
White - Other British	10,402	10,761	21,163
White - Gypsy/Traveller	447	417	864
White - Other	10,512	11,047	21,559
Mixed	3,461	3,495	6,956
Asian - Indian	1,865	2,065	3,930
Asian - Pakistani	5,564	5,866	11,430
Asian - Bangladeshi	357	357	714
Asian - Chinese	1,379	1,258	2,637
Asian - Other	1,618	1,626	3,244
Caribbean/Black	337	371	708
African	2,054	2,203	4,257
Other	1,449	1,585	3,034
Not known / not disclosed	5,375	5,955	11,330

In recent years, a number of studies in Scotland have explored the experiences of ethnic minority groups in education, either as a single issue or as part of wider studies on ethnicity/ race in Scotland. These studies suggest that there are important issues that affect

the educational experiences of ethnic minority young people, including bullying and discrimination, language barriers and differences in experiences of children from different ethnic groups. However, at present the research evidence remains patchy, with localised and small scale studies dominating.

The (then) Scottish Executive's *High Level Summary of Equality Statistics* reports that, in 2005, 4.9 % of pupils in special schools were from ethnic minority groups13 ii. As only 3.8 % of pupils in all publicly-funded schools in Scotland in the same year were from ethnic minority groups, this indicates a relatively high representation of ethnic minority children in special schools. Netto et al (2001) suggest that there is a marginalisation of ethnic minority parents when children have special educational needs, with parents lacking representation in educational decision-making, while de Lima (2003) suggests that there may be a level of misdiagnosis in relation to special educational needs, as a result of language and cultural differences. At present, however, there remains an absence of robust evidence on the learning needs and experiences of ethnic minority young people in Scotland.

Attainment
In their study of the experiences of ethnic minority pupils in schools in Scotland, Arshad et al (2004)16 found that arriving at valid and reliable data on the educational achievements of ethnic minority pupils was not possible because of limitations in available data. In part, data on ethnicity remain incomplete as it is not compulsory for parents to disclose ethnicity information. It is therefore difficult accurately to compare attainment levels of pupils based on ethnicity. At present, there is also no analysis of educational achievement that takes account of the length of time each pupil has been resident in the UK or the pupil's fluency in English.

The Scottish Government's Pupil Census figures include pupils' academic attainment (2012). These use average tariff scores, and show the relative performance of the ethnic minority groups within Scotland. For the year 2010/11, white UK, white other, black and other pupils did worst. Chinese pupils performed best by a wide margin, followed by Asian other, mixed, Indian and Pakistani pupils.

The Joseph Rowntree Foundation (2011) reports an argument that strong educational attainment among ethnic minority pupils may have been facilitated by active promotion of race equality in schools, and by improving teachers' ability to respond to specific individual needs (e.g. teaching of English as a second language, and intolerance of racial bullying). A study modelling attainment in three Scottish local authorities (Edinburgh, Fife and North Lanarkshire) found that attainment at Standard Grade and at Higher Grade improved in proportion to the number of pupils from a non-white background in a school.

The Scottish Qualifications Authority's *Attainment and School Leaver Qualifications in Scotland: 2008-09* report, showing stronger performances in S4 by children from Chinese, Bangladeshi and Indian groups than white UK children, and weaker performances by

black African and black Caribbean children. For Highers, all identified groups do better than white UK, but results for black Caribbean (the lowest attaining group at S4) are not listed.

Exclusion
Scottish Government statistics on exclusions (2010) show that 78 of the 87 permanent exclusions (90%) related to white pupils; six were not disclosed or not available, leaving one exclusion (1%) each for Indian, mixed and other pupils.

The EHRC *Triennial Review* gives data on permanent exclusion from school in 2008/09 for the UK. White pupils comprise the majority of permanent exclusions in Scotland and Wales; in England the rates for white and non-white pupils are very similar, though there are clear differences between different ethnic minority groups.

Post-school destinations
The Scottish Government's *School Leavers Destination Report 2010/11* shows that school leavers from ethnic minority backgrounds appear to have slightly higher levels of positive post school destinations than white young people (89.9% compared to 88.9%). It also shows that a larger proportion enter Higher Education than white young people (49% compared to 36.9%).

National Indicator data from the School Leaver Destination Return reported in *Scotland Performs* show that school leavers who identify as Chinese consistently have the highest proportion in positive destinations. The greatest increase between 2008/09 and 2011/12 was seen in the mixed ethnic group and the largest percentage decrease was seen in the Chinese group. However, the report warns that it is difficult to track changes over time owing to the small number of leavers in some ethnic groups.

