

Equality Impact Assessment

Reviewing Pre-Inspection Questionnaires

May / 2023

Equality Impact Assessment Record

Title:	Pre-Inspection Questionnaires
Senior Lead Officers	Janie McManus, Strategic Director of Scrutiny Gill Ritchie, Strategic Director of Scrutiny Denise Brock, Head of Scrutiny Support
Operational Leads	Scrutiny Admin Team Corporate Performance Team
Directorate:	Scrutiny Directorate
Is this a new policy or revision to an existing policy?	Revision

Screening

The overall aim of pre-inspection questionnaires is to gather the views of as many stakeholders as possible. These views support and inform our inspection activities. This Equality Impact Assessment (EQIA) aims to evaluate the impact of Education Scotland's pre-inspection questionnaires on learners, parents/carers, staff and partners.

Who will it affect?

Our pre-inspection questionnaires will affect learners, parents/carers, staff and partners.

The Scope of the Equality Impact Assessment

In undertaking this assessment, Education Scotland has assessed 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.

The scope of this review included a range of internal stakeholders across the scrutiny directorate, this approach was adopted to ensure interim mitigations could be identified and applied to our processes.

Next Steps

Following this EQIA, we will implement mitigations and produce updated advice for establishments in academic year 2023/24. External stakeholders, to represent each protected characteristic, will be invited to participate and contribute to a wider review of our pre-inspection questionnaires as we move to a new, independent inspectorate body.

Key Findings

This impact assessment has identified some positive impacts on one or more of the protected characteristics.

Whilst our pre-inspection questionnaires may positively affect one or more of the protected characteristics¹, they may have a disproportionate negative impact on most of the protected characteristics. Where identification of negative impact applies, we will seek to mitigate and, where possible, eliminate these.

We recognise that there may be some potential indirect and disproportionate negative impacts of the measures we have taken, on one or more of the protected characteristic groups within the target population. These are set out and explored further in this impact assessment, with mitigating actions identified.

¹ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

What might prevent the desired outcomes being achieved?

There are a number of issues that might prevent us from achieving the desired outcomes. These include but are not exclusive to:

- the reform of Education Scotland
- responses from establishments

Although the factors above are out with our direct control, we will continue to adapt our plans accordingly. As a result of the reform a new and independent inspectorate body will be created. Much of the detail has still to be confirmed therefore the risks associated with the potential changes have been identified and are being managed and mitigated where possible.

Stage 1: Framing

Results of framing exercise

The review of pre-inspection questionnaires was led by our Scrutiny admin team and identified HMI to represent each education sector. As a result of our framing exercise, the review was then open to a broad consultation within the wider Scrutiny directorate and other Education Scotland staff to provide staff an opportunity to contribute.

Through this process, we identified that there was potential for our pre-inspection questionnaires to have a moderate direct and indirect impact on most protected characteristics. We identified the potential for some characteristics being disproportionately impacted, either negatively or positively.

Protected characteristic: age

Our pre-inspection questionnaires may impact on this protected characteristic. Currently our pre-inspection questionnaires only gather data from P4 upwards, however views of younger learners are gathered during inspection. There could also be undue influence on respondents who are completing questionnaires under supervised conditions. There may also be a digital skills gap that may impact on the ability of some older teachers responding².

Protected characteristic: disability

There is evidence that suggests our pre-inspection questionnaires could impact on learners, parents/carers, staff and partners who have a physical or mental disability^{3 4 5}. There could be greater clarity on the level of support for all respondents with a physical or mental disability and who should provide this.

² <http://files.eric.ed.gov/fulltext/ED539906.pdf>

³ <https://www.gov.scot/publications/additional-child-poverty-analysis-2021/>

⁴ <https://www.gov.scot/publications/childrens-social-work-statistics-scotland-2020-21/documents/>

⁵ [Scottish Health Survey 2018: main report - revised 2020 - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/scottish-health-survey-2018-main-report-revised-2020/)

Protected characteristic: gender reassignment

We do not foresee any impact. No data is collated through pre-inspection questionnaires against this characteristic^{6 7}.

Protected characteristic: marriage or civil partnership

This protected characteristic does not apply⁸.

Protected characteristic: pregnancy and maternity

We are not aware of any evidence that our pre-inspection questionnaires will affect learners, parents/carers, staff and partners who are pregnant or on maternity leave. Respondents will have the opportunity to access and complete our pre-inspection questionnaires out with both the education and workplace settings.

