



Equality Impact Assessment

Children's Rights and Participation Strategy

August 2021

For Scotland's learners, with Scotland's educators

Equality Impact Assessment Record

Title of policy/ practice/ strategy/ legislation etc.	Children's Rights and Participation Strategy
Senior Lead Officers	Alan Britton, Senior Regional Advisor
Operational Leads	Maxine Jolly, Senior Education Officer, Inclusion and Equalities Team
Directorate: Division: Team	Inclusion and Equalities Team
Is this new policy or revision to an existing policy?	This is a new strategy for Education Scotland

Screening

This Equality Impact Assessment (EQIA) aims to equality assess our new Children's Rights and Participation Strategy. By the end of this parliamentary session in May 2021, Scots law will fully incorporate the United Nations Convention on the Rights of the Child (UNCRC) with a legal duty on all public bodies to protect and respect the rights of all children. The aspiration is for all children and young people aged 3-25 to have the opportunity to contribute to decisions and know that their ideas are valued, listened to, and considered.

Who will it affect?

As an agency of the Scottish Government, Education Scotland aspires to be a world-leading organisation whose policies, practices, and services develop through quality engagement with children and young people.

This strategy provides an overarching framework to support Education Scotland in embedding children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC) and mainstreaming the participation of children and young people in all our internal and external work.

It also supports us to deliver on our vision for equalities and equity, and to support the Scottish Attainment Challenge.

Implementing this strategy requires close cooperation and coordination across our organisation and in our work with external stakeholders.

While the Children's Rights and Participation Strategy may positively affect one or more of the protected characteristics, they may have a disproportionate negative impact on one or more of the protected characteristics. Where we identify negative impacts, we will try to mitigate or, where possible, eliminate these.

Our equality duty is not limited to negating or mitigating negative impacts however, and we have a positive duty to promote equality.

The Scope of the Equality Impact Assessment

In undertaking this assessment, Education Scotland has evaluated the impact on each of the protected characteristics and has considered measures against the three needs of the general equality duty as set out in Section 149 of the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity; and,
- Foster good relations.

Key Findings

This impact assessment has identified there to be no negative impact upon those within one or more protected characteristics.

Additionally, this strategy will ensure that all colleagues are aware of, and promoting the UNCRC internally and externally. The benefits of a rights based approach in an education setting include:

- Improved learner-staff relations
- Improved peer relations across the school / setting age ranges
- Improved teaching and learning
- Improved guidance and support
- Creativity
- Emotional empathy
- A better school / setting ethos and a greater sense of shared community
- A reciprocal sense of feeling valued, trusted and respected
- Life skills such as teamwork, problem-solving and citizenship
- Improved engagement, empowerment, and commitment to education
- Improved achievement and attainment
- An addressing of the 'attainment gap' between learners from different backgrounds

What might prevent the desired outcomes from being achieved?

All colleagues within Education Scotland need to be aware of the strategy and UNCRC, and begin to reference this in both internal and external activity.

- A series of internal training events is being established, and all colleagues should be encouraged to attend
- Planning and reporting within the organisation needs to reference the UNCRC

Stage 1: Framing

Results of framing exercise

The approach taken by our Inclusion and Equalities Team provided the opportunity to consider all impacts on each protected characteristic. Because of our framing exercise, we identified that there was no potential for our Children's Rights and Participation Strategy to have an impact on any protected characteristic.

Each directorate will be required to report on how they have implemented the aims of the strategy into their planning cycles – article 2 of the UNCRC states that the Convention applies to everyone, regardless of race, religion, or abilities.

Interaction with Other Policies (Draft or Existing)

The Children's Rights and Participation Strategy will embed a more systematic approach to gathering the views of children and young people. This will follow the [guidance](#) set out by Scottish Government.

Extent/Level of EQIA required

In relation to the protected characteristics groups, the level of risk associated with the strategy is low however; the framing exercise has highlighted the following actions:

- Annually review as part of the planning cycle.

Stage 2: Data and evidence gathering, involvement and consultation

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
Age	No information is available.	N/A	Ongoing monitoring required.
Disability	Limited information is available.	N/A	Ongoing monitoring required.
Sex	Limited information is available.	N/A	Ongoing monitoring required.
Pregnancy and maternity	Limited information is available.	N/A	Ongoing monitoring required.
Gender reassignment	Limited information is available.	N/A	Ongoing monitoring required.
Sexual orientation	Limited information is available.	N/A	Ongoing monitoring required.
Race	Limited information is available.	N/A	Ongoing monitoring required.
Religion or belief	Limited information is available.	N/A	Ongoing monitoring required.
Marriage and civil partnership	Limited information is available.	N/A	Ongoing monitoring required.

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Are there any positive or negative impacts?	No.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ² ?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/a
If not justified, what mitigating action will be undertaken?	N/a

Monitoring and Review

'Champions' from each directorate will conduct ongoing monitoring and evaluation on a quarterly basis.

Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of:

Yes No

Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life);
- Fostering good relations, tackling prejudice and promoting understanding

Yes No

If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken and give my authorisation for the results of this assessment to be published on the Education Scotland website.

Name: Allan Britton

Position: Senior Regional Advisor

Authorisation date: 11 April 2021

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