Experiences of Gypsy/Traveller pupils
3.13 The EHRC report, *Inequalities Experienced by Gypsy and Traveller Communities*, finds evidence of racist attitudes and non-inclusive policies in public services including education. The Commission for Racial Equality report, *Common Ground*, stated that "the services Gypsies and Travellers receive from their local authority are manifestly less favourable than those the wider public enjoy". The report says that "sometimes this takes directly discriminatory forms, as in parts of the criminal justice system. Sometimes the problems arise from assimilatory rather than discriminatory policies, practices and institutional cultures, as in education. In other services, indirect racism through a lack of acknowledgement and pathologisation of cultural issues is influential, alongside direct discrimination, in denying appropriate access to services, as in aspects of health and social services".

The EHRC *Inequalities Experienced by Gypsy and Traveller Communities* report specifies that Gypsies/Travellers have the same rights to appropriate education under the United Nations Convention on the Rights of the Child as all other children. Under the 1996 Education Act, schools (in England and Wales) are required to be open for 190 days or 380 sessions, and parents are required to ensure that children of compulsory school age receive full-time education; however, Gypsy/Traveller parents whose livelihoods involve travel have a legal defence if the child has attended 200 sessions. Rather than reducing a child's entitlement, this is intended to protect families from unreasonable prosecution while travelling for work.

The EHRC's *Triennial Review* reports that, in Scotland, it has been estimated that only 20% of Gypsy/Traveller children of secondary age regularly attend school (although it does not explain how "regularly" relates to the requirement that Gypsy/Traveller children attend 200 sessions as reported above), and this percentage may be even lower in more remote areas. It echoes *Inequalities Experienced by Gypsy and Traveller Communities* in pointing out that even those who attend school experience unequal access to an appropriate curriculum and cultural support.

In qualitative studies of educational inequalities, common themes in relation to the barriers encountered by Gypsy/Traveller pupils include: enforced mobility and interrupted learning; consistent experiences of racist harassment and bullying; excessive exclusions linked to these experiences and to inadequate school responses; the lack of validation of Gypsy/Traveller culture in schools; the limited relevance of the curriculum for some pupils; cultural barriers that children have to negotiate between home and school; teachers' low expectations; and the impact of national targets on schools' readiness to admit Travellers.
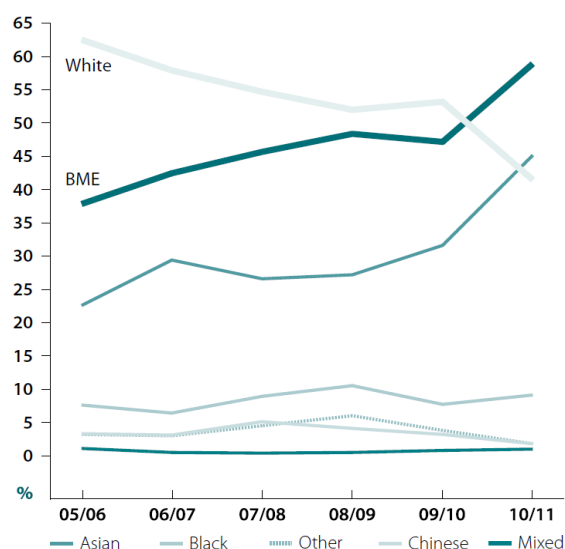
3. (ii) ETHNICITY: FURTHER AND HIGHER EDUCATION

Composition of the student population

According to Scottish Government data for 2009/10, students who declared their ethnicity to be white constituted 82% of all students. Students who declared their ethnicity to be Chinese were the second largest ethnic group (2% of the total) and those who declared their ethnicity to be Indian were the third largest ethnic group (1.8% of all students). The Equality Challenge Uni tracks the profile of students by ethnicity over time, and distinguishes between those who are and are not domiciled in the UK. Changes to the ethnic profile were most prominent within the non-UK domiciled group (see graph below), though the number of students within this group remains small. Since 2005/06, the proportion of white students in this group has fallen by 21.0%, while the proportion of Asian students has increased by 22.5%. The proportion of ethnic minority students within the non-UK domiciled group has increased from 37.7% in 2005/06 to 58.7% in 2010/11. In comparison, the ethnic profile of UK-domiciled students has remained fairly static.
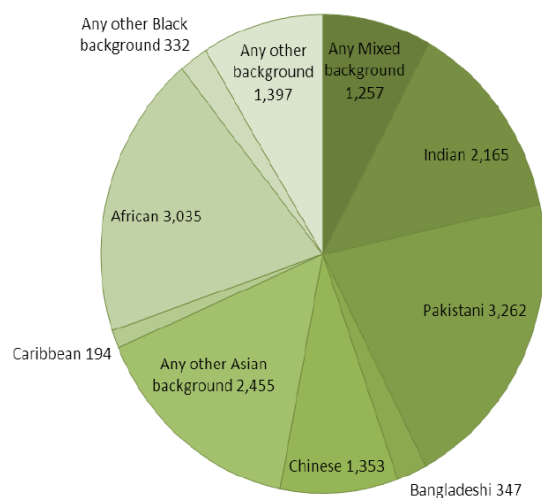
Non-UK domiciled students by ethnicity (Source: Equality in Colleges in Scotland: Statistical Report 2012)

The Scottish Funding Council reports that in further education the proportion of ethnic minority students in 2010/11 was 4.8%, with African and Pakistani students being the largest ethnic minority groups (see chart below).