We will however continue to explore the potential impacts of digitally delivering our pre-inspection questionnaires on learners, parents/carers, staff and partners who are pregnant or on maternity leave. We currently do not have a breakdown of this protected characteristic for the entirety of learners, parents/carers, staff and partners.

Protected characteristic: race

Evidence suggests that the use of online learning resources in education can help promote inclusion for learners from minority backgrounds; specifically, learners who are gypsy travellers and learners who are learning English as a second language^{9,10}.

We will, however, continue to explore the potential impacts of our pre-inspection questionnaires on learners, parents/carers, staff and partners across racial identities.

Protected characteristic: religion or belief

We are currently not aware of any evidence that our pre-inspection questionnaires will affect learners, parents/carers, staff and partners with different religions or beliefs.

We will, however, continue to explore the potential impacts on learners, parents/carers, staff and partners with different religions or beliefs. We currently do not have a breakdown of this protected characteristic for the entirety of our target population although we will continue to monitor impact on this protected characteristic group.

⁶ [Life in Scotland for LGBT Young People, FINAL March 2018.cdr \(lgbyouth.org.uk\)](#)

⁷ [References - Scottish Government Equality Outcomes: Lesbian, Gay, Bisexual and Transgender \(LGBT\) Evidence Review - gov.scot \(www.gov.scot\)](#)

⁸ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

⁹ <https://www.sgsts.org.uk/SupportForVulnerablePupils/EMTAS/Shared%20Documents/GRT%20-%20School%20Supported%20Distance%20Learning.pdf>

¹⁰ [YPTech Report FinalMF14_6conv +PD \(ed.ac.uk\)](#)

Protected characteristic: sex

We did not encounter evidence that learners, parents/carers, staff and partners from any sex would be disproportionately adversely affected by our pre-inspection questionnaires.

However, evidence indicates that women spend around 10% to 30% more time on caring responsibilities than males¹¹. It is therefore possible that digital delivery of our pre-inspection questionnaires has a positive impact on women, as responses can be sent quicker than through paper versions.

Protected characteristic: sexual orientation

We are currently not aware of any evidence that our pre-inspection questionnaires will affect those in the LGBTI+ community.

We will, however, continue to explore the potential impacts on learners, parents/carers, staff and partners with different sexual orientations. We currently do not have a breakdown of this protected characteristic for the entirety of the target population, although we will continue to monitor the impact on this protected characteristic group.

Digital Exclusion

Whilst this is not a protected characteristic, we do recognise that the digital delivery of our pre-inspection questionnaires may exclude groups who have no access to devices or the internet¹².

Interaction with Other Policies (Draft or Existing)

We are not aware of any other policies which would impact on pre-inspection questionnaires.

Extent/Level of EQIA required

The framing exercise has highlighted the following actions:

- review accessibility of our pre-inspection questionnaires;
- identify and implement interim mitigations for academic year 2023/24;
- implement a further review as we move to a new independent, inspectorate body.

¹¹ [Parenting in lockdown: Coronavirus and the effects on work-life balance - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/articles/parenting-in-lockdown-coronavirus-and-the-effects-on-work-life-balance)

¹² [Exploring the UK's digital divide – Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/articles/exploring-the-uk-digital-divide)

Stage 2: Data and evidence gathering, involvement and consultation

Characteristic	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
Age	<p>The age profile of learners is:</p> <ul style="list-style-type: none"> • 5 to 7 years old = 23% • 8 to 11 years old = 33% • 12 to 15 years old = 32% • 16 to 19 years old = 12% • Over 19 years old = currently unknown <p>The estimated age profile of ELC educators:</p> <ul style="list-style-type: none"> • under 24 years old = 1% • 25 to 24 years old = 16% • 35 to 44 years old = 31% • 45 to 54 years old = 33% • 55 years old and over = 19% <p>The estimated age profile of Primary and Secondary educators:</p> <ul style="list-style-type: none"> • under 25 years old = 5% • 25 to 29 years old = 19% • 30 to 34 years old = 13% • 35 to 39 years old = 14% • 40 to 44 years old = 13% • 45 to 49 years old = 12% • 50 to 54 years old = 10% • 55 to 59 years old = 9% • 60 to 64 years old = 4% • Over 65 years old = 1% 	<p>2022. Pupil census 2020: Pupil census: supplementary statistics. Scottish Government. Available online: Pupil census supplementary statistics - gov.scot (www.gov.scot)</p> <p>2019. Early Learning and Childcare census 2018. Scottish Government. Available online: Early Learning and Childcare - Additional Tables - 2018 (webarchive.org.uk)</p> <p>2022. Teacher census 2021. Scottish Government. Available online: Teacher census supplementary statistics - gov.scot (www.gov.scot)</p>	<p>Data gathered from each census covers all publicly funded schools in Scotland (i.e. local authority and grant-aided schools) and considered high quality evidence.</p> <p>The majority of data collection is local authority level and aggregated by the Scottish Government.</p>

