



# Equality Impact Assessment

National e-Learning Offer

May 2022

For Scotland's learners, with Scotland's educators

# Equality Impact Assessment Record

<b>Title</b>	National e-Learning Offer
<b>Senior Lead Officers</b>	Ollie Bray – Strategic Director, Curriculum Innovation, Design and Pedagogy
<b>Operational Leads</b>	Stephen Bullock, Senior Education Officer, Curriculum Design
<b>Directorate: Division: Team</b>	National Directorate
<b>Is this new policy or revision to an existing policy?</b>	This is a revision to an existing remote learning offer

# Screening

This Equality Impact Assessment (EQIA) aims to re-evaluate the impact of Education Scotland's National e-Learning Offer on learners from across the Scottish education system, particularly those learners with one or more protected characteristics.

The National e-Learning Offer evolved as part of Education Scotland's package of support in response to COVID-19 and continues to be delivered in joint leadership with key partners across the education sector in Scotland. The offer aims to provide:

- high profile support for senior phase learners that offers equitable access and supports recovery post-pandemic.
- support the Cabinet Secretary and Scottish Government in its aims to support senior phase learners at a national level, with high level presence in ministerial questions and responses.
- offer a partnership space for Education Scotland to explore curriculum innovation, digital pedagogies and other high profile areas of national improvement.
- support the development of Gaelic medium education including crucial secondary school and senior phase provision that is building capacity and momentum nationally.
- support the reform agenda by offering an innovative example of national, local, and individual learner level interaction that can inform effective practice for cultural change.
- set precedent for a number of innovative practitioner focused innovations around remote teaching, flexible contracting and geographical barriers.
- deliver high profile national curriculum opportunities that model great curriculum design for educators and learners engaging with them.

## Who will it affect?

The delivery of the National e-Learning Offer will continue to affect learners from across the Scottish education system.

## 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

## Key Findings

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

While the online delivery measures in place 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 identification of negative impacts applies, we will seek to mitigate where appropriate 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 learner population. These are set out and explored further in this impact assessment, with mitigating actions identified.

### What might prevent the desired outcomes from being achieved?

Education Scotland acknowledges that the National e-Learning Offer requires complex planning to ensure we continue to meet the needs of all learners.

However, there is also a wide range of issues that might affect delivery and prevent the desired outcomes from being achieved. These include but are not exclusive to:

- Lack of specific data relating to the learner population making it difficult to ascertain the actual impact

Although the factor above is out with our direct control, we will continue to scope out opportunities to obtain specific data relating to learner populations.

It is also important to recognise that during this equality impact assessment we have also carefully considered the accessible design of the offer to ensure we support our aim of providing access for all.

# Stage 1: Framing

## Results of framing exercise

The development and delivery associated with the National e-Learning Offer (NeLO) is managed and led by Education Scotland staff in partnership with colleagues from key organisations across the education sector in Scotland with the necessary skills and appropriate experience.

Throughout the development and delivery of the National e-Learning Offer, several consultations have taken place with a number of key partners and stakeholders, which have informed our thinking, including:

- Scottish Government
- Association of Directors of Education in Scotland (ADES)
- e-Sgoil

As a result of the framing exercise, we identified that there was potential for the National e-Learning Offer to have moderate impact on most protected characteristic groups, with some being more disproportionately impacted, either negatively or positively than others.

### Protected characteristic: age

We did not encounter evidence that learners from any age groups would be disproportionately adversely affected by the National e-Learning Offer.

The offer itself will provide opportunities for learners at different ages and stages of their education to develop their skills through remote learning that may not be possible in traditional offerings.

### Protected characteristic: disability

Evidence tells us that the use of online learning resources in education can help learners with a disability raise their attainment levels<sup>1</sup>. The accessibility of live interactive and live broadcast opportunities however needs to consider a range of disabilities, with particular care given to ensuring the range of support considers the specific needs of all learners across Scotland.

### Protected characteristic: gender reassignment

We are currently not aware of any evidence that the National e-Learning Offer will affect learners transitioning from one gender to another.

We will however continue to explore the potential impacts of remote learning on learners who are transitioning from one gender to another. We currently do

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<sup>1</sup> <http://www.gov.scot/Resource/0048/00489224.pdf>

not have a breakdown of this protected characteristic for the entirety of learners across the Scottish education system although we will continue to monitor impact on this protected characteristic.

