

Equality Policy

October 2017

Name of Policy	Equality policy, Education Scotland – Inclusion and Equality
Description of Policy	This Education Scotland policy builds on the SG equality and diversity policies and guidance to set out a summary of roles and responsibilities to ensure that we deliver on our vision and long-term plans detailed in our Equality Strategy.
Policy Number	
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Approver (Assistant director or above)	SMT

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Frequency of review	
Date of review	

* Unless otherwise indicated, this policy will still apply beyond the review date.

Description of Amendment	

Related Legislation, Strategies, Policies, Procedures, Guidelines and Local Protocols	Education Scotland Equality Impact Assessment Strategy SG Fairness at Work Policy SG Dignity at Work Policy SG Diversity Policy
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1.0 Introduction

Education Scotland is committed to equality. Our vision is to be leaders in ensuring equality for all and modelling practices in eliminating discrimination, promoting equality and diversity, and addressing inequity in all aspects of our work.

This policy is aligned to our **Equality Strategy** and provides the framework within which Education Scotland staff, individually and collectively, can understand and deliver their responsibilities in relation to equality. As Scottish Government (SG) employees, the [SG Fairness at Work Policy](#) applies to our workplace. This SG policy aims to prevent colleagues suffering because of:

- bullying, harassment or victimisation
- equality and diversity issues
- relations with colleagues
- unfair working methods, conditions and workloads (including health and safety)
- reorganisation of work or other organisational change.

In line with the [SG Diversity Policy](#) we are committed to increasing the diversity of our workforce. The dual aim of our diversity policy is to:

- positively value the different perspectives and skills of all colleagues, and make full use of these in our work
- manage and develop everyone, ignoring all irrelevant differences and positively valuing different perspectives and skills.

The purpose of this Education Scotland Equality policy is to build on the SG equality and diversity policies and guidance to set out a summary of roles and responsibilities to ensure that we deliver on our vision and long-term plans detailed in our Equality Strategy.

1.1 Scope of this Policy

This policy and the associated procedures and guidance provide consistent advice on promoting equality and diversity and addressing inequality through all aspects of our work. This policy provides the framework within which Education Scotland staff, individually and collectively, can understand their responsibilities in relation to equality.

This policy and the associated procedures and guidance apply to all Education Scotland staff including Corporate Services, Education Officers,

HM Inspectors, Attainment Advisors, as well as secondees, Development Officers, Associate Assessors and Lay Members.

1.2 Aims of this Policy

Education Scotland seeks to ensure that we:

- comply fully and transparently with all equalities legislation
- mainstream equality and human rights in every aspect of our work by identifying the key actions we need to take across all the relevant functions, policies and practices
- ensure equal opportunities for all our staff, taking full account of the information we have about “protected characteristic” groups, as defined in the Equality Act 2010
- promote equality through all aspects of our work with our partners and stakeholders, including by drawing the attention of education providers to their own duty to promote equality and diversity (where relevant)
- model good practice in eliminating discrimination and in promoting equality and diversity, this is particularly important given Education Scotland’s high public profile and proven record of positive influence on Scottish education
- identify good practice, including good practice in equality education for children, young people and adult learners, and disseminate that good practice across the system

We do this by focusing on the 3 key strategic drivers set out in our Equality Strategy:

- Equality in Employment and within our corporate systems and processes (inward)
- Mainstream equality in education (outward)
- Secure continuous improvement (forward)

The protected characteristics as defined in the Equality Act 2010 are as follows:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Marriage and civil partnerships

- Sex
- Sexual orientation

This policy aims to ensure that Education Scotland staff are equipped with the information, knowledge, support and guidance to carry out their duties, roles and responsibilities in relation to equality.

1.3 Principles of this Policy

Education Scotland subscribes to SG's equality outcomes and mainstreaming equality approaches 2017-19. By being part of this approach, Education Scotland ensures that it complies with the Equalities Duties placed on all public bodies, including contributing to reporting on progress. The last report was published in 2017 (<http://www.gov.scot/Publications/2017/04/4384>).

To deliver on these duties we will:

- ensure that all our staff have equality and diversity training as part of ongoing professional development programmes
- involve staff, partners and stakeholders in the development of our policies and practice
- regularly seek feedback on our actions, both planned and achieved, to meet the requirements of the Equality Act
- improve how we measure whether and how well we are meeting our equality outcomes and use this information to inform our future work

1.4 Legislative and context

The legislative and policy context is set out in our Equality Strategy.