<p>Disability</p>	<p>The disability profile of learners is:</p> <ul style="list-style-type: none"> • Additional support required = 35% • Learning disability = 13% • Visual impairment = 16% • Physical disability = 3% • Interrupted learning = 9% • Communication support needs = 6% <p>The estimated disability profile of educators across the entire education sector in Scotland is currently unknown.</p> <p>We do, however, have anecdotal data which indicates that 0.01% of the educator population in Scotland identified as being disabled in 2007.</p>	<p>2022. Pupil census 2020 supplementary statistics. Scottish Government. Available online: Pupil census supplementary statistics - gov.scot (www.gov.scot)</p> <p>Scottish Teaching Unions</p>	<p>Data gathered from the pupil census covers all publicly funded schools in Scotland (i.e. local authority and grant-aided schools) and considered high quality evidence. Data collection is local authority level and aggregated by the Scottish Government. However, we acknowledge that the census only covers school-aged pupils.</p> <p>Data gathered from Teaching Unions covers all education sectors in Scotland and is considered good quality evidence. The majority of data collected is from annual membership surveys and is aggregated by the Teaching Unions independently.</p> <p>However, we acknowledge that there are limitations throughout the data obtained in relation to the sole dependence of union members self-declaring their protected characteristics. Therefore, the actual</p>
--------------------------	---	---	--

			number of disabled teachers is likely to be much higher than the estimated percentage obtained.
Gender reassignment	<p>The gender reassignment profile of learners is currently unknown. However, around 200 young people per year receive support from the Scottish Government's Young Person's Gender Service with their transition.</p> <p>The estimated gender reassignment profile of educators across the entire education sector in Scotland is currently unknown. We do, however, have anecdotal data which indicates that 0.05% of the educator population in Scotland identified as gender reassigned in 2021.</p>	<p>2021. Supporting transgender young people in schools: guidance for Scottish schools Supporting transgender young people in schools: guidance for Scottish schools. Scottish Government. Supporting transgender young people in schools: guidance for Scottish schools - gov.scot (www.gov.scot)</p> <p>Scottish Teaching Unions</p>	<p>The Scottish Government aggregates this data.</p> <p>Data gathered from Teaching Unions covers all education sectors in Scotland and is considered good quality evidence. The majority of data collected is from annual membership surveys and is aggregated by the Teaching Unions independently.</p> <p>However, we acknowledge that there are limitations throughout the data obtained in relation to the sole dependence of union members self-declaring their protected characteristics. Therefore, the actual number of gender reassigned teachers is likely to be slightly higher than the estimated percentage obtained.</p>

Marriage and civil partnership	In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work.	N/A	N/A
Pregnancy and maternity	<p>The estimated pregnancy and maternity profile of learners and educators across the entire education sector in Scotland is currently unknown.</p> <p>We do, however, have population level data which indicates there were 45,466 births in Scotland during 2021, and the representation of maternal ages were:</p> <ul style="list-style-type: none"> • under 20 years old = 2.6% • 20 to 24 years old = 12.9% • 25 to 29 years old = 27.1% • 30 to 34 years old = 34.1% • 35 to 29 years old = 19.1% • 40 years old and over = 4.3% 	2021. Births in Scotland. Public Health Scotland. Available online: Births in Scotland (publichealthscotland.scot)	<p>Data gathered from the Scottish Birth Record covers all hospitals in Scotland and is considered trustworthy and high-quality data with public value. The majority of data is collected is at local and national level and aggregated by Public Health Scotland.</p> <p>However, it is important that we acknowledge there are limitations within the accuracy of the data in relation to the number of births when compared to the National Register for Scotland birth registrations.</p>
Race	<p>Data from Scotland's census 2011 shows the population of Scotland reported their ethnicity as:</p> <ul style="list-style-type: none"> • 84% as 'White: Scottish' • 8% as 'White: Other British'. 	2011. Scotland's Census 2011. Scottish Government. Available online: https://www.scotlandscensus.gov.uk	Data gathered from each census covers all publicly funded establishments in Scotland (i.e. local authority and grant aided