### Protected characteristic: marriage or civil partnership

This protected characteristic does not apply.

### Protected characteristic: pregnancy and maternity

We are currently not aware of any evidence that our online delivery will affect learners who are pregnant or on maternity leave. We will however continue to explore the potential impacts of our online delivery on learners who are pregnant or on maternity leave. We currently do not have a breakdown of this protected characteristic for the entirety of learners across the Scottish education system.

### 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<sup>2,3</sup>.

There is evidence to show that if a learner from a gypsy traveller background cannot attend school on a regular basis, online learning resources in education can offer them the chance to continue with their learning from home. We will however continue to explore the potential impact of online delivery on learners with different racial identities.

### Protected characteristic: religion or belief

We are currently not aware of any evidence that religion, faith, or belief will be impacted by the National e-Learning Offer. We will however continue to explore the potential impacts on learners with different religions, faiths, and beliefs. We currently do not have a breakdown of this protected characteristic for the entirety of learners across the Scottish education system.

### Protected characteristic: sex

We are currently not aware of any evidence that the National e-Learning Offer will affect this protected characteristic. We will however continue to explore the potential impacts on learners from different genders.

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<sup>2</sup>

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

<sup>3</sup> <http://www.step.education.ed.ac.uk/wp-content/uploads/2016/06/YPTech-Report-.pdf>

## Protected characteristic: sexual orientation

We are currently not aware of any evidence that the National e-Learning Offer will affect this protected characteristic. We will however continue to explore the potential impacts on learners with different sexual orientations. We currently do not have a breakdown of this protected characteristic for the entirety of learners across the Scottish education system.

## Interaction with Other Policies (Draft or Existing)

The National e-Learning Offer aligns with our Accessible Events Policy and Digital Learning Strategy.

## Extent/Level of EQIA required

The Framing exercise has highlighted the following actions:

- review and optimise the accessibility of the online platforms used for delivery
- encourage feedback from learners to monitor issues

## Stage 2: Data and evidence gathering, involvement and consultation

Characteristic <sup>4</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>Age</b>	<p><u>Learners</u> The age profile of learners is:</p> <ul style="list-style-type: none"> <li>• 5 to 7 years old = 23%</li> <li>• 8 to 11 years old = 33%</li> <li>• 12 to 15 years old = 32%</li> <li>• 16 to 19 years old 12%</li> <li>• Over 19 years old = currently unknown</li> </ul>	<p>Pupil census 2020: <a href="http://www.gov.scot">Pupil census: supplementary statistics - gov.scot (www.gov.scot)</a></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.</p> <p>However, we acknowledge that the census only covers school-aged pupils.</p>
<b>Disability</b>	<p><u>Learners</u> The disability profile of learners is 50.2%</p>	<p>Pupil census 2020: <a href="http://www.gov.scot">Pupil census: supplementary statistics - gov.scot (www.gov.scot)</a></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.</p>

<sup>4</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics



			However, we acknowledge that the census only covers school-aged pupils.
<b>Gender reassignment</b>	<p><u>Learners</u> 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>Supporting transgender young people in schools: guidance for Scottish schools  <a href="http://www.gov.scot">Supporting transgender young people in schools: guidance for Scottish schools - gov.scot (www.gov.scot)</a></p>	The Scottish Government aggregates this data.
<b>Marriage and civil partnership</b>	<p><u>Learners</u> 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.</p>	N/A	N/A
<b>Pregnancy and maternity</b>	<p><u>Learners</u> The pregnancy and maternity profile of learners in 2019 was:</p> <ul style="list-style-type: none"> <li>• under 16 years old = 0.03%</li> <li>• between 16 and 18 years old = 0.2%</li> <li>• between 18 and 20 years old = 1.2%</li> <li>• over 20 years old = currently unknown</li> </ul>	<p>Teenage pregnancy by year and age at conception:  <a href="http://www.healthscotland.com">Teenage pregnancies - Year of conception, ending 31 December 2019 - Teenage pregnancies - Publications - Public Health Scotland</a></p>	The Scottish Government aggregates this data.