2.0 Summary of staff responsibilities of Education Scotland staff

This policy together with appropriate professional learning will support our staff in fulfilling their equality duties. We have both an internal equality role in terms of supporting staff in equality responsibilities and duties as well as an outward facing role through capacity building, inspection and review and providing professional policy advice.

2.1 Inward

We will support **all our staff**, including secondees, Assistant Inspectors, Associate Assessors and Lay Members and ensure they:

- are supported through appropriate professional learning to raise their awareness of equality, know their responsibilities and are familiar with the procedures to follow when they have concerns;

- take actions to respond to equality; and
- all permanent staff will have a personal equality and diversity objective within the PRD process.

2.2 Outward

We will build capacity by supporting professional learning communities and networks of key educational staff from local authorities, the independent school sector, post-16 providers and the Prison Service, who are responsible for supporting educational establishments and services in equality. Our focus will be on supporting others to undertake their equality responsibilities.

Through **inspection and review**, we will:

- ensure a strong focus on how well education providers carry out their responsibilities in equality;
- evaluate how well education providers have appropriate equality procedures in place; and
- provide assurance to the public and Ministers that education providers are fulfilling their responsibilities in equality.

Through our **improvement and curriculum support functions**, we will develop Education Scotland's staff's understanding of equality and diversity and inequity so they can:

- identify groups at risk of not benefitting fully from education and take action to meet their needs;
- help all learners develop the understanding of equality and diversity issues essential for responsible citizens in the 21st century; and
- developing practitioners' understanding of equality, diversity and inequity.

We will **provide professional advice on developing policy** working with the SG, other agencies and local and national partners in relation to equality.

2.3 Forward

We will ensure that we collect an appropriate range of equality data and undertake analysis and evaluation of a range of intelligence and evidence as part of ongoing monitoring and reporting.

We will carry out a range of horizon scanning activities to inform our future developments and gather evidence of our impact related to equality and equity to inform our own improvement.

We are aiming to become leaders in equality practices and will seek ways of having our approaches accredited.

2.4 How Education Scotland will discharge its responsibilities for equality

We have put in place the following approaches to ensure we deliver on equality across all our areas of work. This includes an inward focus which ensures we deliver on the rights of employees and Education Scotland's responsibilities as an employer as well as delivering on our outward and forward equality drivers.

Responsible Officers

In order to ensure that we discharge our responsibilities appropriately, we have:

- A designated Strategic Director (SD), with responsibility for the strategic oversight of all aspects of Equality within Education Scotland and who is accountable to the Chief Executive Officer (CEO)
- A designated Assistant Director (AD) with line management responsibilities and management reporting responsibilities for Inward equality
- A designated AD with line management responsibilities and management reporting responsibilities for Outward equality
- A Lead Officer (LO) / Senior Education Officer (SEO) with the operational and project management responsibilities for equality, including the provision of advice and guidance to Education Scotland staff in dealing with equality
- A designated Human Resources (HR) Officer for the oversight of all recruitment and HR functions relevant to Education Scotland's equality responsibilities as an employer, including those in respect of appointing secondees, Assistant Inspectors, Associate Assessors and Lay Members
- Designated administrative support
- A range of equality working groups remits with a focus on our inward, outward and forward equality functions
- The Management Board and Corporate Management group ensure that Education Scotland meets its legislative duties and puts in place robust systems to seek assurance through the governance structures that the equality legal requirements are being met.

2.5 Responsibility of staff

Each individual member of staff within Education Scotland has an individual, as well as a collective duty to ensure the lack of discrimination and bias, and the promotion of equality and diversity in our daily work.

- We must be aware of our responsibilities and be able to demonstrate how we promote equality through our work.
- We must assess the impact of our work on those individuals and groups whom our work affects (internally and externally). Assessing the impact

means establishing the extent to which our activities ensure the avoidance of discrimination and bias, and the promotion of equality and diversity.

- Our inspections and reviews across all sectors of education, and our work across all education sectors mean we are uniquely placed to promote awareness and understanding of equality issues.

2.6 Equality LO / SEO role

Working with the AD, the Equality LO / SEO will:

Leadership

- Provide leadership and advice across Education Scotland in relation to all aspects of equality.
- Act as the first point of contact for advice on equality for members of staff and for external bodies.
- Provide the SD and AD with advice and regular updates on equality matters and their implications for ongoing professional learning of staff.
- Work with the relevant AD to ensure the above responsibilities are met in full.