	<ul style="list-style-type: none"> • 4% white non-British (which include ‘White: Irish’, ‘White: Polish’, ‘White: Gypsy/ Traveller’ and ‘White: Other white’) • 3% Asian • 1% African, Caribbean or • 0.4% Mixed or multiple ethnic groups • 0.3% other ethnic groups <p>Educators Estimated race profile of ELC educators:</p> <ul style="list-style-type: none"> • minority ethnic background = 2% • white = 93% • prefer not to say = 0% • unknown = 5% <p>Estimated race profile of Primary and Secondary educators:</p> <ul style="list-style-type: none"> • minority ethnic background = 2% • white = 93% • prefer not to say = 4% • unknown = 2% 	<p>2019. Early Learning and Childcare census 2018. Scottish Government. Available online: Early Learning and Childcare - Additional Tables - 2018 (webarchive.org.uk)</p> <p>2022. Teacher census 2021. Scottish Government. Available online: Teacher census supplementary statistics - gov.scot (www.gov.scot)</p>	<p>establishments) and considered high quality evidence. The majority of data collection is local authority level and aggregated by the Scottish Government.</p> <p>However, we acknowledge that there are limitations throughout the data sets in relation to disability, gender reassignment, pregnancy and maternity, religion and belief, and sexual orientation of educators.</p>
Religion or belief	<p>Data from Scotland’s Census 2011 shows the population of Scotland have the following religion/ belief:</p> <ul style="list-style-type: none"> • Church of Scotland (32.4%) • Roman Catholic (15.9%) • Other Christian (5.5%) • Not religious (36.7%) • Islam (1.4%) 	<p>2011. Scotland’s Census 2011. Scottish Government. Available online: https://www.scotlandscensus.gov.uk</p> <p>2022. Teacher census 2021. Scottish Government. Available online: Teacher census supplementary statistics - gov.scot (www.gov.scot)</p>	<p>Data gathered from each census covers all publicly funded establishments in Scotland (i.e. local authority and grant aided establishments) and considered high quality evidence. The majority of data collection is local</p>

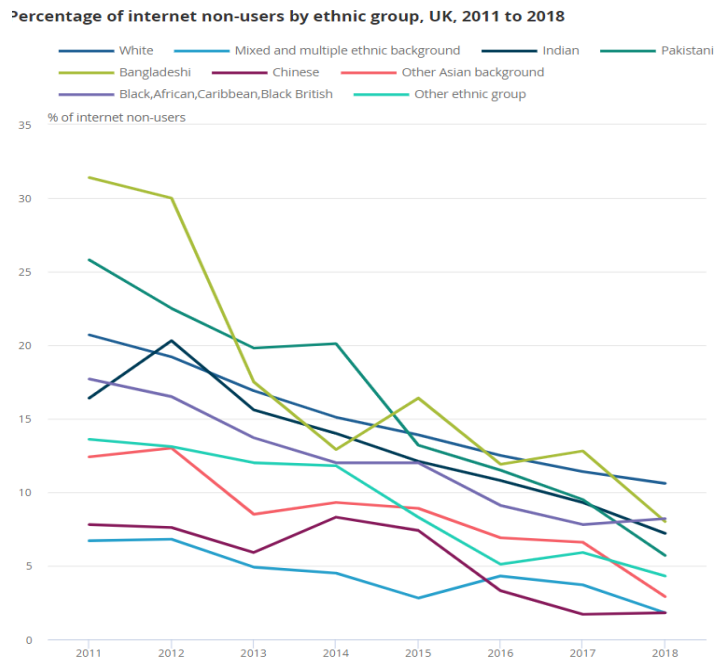
	<ul style="list-style-type: none"> • Other religion (1.2%) • Not stated (7%) <p>The estimated religion or belief profile of educators across the entire education sector in Scotland is currently unknown. We do, however, have census data for Primary and Secondary educators only:</p> <ul style="list-style-type: none"> • Buddhist = <0.5% • Church of Scotland = 30.7% • Hindu = <0.5% • Jewish = <0.5% • Muslim = <1.5% • No religion or belief = 46% • Other Christian = 5% • Other religions = 0.5% • Roman Catholic = 17.1% • Sikh = <0.5% <p>In 2011, of all people in Scotland:</p> <ul style="list-style-type: none"> • 98.6% of all people in Scotland aged 3 and over spoke English. • 75.2% of people born in EU accession countries said they could speak, read and write in English. • 88.8% of people born in the Middle East and Asia could speak, read and write in English. • 57,000 could speak Gaelic. 		<p>authority level and aggregated by the Scottish Government.</p> <p>However, we acknowledge that there are limitations throughout the data sets in relation to disability, gender reassignment, pregnancy and maternity, religion and belief, and sexual orientation of educators.</p>
--	---	--	---