Ethnic background of minority student groups, 2010-11 (Source: College Performance Indicators 2010-11)

The Equality Challenge Unit reports that higher education students of certain ethnicities are more concentrated in some subjects than others. For example, 20.3% of black students and 22.5% of Asian students study engineering and technology, compared with between 10.0% and 12.8% of students of other ethnicities. More than half (53.3%) of all Asian students study business and administrative studies. 27.2% of mixed students and 18.5% of white students study creative arts and design, compared with 4.9% of black students and 4.6% of Asian students.

Attainment

The Equality Challenge Unit explores the level of study by students across all ethnic groups within further education, and finds that there are considerable variations by level in the Scottish Credit and Qualifications Framework. For example, a higher proportion of Chinese students are studying at level 3 (Foundation Standard Grade) than other ethnic groups, with 9.5% studying at this level compared with 1.0% of white students. A higher proportion of ethnic minority students study at higher education level overall (22.2%)

than white students (13.4%). Most starkly, 16.0% of all Asian students study at level 8 (e.g. for a Diploma of Higher Education) compared with 5.5% of white students.

The Equality Challenge Unit reports that, at higher education level, the proportion of students completing their course is highest among black students (84.0%) and lowest among mixed students (80.4%). At further education level, the proportion of students completing their course is highest among white students (88.9%) and lowest among Chinese students (82.9%).

The Scottish Government's analysis of the Annual Population Survey 2010 reports that degrees are held by 32% of ethnic minority people, versus 20% of all white people.

The EHRC *Triennial Review* reports on further education for the UK as a whole. Students from different ethnic minority groups have different outcomes when studying for their first degree, with students from some ethnic minority groups far less likely to leave university with a first or upper second class degree than others. For example, in 2008/09 white students were most likely to achieve this level, with nearly 7 in 10 (67%) white students leaving with a first or upper second class degree, compared to just under 4 in 10 black students (38%).

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Workforce composition

A report on diversity in the further education workforce found it to be predominantly white, as shown in the table. This report found little evidence of ethnic minority staff in promoted posts, and overall the low numbers of ethnic minority staff was concerning staff at all levels.

Staff by ethnic group and type of role (Source: Equality and Diversity in the Further Education Workforce, undated)

Ethnic Group		FTE		
		Teaching	Non-teaching (support)	Total
White	Scottish	5,256	5,166	10,422
	English	465	307	772
	Welsh	30	12	42
	Irish	63	46	108
	Any other white background	347	280	627
Mixed	Any mixed background	17	11	28
Asian, Asian Scottish or Asian British	Indian	13	11	24
	Pakistani	5	5	11
	Bangladeshi	2	3	5
	Chinese	5	12	18
	Any other asian background	3	13	16
Black, Black Scottish or Black British	Caribbean	5	3	8
	African	8	4	12
	Any other black background	3	6	9
Other ethnic background	Any other background	17	10	27
Information refused / not known		190	142	332
Total		6,430	6,030	12,460

4. GENDER: SCHOOL

Behaviour

Since attendance at school is mandatory until age 16, the gender distribution of pupils reflects that of the population as a whole. The *Gender Audit* concludes that in the academic year 2004/05[4], boys in publicly-funded primary schools were more likely than girls to have behavioural or emotional difficulties (71% of such pupils were male in 2005) and to be excluded from school (91% of all exclusions were of male pupils in 2004/5). Overall, male pupils accounted for 78% of exclusions in 2010/11; this percentage has been stable at around 78% to 79% since 2003/04.

The EHRC *Review of Research* (pp42-3) explores possible reasons that have been put forward for boys' greater difficulties at school, based on the *Gender Audit* statistics reported above. It cautions that research emphasising individual factors (such as boys' greater vulnerability to illness, or inability to engage with the increasingly feminised teaching profession) offers only a partial explanation, and that these should rather be seen in relation to the more complex social processes that shape and interact with gender – for instance class, family, neighbourhood, and peers. In its *Triennial Review*, the EHRC[7] reports that permanent exclusion appears to be strongly associated with multiple deprivation in Scotland: 41% of permanent exclusions were among pupils from the 20% of areas with the highest levels of multiple deprivation in 2006, compared to just 3% among pupils from the 20% of areas associated with the lowest levels of multiple deprivation. The EHRC report does not have data for bullying disaggregated by gender.