Policies

- Ensure that Education Scotland's policies, procedures and guidance on managing the external focus of equality and inspecting equality are reviewed at least annually and kept up to date in line with SG policies and relevant legislation.
- Inform staff of Education Scotland's policy and procedures and make them aware of their roles and responsibilities in equality.

Professional Learning

- Ensure that all staff are aware of the need for promoting equality in our external focused work.
- Liaise with HR to coordinate professional learning for Education Scotland staff and work with other agencies to provide effective professional learning on equality.
- Provide guidance on inspecting and reviewing equality.
- Advice and support sector and other LOs in drafting supplementary guidance on inspecting and reviewing equality.
- Advice and support sector LOs in responding to queries about inspection methodology with regard to equality.

Joint Working

- Work with SG, other agencies and local and national partners to respond to national and local initiatives and to develop strategies that are designed to promote equality.

Reporting

- Provide regular reporting on equality practice in our external focused work to the AD and SD to allow updating of CMG at least biannually.
- Maintain an ongoing summary and end-of-year evaluation of relevant issues, including the implementation of Education Scotland's equality procedures.

2.7 The Equality Officer will:

- Support the AD (internal equality focus), LO / SEO Equality and others with the implementation of Education Scotland's equality impact assessment strategy
- Work with the AD (internal and external equality focus) and LO / SEO to draw up annual action plans relating to their areas of responsibility and assist with monitoring and report on progress with these plans.
- Provide support with a range of HR projects and initiatives including recruitment activities, employee development and other emerging projects. to ensure effective levels of employee performance and consistent and fair management of human resources
- Provide informed advice and guidance on matters related to equality and diversity and act as a source of knowledge and expertise to ensure that Education Scotland fulfils all equality obligations under the statutory public sector equality duties
- Undertake a key role in coordinating all equality and diversity training and communication exercises within the organisation to raise awareness of equality issues and provide regular updates on the organisation's progress on equality commitments and actions
- Ensure effective monitoring and reporting of all relevant equality data and support the development of effective measurement systems to measure the impact of equality initiatives and actions.

2.8 The HR Team will:

- Work with others to ensure regular professional learning in equality for all staff

- Provide easily accessible information on SG & Education Scotland HR policies relating to equality;
- ensure full and up-to-date equality data is available for all Education Scotland staff;
- Work with others to address issues arising from scrutiny of the above data; Attend relevant conferences and events on Corporate Equality Duties and responsibilities.

2.9 The Inward Equality Workstream: Equality in Employment and within our Corporate Systems and Processes will:

- Promote equality and diversity across Education Scotland
- Consult with staff and external bodies on equality policies and other equality matters
- Contribute to and support the development and implementation of equality and diversity policies, programmes and other initiatives
- Promote good practice and foster change to improve opportunities for all
- Review equalities data to inform recommendations for change to strategy, policy and practice
- Promote and support the implementation of the Education Scotland Equality Impact Assessment processes.

2.9 The Outward Equality Workstream: Mainstreaming Equalities in Education will: support this commitment and ensure that equality and diversity is reflected in all aspects of Education Scotland's core and priority programmes. In addition, the group will monitor the impact and effectiveness of this commitment. The group will provide an operational overview across the core and priority Education Scotland programmes to ensure a holistic cross-programme approach to embedding equality in all aspects of Education Scotland's work.

In addition to this, the Outward Equality Workstream will:

- Build internal capacity through the coordination of equalities training for Education Scotland staff
- Undertake analysis of intelligence and evidence currently available in relation to equalities
- Review existing Education Scotland materials on National Improvement Hub and corporate website in relation to equalities

- Contribute to the development and provision of policy advice in relation to approaches to embedding equalities
- Provide advice and guidance to the Inward Equality Workstream.

3.0 Other Relevant or Related Policies or Strategies

The following policies / strategies adopted by Education Scotland are of particular relevance to equality and diversity and will be taken into account where relevant:

- Education Scotland Equality Impact Assessment Strategy
- Human Resources policy and strategy
- Communications policy and strategy
- Business and management planning
- Dignity at Work policy (SG)
- [Diversity Policy \(SG\)](#)

4.0 Implementation, Quality Assurance & Reporting Procedures

LO / SEO Equality, supported by the HR team, will provide regular progress reports, including collations of inspection evidence, for the ADs, SD and equality groups.

The ADs (Inward and Outward equality) and SD with responsibility for equality will meet regularly to monitor progress with Education Scotland's legislative requirements and other objectives relating to equality.