<p>Sex</p>	<p>The sex profile of learners is:</p> <ul style="list-style-type: none"> • female = 49% • male = 51% <p>The estimated sex profile of ELC educators:</p> <ul style="list-style-type: none"> • males = 6% • females = 94% <p>The estimated sex profile of Primary and Secondary educators:</p> <ul style="list-style-type: none"> • males = 23% • females = 77% 	<p>2022. Pupil census 2020: Pupil census: supplementary statistics. Scottish Government. Available online: Pupil census supplementary statistics - gov.scot (www.gov.scot)</p> <p>2019. Early Learning and Childcare census 2018. Scottish Government. Available online: Early Learning and Childcare - Additional Tables - 2018 (webarchive.org.uk)</p> <p>2022. Teacher census 2021. Scottish Government. Available online: Teacher census supplementary statistics - gov.scot (www.gov.scot)</p>	<p>Data gathered from the pupil census covers all publicly funded schools in Scotland (i.e. local authority and grant-aided schools) and considered high quality evidence. Data collection is local authority level and aggregated by the Scottish Government. However, we acknowledge that the census only covers school-aged pupils.</p> <p>However, we acknowledge that there are limitations throughout the data sets in relation to disability, gender reassignment, pregnancy and maternity, religion and belief, gender and sexual orientation of educators.</p>
<p>Sexual orientation</p>	<p>The sexual orientation of learners is currently unknown. However, on average around 700 young people per year self-identify as belonging to the lesbian, gay, bisexual, transgender + community.</p> <p>The estimated sexual orientation profile of educators across the entire education sector and parents/carers in Scotland is currently unknown. We do, however, have UK-wide data from the</p>	<p>2021. Supporting transgender young people in schools: guidance for Scottish schools Supporting transgender young people in schools: guidance for Scottish schools. Scottish Government. Supporting transgender young people in schools: guidance for Scottish schools - gov.scot (www.gov.scot)</p>	<p>The Scottish Government aggregates this data.</p> <p>Data gathered from the Annual Population Survey provides representative estimates of household populations and is considered robust evidence. The majority of data</p>

	<p>Annual Population Survey in 2020, that the representation of sexual orientation across genders and age groups was:</p> <p>Males – (heterosexual or straight)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 88.4% • 25 – 24 years old = 91.6% • 35 – 49 years old = 93% • 50 – 64 years old = 94% • 65+ years old = 96.6% <p>Males – (gay or lesbian)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 3.3% • 25 – 24 years old = 4.3% • 35 – 49 years old = 2.9% • 50 – 64 years old = 2.1% • 65+ years old = 0.6% <p>Males – (bisexual)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 3.1% • 25 – 24 years old = 1.0% • 35 – 49 years old = 0.6% • 50 – 64 years old = 0.4% • 65+ years old = 0.3% <p>Males – (other)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 1.0% • 25 – 24 years old = 0.6% • 35 – 49 years old = 0.6% • 50 – 64 years old = 0.5% • 65+ years old = 0.6% <p>Males – (don't know or refuse)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 4.2% • 25 – 24 years old = 2.5% 	<p>2022. Annual Population Survey 2021. Office for National Statistics. Office for National Statistics 2021</p>	<p>collection is also obtained on an annual basis.</p> <p>However, we acknowledge that there are limitations with data collection in relation to the sample size being capped at 120,000 individual responses. In addition, the Annual Population Survey does not collect gender identity, nor does it collect further information on those classified as 'other;' therefore, no assumptions can be made about the sexual orientation of this group.</p>
--	--	---	--