Attainment

The *Gender Audit* further reports that girls are more likely than boys to stay on after the period of compulsory schooling, with approximately 7% more girls staying on for S5 and S6 in 1998 and in 2005. Girls also attain better results than boys - in 2004/05: In S4, 38% of female pupils achieved 5+ Awards at Scottish Credit and Qualifications Framework (SCQF) level 5 or better, compared to 29% of male pupils; In S5, 11% of females achieved 5+ Awards at SCQF level 6 or better, compared to 8% of males. In 2010/11, female school leavers had the highest levels of attainment with an average tariff score of 412, compared to 358 for male school leavers.

The EHRC *Review of Research*[9] also gives data showing girls out-performing boys for the three academic years 2004/05, 2005/06, and 2006/07. It again looks at possible contributory factors, including girls taking their education more seriously, and the different peer pressures that girls and boys face. 3.6 The EHRC *Triennial Review* compares performance across the UK. It finds that girls are ahead of boys in England, Scotland and Wales, which is a reversal of the situation for most of the post-war period. However, girls have the narrowest lead in Scotland, where 50% of girls achieved the comparative measure (Standard Grade awards at levels 1-3, Intermediate 2 at grades A-C, and Intermediate 1 at grade A, at age 16) compared to 46% of boys.
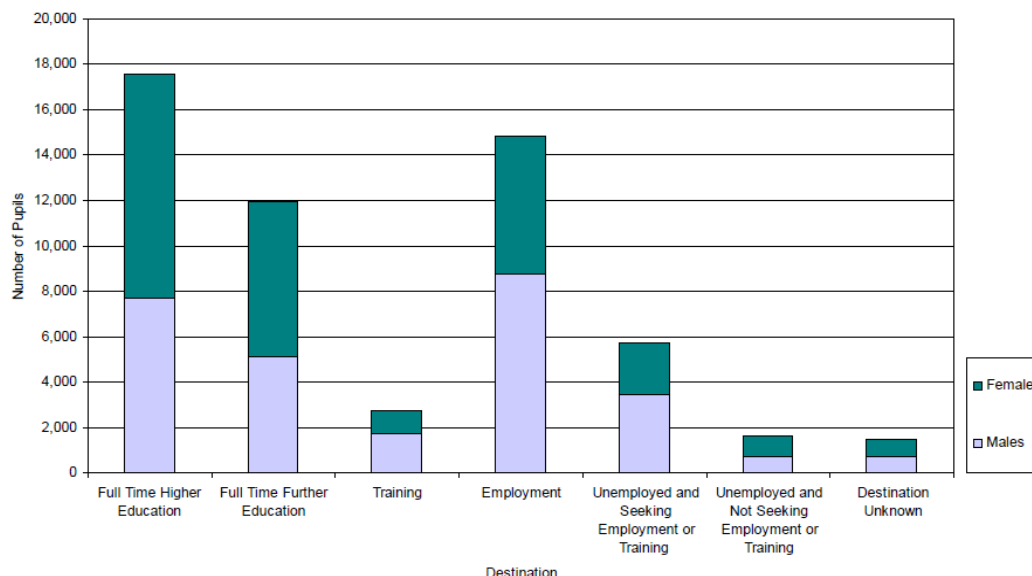
Subject choice

The subjects studied show a gender bias, with girls making up the majority of pupils taking administration, art, biology, home economics and psychology to SCQF level 5 in 2008, with boys dominating in economics, computing, design and physics. A similar variation persists through levels 6 and 7, with girls taking arts and social sciences, and boys taking science and technology. These preferences are supported by anecdotal evidence from Engender on the choice of subjects studied at school: "Many women in our communities of interest felt that young girls are still being encouraged to study "female-friendly" subjects, which lead to stereotypically female-related careers.".

Destinations

3.8 In 2010/11, 88.5% of female school leavers were in a positive follow-up destination compared to 86.0% of male school leavers. The *High-level summary of equality statistics* illustrates school leaver destinations (see graph below). 60% of female school leavers and 45% of male school leavers went on to full time further or higher education in 2004/05. A higher proportion of males went on to employment (31%) compared to females (22%), whilst a slightly higher proportion of males were unemployed and seeking employment or training (12%) than females (8%).