The SD will report to CMG at least once a year and more frequently as appropriate. The SD will provide a full report to the management board once a year. The ADs (Inward and Outward equality) will assist the SD in the preparation of reports.

5.0 Review arrangements

This policy will be reviewed in March 2019.

Appendix 1: Tackling Inequality Terminology Guidance - Quick Reference Table

The following table is available on Saltire:

Glossary link: <http://saltire/my-workplace/preparing-policy/library-and-research/Pages/Tackling-inequality-guidance.aspx>

Who is this table for?

This guidance is for everyone working in Education Scotland. Tackling inequality is one of the 2 key pillars outlined in Scotland's Economic Strategy (2015) and a recurring theme in the current Programme for Government. Therefore, it is crucial that the language we use is accurate, specific and fit for purpose and communicates what it is we are working to achieve with the progress we are making. Staff should select the correct word for their individual circumstances from the glossary listed below helping to ensure a greater consistency of understanding of key terms across organisation.

Quick Reference Glossary Table	Short Definition CORE TERMS	Summary of Advice
Inequality	The systematic differences that we observe between groups in society, which result in a gap in terms of autonomy, process or outcomes between groups of people.	Be specific about what is unequal, and for whom. Think through the implications of a desire to close the "gap".
Equality	The state of being equal, especially in status, rights, opportunities or outcomes.	Be clear whether your focus is on equality of status, rights, opportunities or outcomes, bearing in mind that achieving the first 3 may not result in equality of outcomes.
Equity	The quality of being fair and impartial; provision proportionate to need. Please note that there are also technical uses of the term in law and finance.	Be aware that this is not a straightforward synonym for equality. Use when discussing distribution of services, resources etc according to need.
Equalities	Used as shorthand for the groups that need to be borne in mind when thinking about compliance with the Equality Act (see protected characteristics below).	Avoid unless you need to discuss all protected characteristics at once (note that different groups are unlikely to be impacted identically by individual policies).
Protected characteristic / Equality Group	The Equality Act 2010 requires public bodies to anticipate and remove disadvantage which may affect people on the basis of nine protected characteristics.	"Protected characteristics" is preferred to "equality group", as it is the term used in legislation. Advice for each characteristic provided.
Intersectionality	The combination of protected characteristics for example, older	Be specific about the combinations of protected

Quick Reference Glossary Table	Short Definition CORE TERMS	Summary of Advice
	disabled men, younger Muslim women or disabled transgender people.	<p>characteristics pertinent to the policy or evidence being discussed.</p> <p>Rather than say “we will consider inter-sectionality impacts” say for example, “we will consider the impact of this policy on Sikh men”.</p>
Deprivation	The lack or denial of something considered to be a necessity for example, a right, experience, skill, resource or service.	Usually used in a technical sense, e.g. in the Scottish Index of Multiple Deprivation (SIMD), so best to limit use to specific technical contexts. SIMD use advice provided.
Poverty	Living on a low income / below a particular income threshold.	Ensure you are referring to the appropriate level of poverty and are specific about whether it is before or after housing costs.
Wealth	The value of all the assets of worth owned by a person, household, community, company or country.	Be aware of the different components of wealth and be explicit about whether it is individual, household or company wealth being considered.
Disadvantage	An unfavourable circumstance or condition that reduces the chances of positive outcomes.	Ensure you are being specific about the kind of disadvantage you are referring to, which will usually be economic disadvantage.
Inclusive Growth	Growth that combines increased prosperity with tackling inequality that creates opportunities for all and distributes the dividends of increased prosperity fairly.	Ensure that both “growth” and “inclusion” are considered when discussing inclusive growth.
Exclusion	The process by which people are excluded from a particular opportunity or outcome. An inability to access a right, opportunity or service to which others have easy access.	Use when exploring the mechanisms of exclusion in a specific context, be aware of risk of stigmatising groups and consider using inequality instead.
Inclusion	This term refers to support provided to allow access to specific opportunities.	Be clear what the specific context is.