	<ul style="list-style-type: none"> • 35 – 49 years old = 2.9% • 50 – 64 years old = 3.0% • 65+ years old = 1.9% <p>Females – (heterosexual or straight)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 86.2% • 25 – 24 years old = 93.1% • 35 – 49 years old = 94.7% • 50 – 64 years old = 95.6% • 65+ years old = 96.7% <p>Females – (gay or lesbian)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 2.2% • 25 – 24 years old = 1.6% • 35 – 49 years old = 1.2% • 50 – 64 years old = 1.0% • 65+ years old = 0.3% <p>Females – (bisexual)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 7.6% • 25 – 24 years old = 2.0% • 35 – 49 years old = 0.8% • 50 – 64 years old = 0.4% • 65+ years old = 0.4% <p>Females – (other)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 1.6% • 25 – 24 years old = 0.8% • 35 – 49 years old = 0.6% • 50 – 64 years old = 0.5% • 65+ years old = 0.4% <p>Females – (don't know or refuse)</p> <ul style="list-style-type: none"> • 16 – 24 years old = 2.5% • 25 – 24 years old = 2.5% • 35 – 49 years old = 2.6% • 50 – 64 years old = 2.4% 		
--	---	--	--

	<ul style="list-style-type: none"> • 65+ years old = 2.2% 		
Digital Exclusion	<p>Whilst this is not a protected characteristic, the digital format of our pre-inspection questionnaires requires this to be considered.</p> <p>Research for the UK digital strategy indicates that digital exclusion often intersects with protected characteristics, particularly disability, age and race.</p> <p>36% of people with a disability do not have a computer, compared with 15% of non-disabled people.</p> <p>In Scotland, around 500,000 people aged over 50, do not have access to the internet.</p> <p>In the UK, internet non-users vary by ethnic group.</p>	<p>2014. Government Digital Inclusion Strategy. UK Government. Available online: Government Digital Inclusion Strategy – GOV.UK (www.gov.uk)</p> <p>2018. Exploring the UK’s Digital Divide, Office for National Statistics. Available online: Exploring the UK’s digital divide – Office for National Statistics (ons.gov.uk)</p>	<p>The UK Government aggregates this data. The ONS aggregates this data, however we acknowledge that there are limitations throughout the data due to the date of collation.</p> <p>The ONS aggregates this data, however we acknowledge that there are limitations throughout the data due to the date of collation.</p>



Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think our pre-inspection questionnaires impact on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Mitigations: Through the below mitigations, we can improve the impact against this characteristic.</p> <p>Advice to establishments – during our inspection notification process, we will update our advice for the head of each establishment:</p> <ul style="list-style-type: none"> to reduce the possibility of undue influence on respondents who complete questionnaires in establishments, under supervised conditions; to more prominently encourage access for parents and carers; to more prominently encourage establishments to use facilities to complete questionnaires, for respondents with no digital access. <p>Views of children in P3 and below - continue to gather views of children in this group during inspection to support literacy levels in this age group.</p>
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to disability.

Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Mitigations: Through the below mitigation, we can improve the impact against this characteristic.</p> <p>Advice to establishments – during our inspection notification process, we will update our advice for the head of establishment. This will include raising awareness, for the establishment, to identify respondents who may require additional support and provide alternative arrangements to support the completion of questionnaires. This may include the establishment providing alternative formats and support such as dyslexia overlays, larger text and text reader software. In addition, we will encourage establishments to make HM Inspectors aware of cases where the support offered is insufficient. In this instance, HM Inspectors will make reasonable adjustments to meet the needs of the respondent.</p> <p>We will also continue to advise establishments that assistance may be required for respondents with learning and/or intellectual disabilities.</p>
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people proposing to undergo, undergoing, or who have undergone a process for reassigning their sex?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The measures taken to deliver the our-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to gender reassignment.</p> <p>Our pre-inspection questionnaires do not positively or negatively impact on respondents who have transitioned or are transitioning from one gender to another. We will, however, continue to monitor any potential impact that future pre-inspection questionnaires have on this characteristic.</p>
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

--	--	--	--

Do you think our pre-inspection questionnaires impact on people because they are married or in a civil partnership?