Destinations of School Leavers, By Gender, Scotland, 2004-05. (Source: *High-level summary of equality statistics*)
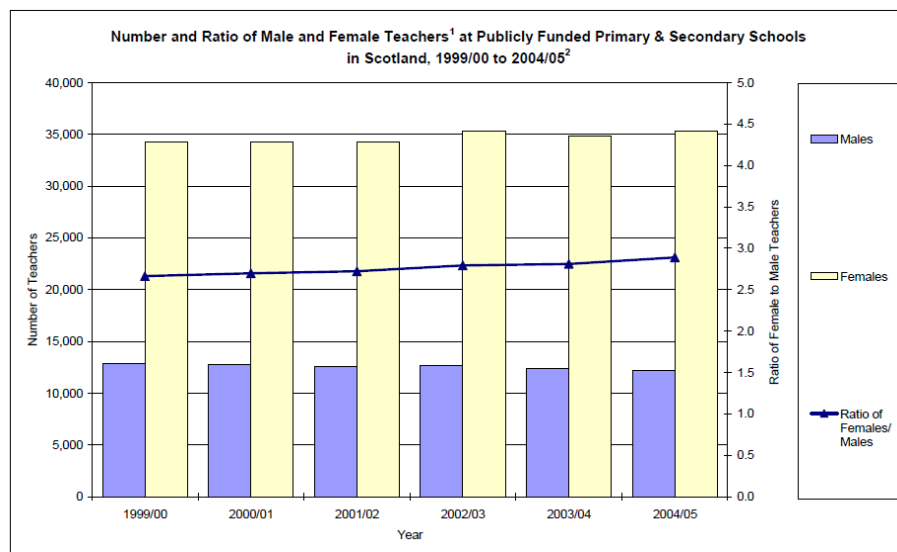

Teaching profession

The *High-level summary of equality statistics* also reviews the gender composition of the teaching profession (see graph below). Female school teachers considerably outnumber males in publicly funded primary and secondary schools. In 2004/05, female school teachers outnumbered males by a ratio of 2.9:1, and this compares to a ratio of 2.7:1 in 1999/2000. The number of male school teachers has decreased by 5% from 12,858 in 1999/00 to 12,228 in 2004/05. Conversely, the number of female school teachers has increased by 3% from 34,240 to 35,333 during this period.

Gender composition of the teaching profession (Source: High-level summary of equality statistics)

Number and Ratio of Male and Female Teachers[1] at Publicly Funded Primary & Secondary Schools in Scotland, 1999/00 to 2004/05[2]

Source: Teachers in Scotland, 2005
Notes: 1. Figures are based on Full-Time Equivalent teachers.
2. Teacher numbers as at September of the academic year.

In September 2011, 62% of all secondary school teachers were female; however, when broken down by grade, only 34% of secondary school head teachers are female.

4. (ii) GENDER: FURTHER AND HIGHER EDUCATION

Student gender profile
Scottish Government data for 2009/10 and 2011 show that over half of entrants to HE are female (over 55%), while there are more males undertaking Modern Apprenticeships than females (66% in training are males, 56% of new starts are males). The Equality Challenge Unit (ECU) reports that between 2005/06 and 2010/11, there have been consistently more female students than male students studying in colleges in Scotland. However, the proportion of male students has increased during this time. In 2005/06, there
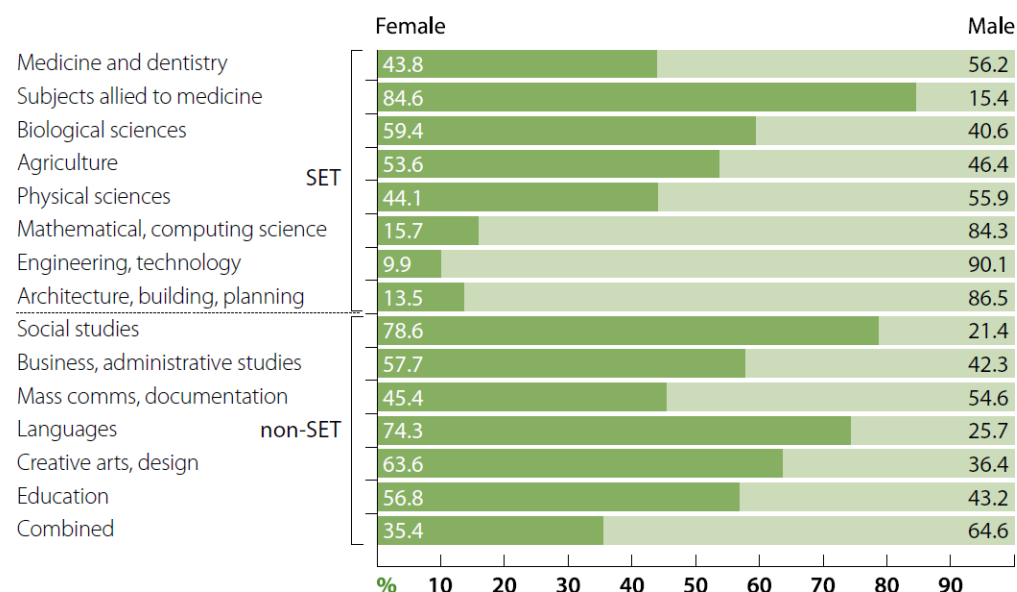
was a gap of 15% between female and male students' representation; this gap has more than halved to 7% in 2010/11. The current student gender ratio is 54% female to 46% male, which is the closest it has been to the national gender ratio for Scotland (52% female to 48% male) since 2005/06.