Quick Reference Glossary Table	Short Definition CORE TERMS	Summary of Advice
Social Justice	An umbrella term for a concern with all of the issues listed in this guidance - tackling poverty, disadvantage and inequality and promoting equality.	Appropriate only at a high level, reflecting that it is an umbrella term. Be aware it can be used for different political purposes.
Human Rights	The basic rights and freedoms that belong to every person, from birth until death, protected by the Human Rights Act 1998. SG is committed to promoting and protecting human rights.	Ensure that you remember the breadth of rights that come under the human rights umbrella. Bear in mind that some groups of people in Scotland are unable to enjoy their human rights and sometimes their ability to enjoy their human rights is affected by our policies and services.
Vulnerable Groups	Meaning 1 (Legal definition): As per the PVG Act 2007 Meaning 2 (Policy definition): Used to identify specific groups of people who are “vulnerable to” a particular risk.	Be aware of the two definitions, and be clear which one you are using. If you are using the policy definition, refer to people who are “vulnerable to...” a specified risk, and be aware of the stigmatising potential.
At Risk Groups	Exposed to harm or danger, considered to have a higher probability of negative outcomes.	Risk of connotation of blame and euphemistic use, so avoid if possible and instead specify who is at risk from what.
Hard to Reach	Groups of people with whom policy and practice cannot easily interact.	The term is problematic as it suggests that the ‘fault’ lies with the people.

Appendix 2: Hyperlinks

[Equalities area of Education Scotland website](#)

[Equalities area of Education Scotland intranet](#)

[Learning and Development](#)

[The Learning and Development page of our equalities area of the intranet provides](#) access links to equality and diversity related Civil Service e-learning, SG information, support, conferences, courses and guidance.

The Equality and Human Rights Commission (EHRC) has produced non-statutory guidance for schools and Further Education (FE) and Higher Education (HE) institutions. We share these with our staff on our intranet and are detailed below:

- [Education Providers: Schools' Guidance](#)
- [Technical Guidance for Schools in Scotland](#)
- [E-learning Course for Teachers removing Barriers to Education for Disabled Learners](#)
- [Primary Education Resources](#)
- [Secondary Education Resources](#)
- [Higher Education Provider's Guidance](#)
- [Further Sources of Information](#)

The College Development Network has a range of support on [Equality and Diversity](#)

- [Equality Challenge Unit: Advancing Equality and Diversity in Universities and Colleges](#)

Appendix 3: External Equality and Diversity Stakeholder Reference Group

A key feature of Education Scotland's approach as an improvement agency has been its strong and effective partnership working with stakeholders from across Scotland. This approach has included the Equality and Diversity Network.

Purpose

The Equality and Diversity Network (hereafter referred to as the Network) is a partners' forum for helping to promote Education Scotland's equality and diversity agenda. The Network will:

- Meet to discuss ways of promoting equality and diversity for all aspects of Education Scotland's work including both inward and outward facing activities
- Provide both support and challenge to Education Scotland through monitoring progress of the equality outcomes and mainstream reports
- Using the specialist knowledge of its partners, help to build internal capacity through the coordination of equalities training for Education Scotland staff
- Provide intelligence and evidence in relation to specific groups of protected characteristics
- Contribute to the development and provision of policy and advice in relation to approaches to embedding equalities
- Provide advice and guidance to Education Scotland's Corporate Equality and Diversity group and share good practice when appropriate.

Frequency of Meetings

Meetings will take place a minimum of 3 times a year.

Accountabilities and Reporting Structure

The Network has a responsibility to provide advice and guidance to the various governance groups delivering and monitoring Education Scotland's equality duties including the Management Board, Corporate Equality and Diversity Group and the Embedding Inclusion, Equity and Empowerment Programme Board.

The contribution of the Network in promoting Education Scotland's equality agenda will be captured, where appropriate, in various progress reports produced by the organisation.

Membership

Membership of the Network will consist of the following:

- The Red Card Scotland
- SG's Support and Wellbeing Unit and Equality Teams
- Inclusion Scotland

- Coalition for Racial Equality Rights
- Unison
- Educational Institute of Scotland
- Scottish Refugee Council
- Respect Me
- Stonewall
- LGBT Youth Scotland
- BEMIS Scotland

Review

The Network will review annually the terms of references to determine if further changes to the activities of the group are required to maximise impact.

Appendix 4: EQIAs (Equality Impact Assessments)

Find out about Education Scotland's approach to EQIAs [here](#).

Access Education Scotland and SG's EQIAs relevant to our work [here](#).

The Embedding Equality in Education Group has developed an "EQIA mini" (September 2016) and plans to roll out training to ensure we have an EQIA for all priority programmes. The Objective link to that updated document is below:



ObjRef.obr

The following guidance will be available on the equalities area of the intranet:

- Equalities Essential Guide Series: 1. Equality Duties



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- Equalities Essential Guide Series: 2. EQIA Guidance



ObjRefLogo

- Equality Guidance: Equality Impact Assessment Screening



ObjRefLogo

- Equality Myth busters



ObjRefLogo

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