Marriage and civil partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This protected characteristic does not apply.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people who are proposing to take maternity leave, are currently taking maternity leave, and are returning from maternity leave or who are pregnant?

Pregnancy and maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to pregnancy and maternity.</p> <p>Mitigations: Through the below mitigation, we can improve the impact against this characteristic.</p> <p>Advice to establishments – during our inspection notification process, we will update our advice for establishments. This will include advice to ensure</p>
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

				respondents who may not be attending or working, have been provided access to complete questionnaires.
--	--	--	--	--

Do you think our pre-inspection questionnaires impact on people because of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to race.</p> <p>Mitigations: Through the below mitigation, we can minimise the negative impact/s against this characteristic.</p> <p>Advice to establishments – during our inspection notification process, we will update our advice for establishments. This will set out advice to the head of establishment to proactively highlight respondents, who may need pre-inspection questionnaires provided in a non-English language. In addition, we can ask establishments to advise if there are any other concerns regarding parents/carers completing. In addition, we will encourage establishments to make HM Inspectors aware of cases where the support offered is insufficient. In this instance, HM Inspectors will make reasonable adjustments to meet the needs of the respondent.</p> <p>Software update – we will continue to work with our software provider, Formic, to assess and implement updates which may provide non-English language questionnaires digitally.</p>
Advancing equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to religion or belief. Our pre-inspection questionnaires do not positively or negatively impact on respondents because of their religion or belief. We will, however, continue to monitor any potential impact that future pre-inspection questionnaires have on this characteristic.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people because of their sex?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to sex. Mitigations: Through the below mitigation, we can improve the impact against this characteristic. Advice to establishments – during our inspection notification process, we will update our advice for establishments. This will include raising awareness for the establishment to identify barriers or concerns against this characteristic. If barriers or concerns are identified, activities during the inspection can be targeted to resolve this. For example, adjusting focus group attendees to include views of those not captured through questionnaires.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The measures taken to deliver our pre-inspection questionnaires should be developed in such a way that they do not create unlawful discrimination related to sexual orientation. Whilst we do not gather this data through questionnaires we will, however, continue to monitor any potential impact that pre-inspection questionnaires have on this characteristic.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our pre-inspection questionnaires impact on people who may be digitally excluded?

Digital exclusion	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Whilst this is not a protected characteristic, digital exclusion intersects with various characteristics. To minimise this impact, we will continue to work with establishments to encourage access to facilities to complete pre-inspection questionnaires.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>Yes, our pre-inspection questionnaires can have positive and negative impacts across most protected characteristics.</p> <p>The digital delivery of our pre-inspection questionnaires provides an opportunity for a wide range of respondents. The digital delivery method for distributing pre-inspection questionnaires may be positive for some respondents, however, this should be reviewed as appropriate. This method will reduce direct or indirect barriers for respondents.</p> <p>To minimise these barriers further, we will update our communications with establishments to improve access to our pre-inspection questionnaires for children, educators and parents/carers.</p> <p>Following this EQIA, we will implement mitigations and produce an updated guide for establishments for academic year 2023/24.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010¹⁷?</p>	<p>Indirectly. The mitigations identified in this review are developed to improve accessibility for all respondents. We will continue to review pre-inspection questionnaires and the impact of the mitigations identified in this EQIA.</p>
<p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p>	<p>N/A</p>
<p>If not justified, what mitigating action will be undertaken?</p>	<p>N/A</p>

Monitoring and Review

This impact assessment has highlighted the potential impacts that our pre-inspection questionnaires might have on respondents with one or more protected characteristics. We will continue to monitor and review our decisions on an annual basis.

Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed our pre-inspection questionnaires.

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 diverse 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: Gill Ritchie
Position: Strategic Director - Scrutiny
Authorisation date: 21 April 2023

Education Scotland

Denholm House
Almondvale Business Park
Almondvale Way
Livingston EH54 6GA

T +44 (0)131 244 4330
E www.educationscotland.gov.scot

© Crown Copyright, 2023

You may re-use this information (excluding images and logos) free of charge in any format or medium, under the terms of the Open Government Licence providing that it is reproduced accurately and not in a misleading context. The material must be acknowledged as Education Scotland copyright and the document title specified.

To view this licence, visit <http://nationalarchives.gov.uk/doc/open-government-licence> or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.