Subject choice

In FE, HE and Modern Apprenticeships combined, subjects including engineering, technology, and construction are a more popular choice for males whereas medicine, arts & crafts, health care and social work are a more popular choice for females. The ECU's 2012 report finds that in FE, male students make up the majority of those studying science, engineering and technology (SET) programmes (75%). However, they are concentrated in certain subjects, notably engineering and technology (90%), architecture, building and planning (87%) and mathematical and computing science (84%) – see table below. In contrast, a higher proportion of students studying subjects allied to medicine and biological sciences are women than men (85% and 59% respectively).

Figure 5: FE students by gender and subject area (Source: Equality Challenge Unit)

Subject		Female	Male
Medicine and dentistry		43.8	56.2
Subjects allied to medicine		84.6	15.4
Biological sciences		59.4	40.6
Agriculture		53.6	46.4
Physical sciences	SET	44.1	55.9
Mathematical, computing science		15.7	84.3
Engineering, technology		9.9	90.1
Architecture, building, planning		13.5	86.5
Social studies		78.6	21.4
Business, administrative studies		57.7	42.3
Mass comms, documentation		45.4	54.6
Languages	non-SET	74.3	25.7
Creative arts, design		63.6	36.4
Education		56.8	43.2
Combined		35.4	64.6

% 10 20 30 40 50 60 70 80 90

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Patterns of study

At HE level, the majority of both female and male students study full-time (62% and 60%, respectively) (ECU, 2012). At FE level, 69% of women and 73% of men are in part-time study.

For both female and male students, the proportion of those studying via self-study and distance learning is higher at FE level than at HE level (ECU, 2012).

At HE level, a slightly higher proportion of female students complete their course than male students (83.1% and 82.5% respectively) (ECU, 2012). At FE level, the inverse is true: just 88.0% of female students complete their course compared with 90% of male students.

Destinations

The National Indicator data from *Scotland Performs* in 2012 report that, historically, the percentage of graduates in positive destinations six months after graduating has been higher for females than for males. In recent years, the gap was generally between 5 and 8 percentage points. However, the gap decreased from 5.0 percentage points in 2009-10 to 2.1 percentage points in 2010-11.

5. (i) LGBT: SCHOOL

The EHRC's *Equality issues in Scotland: a review of research, 2000-08* reports homophobic bullying as a "common concern" for LGBT young people in Scotland, with negative impacts on physical and mental health, and on educational performance. It reports a research gap in the long-term impact of school bullying on LGBT young people in Scotland; in the UK, Stonewall has suggested that bullying impacts on adult mental health.

A paper from LGBT Youth Scotland reports the findings of its survey conducted with LGBT young people, aged 13-25. The survey revealed that LGBT young people identified education as the environment where they faced the most discrimination; within education, schools appear to be the place where LGBT young people feel least protected. A slight improvement was seen in college, with university providing the least homophobic, biphobic or transphobic environment.

LGBT Youth Scotland has also drafted a *Charter of LGBT Rights*, addressing areas of the United Nations Convention on the Rights of the Child and the Universal Declaration of Human Rights that some LGBT people feel that they are denied due to their sexual orientation or gender identity. It includes a "right to education", expecting all "places of learning" to recognise and value diversity. These are further reflected in the six strategic outcomes that guide the work of LGBT Youth Scotland.

5. (ii) LGBT: FURTHER & HIGHER EDUCATION

The Scottish Government does not currently have information on the experiences of LGBT people in further and higher education.

The EHRC *Triennial Review*110 reports that the UK's Higher Education Statistics Authority does not collect data on sexual orientation or Transgender status, that no robust statistics are collected from other sources, and that little research has been conducted into the experiences of LGBT students in higher education. It does, however, summarise the results of a study by the Equality Challenge Unit (2009). The study was based on 2,704 online responses of LGBT students in Higher Education Institutions in England, Wales and Northern Ireland; 12 focus groups with LGB staff and students; and 18 individual interviews. It found that LGBT students report being treated negatively on the grounds of their sexual orientation or gender status by fellow students, and to a lesser degree by tutors, lecturers and other staff. In the same study, Transgender students reported encountering higher levels of negative treatment than LGB students.

A report on diversity in the further education workforce (2005) found virtually no research on staff experiences in relation to sexual orientation or gender identity. The case studies of colleges in this report found that, whilst most of the staff interviewed suggested that there was no discrimination on grounds of sexual orientation, there were several suggestions that this is a sensitive area and some felt it was a private matter that should not necessarily be discussed.

6. (i) PREGNANCY AND MATERNITY: SCHOOL

In addition to the inclusion of pregnancy and maternity as protected characteristics, pregnancy discrimination in schools is expressly prohibited under section 17(1) (c) of the Equality Act 2010.

Particular areas of concern identified in the evidence review are the relationship between teenage pregnancy and poverty, and the resulting disadvantage for young women, and teenage pregnancy and progression in school education and training. Whilst the scale of the issue for compulsory education is relatively small, the severity of the impact in terms of educational equality is significant.

The teenage pregnancy rate in Scotland is higher than "most other western European countries": the 2010 rate for pregnancies among under 16 year-olds was 7.1 per 1,000, and for under 18 year-olds it was 35.9 per 1,000.

Harden et al's (2006) review of research evidence for the EPPI-Centre on the intersection between social exclusion and teenage pregnancy highlights that "the disadvantages experienced by many young parents before pregnancy continue after having a baby" - and notes recurring problems in relation to housing, benefits, employment and childcare. Specific problems related to education/training include being pushed to return to school/education too soon, returning to former school where relationships were not always positive, "dirty looks" and restricted curriculum available for home-schooled mothers. Many of these recurring problems are evident in a recent report from the Highland Children's Forum, *Recipe for Young Parenthood*, which draws on data generated from 22 young parents (including three young fathers). Both reports support the view of the Learning and Teaching Council that teenage pregnancy can limit "education and career prospects as there are few structures in place to ensure that under-16s will return to school after a birth". Furthermore, it is uncommon for teenage mothers over 16 years to continue with schooling, and teenage motherhood more generally reduces the likelihood of progression to post-school education.

Both reports also serve to emphasise that one size does not fit all and that education/training is just one component in what is often a complex set of circumstances and interrelated issues - requiring holistic, bespoke solutions. Building on their earlier work, Harden et al (2009) propose that the best interventions combine "structural level and individual level components". The 2011 consultation by the

EHRC on the draft *Code of Practice for schools in Scotland* highlighted the need for further evidence on developments following this consultation and related policy/practice/research.

6. (ii) PREGNANCY & MATERNITY: FE & HE
The National Union of Students (NUS) published the first UK-wide review of the experiences of full- and part-time student parents in further and higher education in 2009. This report draws primarily on questionnaire data from 2,167 students, interviews with key stakeholders and a series of student focus groups. *Meet the Parents: The experience of students with children in further and higher education* focuses on the experiences of student parents but also addresses issues of pregnancy and maternity. 29% of participants reported that they became pregnant whilst studying. The majority of mothers (59%) who were pregnant whilst studying did not feel that their institution adequately supported them and "pregnant students face particular challenges in the educational system, particularly in relation to finances and taking time out". The key message presented points to a wide variation in practices adopted within colleges and universities, from highly "positive practices" to "less supportive" practices. Examples of less supportive practices cited include): Recruitment practices - one college repeatedly refused entry to pregnant students. Failure to support progression - one student failed an exam because her waters broke; another was refused a comfortable seat during her exam; others were forced off courses, or left with no support or information as to how they could be supported to continue their course, instead battling against an expectation that they should drop out or defer.

The report recommends that UK further and higher educational institutions must develop "pregnancy policies" to minimize such negative impacts, not least because there were "instances of outright discrimination". The Equality Challenge Unit (ECU) has warned that higher education institutions might be failing to meet their legal duty to ensure that pregnant students and new mothers are not discriminated against, as highlighted in the *Times Higher Education*.

The ECU (2010) has published guidance for higher education institutions on student pregnancy and maternity, extending to issues of paternity and paternity rights. The ECU draws heavily on the NUS report as a key source of information and reiterates the general absence of pregnancy and maternity policies across the sector. This publication includes detailed practical guidance on all aspects of the student journey and underlines the increased statutory protection provided under Section 17 of the Equality Act 2010. There is a useful pregnancy and maternity support proforma provided at the end of the report. A series of further ECU reports focus specifically on Scotland and provide guidance for Scottish higher and further education institutions on how to address the requirements of the Public Sector Equality Duties more generally - and deal with the specific duties laid down by the Scottish Parliament. The EHRC (2012) has also published general guidance, incorporating pregnancy and maternity, for students across all four home nations. A trawl of the websites of Colleges Scotland, College Development Network, Universities Scotland and individual colleges and universities reveals

that the college and university sectors are developing mechanisms and policies/strategies to meet these requirements now and in the future. Such developments are also important for students making the decision to become parents. Khadjooi et al (2012) note that 90% of medical students in their study were not aware that support for pregnant students was available. This factor is reported to have influenced some respondents' decisions to delay having children.

The extent to which these policies translate into practice, however, requires further examination. Some recently published policies seem to be falling short of the mark in terms of aspiration, as the following excerpt of a student maternity policy from a Scottish university (2012) highlights: Nursing mothers should be aware that there are no specific facilities for expressing milk on campus and that alternative arrangements should be made.

The NUS study highlights that further and higher education institutions are not required to collect data on student pregnancy. The ECU (2010) also notes the absence of pregnancy and maternity data in relation to higher education, suggesting that the Higher Education Statistics Agency (HESA) should collect this data to enable institutions to "determine the scale of the facilities and services they need to provide to support students during pregnancy and maternity, and to support existing student parents". They suggest that this should not deter institutions from collecting their own data. These data would also provide opportunities to examine some of the intersections between other protected characteristics, in addition to non-protected characteristics such as deprivation. In Scotland, for example, data on gender, age, deprivation, disability, ethnicity and geographic region are already collected by colleges and universities. These data help, amongst other things, to measure success towards achieving Learning for All, which is the Scottish Funding Council's aim of widening access to further and higher education.
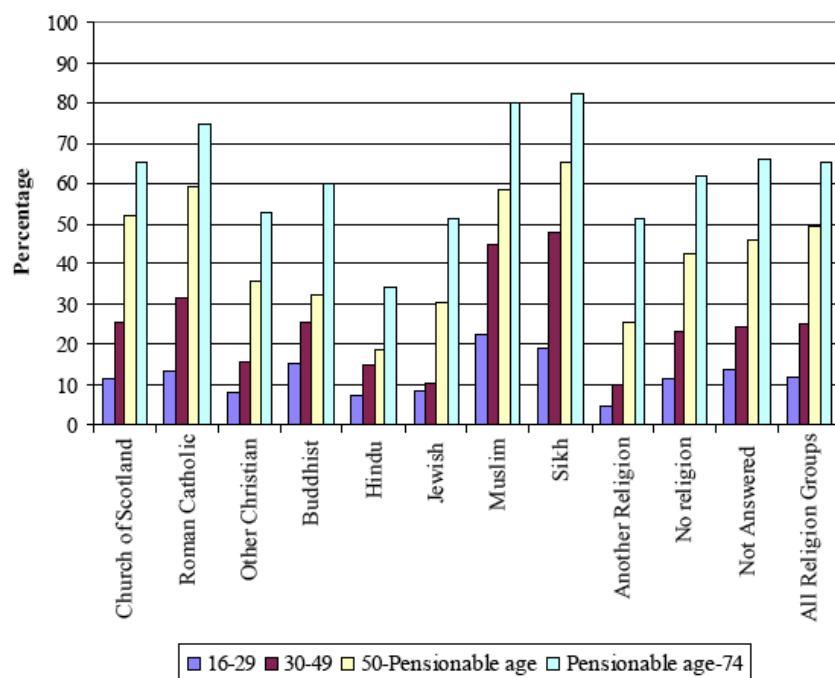
7. RELIGION & BELIEF

The reader should note that the *Scottish Pupil Census* does not collect information on religion. The Scottish Further and Higher Education Funding Council's *Single Equality Scheme* sets out how it will meet its statutory duties (under the Equality Act 2010) to eliminate discrimination and to promote equality between people of different characteristics, including religion. However, its current monitoring reports – for 2010 – do not include religion. Similarly, the equality report of the Equality Challenge Unit does not address religion.

The data in this section are therefore taken from the Scottish Census 2001, and show that there are differences in both those with no qualifications, and participation in post-school education, by religion.

The graph below shows that Muslims and Sikhs are among those most likely to have no qualifications. The proportions of those without qualifications varies markedly when looking at different age groups – with those of pensionable age much less likely to have any qualifications than those aged 16-29.

Adults with no qualifications (or qualifications not listed in the 2001 Census) by current Religion – All People aged 16-74 years. (Source: *Analysis of religion in the 2001 census*, 2005)

The 2001 Census also showed that a higher proportion of Muslims, Sikhs and Hindus than people from other religions participated in post-compulsory education.

A report on diversity in the further education workforce found virtually no research on staff experiences in relation to religion. The case studies of colleges in this report found that staff thought religion had been catered for effectively in institutions' equal opportunities policies, by means of allowances being made for the needs of specific individuals. However, the report's authors warn that this view may reflect a lack of knowledge and awareness of the issues encountered by the respondents.