<b>Race</b>	<u>Learners</u> The race profile of learners is: <ul style="list-style-type: none"> <li>• minority ethnic background = 9%</li> <li>• white = 89%</li> <li>• prefer not to say = 0.5%</li> <li>• not known = 1.5%</li> </ul>	Pupil census 2020: <a href="http://www.gov.scot">Pupil census: supplementary statistics - gov.scot (www.gov.scot)</a>	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.
<b>Religion or belief</b>	<u>Learners</u> The religion or belief profile of learners is currently unknown.	Pupil census 2020: <a href="http://www.gov.scot">Pupil census: supplementary statistics - gov.scot (www.gov.scot)</a>	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.
<b>Sex</b>	<u>Learners</u> The sex profile of learners is: <ul style="list-style-type: none"> <li>• female = 49%</li> <li>• male = 51%</li> </ul>	Pupil census 2020: <a href="http://www.gov.scot">Pupil census: supplementary statistics - gov.scot (www.gov.scot)</a>	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.
<b>Sexual orientation</b>	<u>Learners</u> 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.	Supporting transgender young people in schools: guidance for Scottish schools <a href="http://www.gov.scot/resources/consultation-papers/collections/documents/Supporting-transgender-young-people-in-schools-guidance-for-Scottish-schools-gov.scot">Supporting transgender young people in schools: guidance for Scottish schools - gov.scot (www.gov.scot)</a>	The Scottish Government aggregates this data.

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

Do you think that the National e-Learning Offer will impact learners because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The resources to support learners with learning remotely alongside both the live and recorded elements of NeLO should be designed in such a way that it will not create unlawful discrimination related to age.  There are potential positive and negative impacts on younger learners. Younger learners in Scotland may be more likely to require additional help from a parent or carer with logging onto different platforms. However, as this is managed at local level we will continue to:
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

				<ul style="list-style-type: none"> <li>• Include links to guidance for younger people logging into Glow on the NeLO webpage</li> <li>• Prioritise accessibility and the removal of authentication wherever possible</li> </ul> <p>In addition, we will ensure the content of remote learning resources are developmentally appropriate.</p> <p>Whilst learning remotely may help with providing support to learners in senior phase, it may also create issues for learners who do not have internet access at home. Therefore, making resources available to download at school for families without internet access could help with mitigating potential negative impacts.</p>
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### Do you think the National e-Learning Offer will impact learners because of their disability?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The resources to support learners with learning remotely alongside both the live and recorded elements of NeLO should be designed in such a way that it will not create unlawful discrimination related to disability.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There could be potential positive and negative impacts on learners with disabilities. Disabled learners in Scotland are more likely to require additional support with navigating different platforms.
Promoting good relations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

				<p>While learning remotely may be helpful for this protected characteristic group it may also create less opportunity for face to face learning and thus take longer to identify if additional support needs are required.</p> <p>It is therefore important that the accessibility of live interactive and live broadcast opportunities considers a range of disabilities, with care given to ensuring the range of support considers the specific needs of all learners across Scotland.</p> <p>Furthermore, a potential mitigating action would be the incorporation of software called caption ed for all recordings and live events wherever possible which is currently being used by e-Sgoil. In addition, WestOS is also using ClickView captioning software that is built into Google.</p>
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Do you think the National e-Learning Offer will impact learners 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"/>	NeLo neither positively or negatively affects learners who are or have transitioned from one gender to another. We will however promote the use of pronouns throughout the live and recorded broadcasts alongside developing gender neutral learning resources.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mitigating actions could also include the use of the 'known as' function on SEEMIS registration for learners where they can request their local authority use this in the Glow username.

Do you think the National e-Learning Offer will impact learners because of their marriage or civil partnership?

<b>Marriage and Civil Partnership<sup>5</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This protected characteristic was not applicable.
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 the National e-Learning Offer will impact on learners in different ways because of their sex?

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NeLo neither positively or negatively affects learners because of their gender. We will however promote people in STEM rather than Women in STEM only throughout the live and recorded broadcasts alongside the online learning resources.
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 the National e-Learning Offer will impact on learners, who are proposing to take maternity leave, are currently taking maternity leave, and are returning from maternity leave or who are pregnant?

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>

<sup>5</sup> 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.

Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The resources to support learners with learning remotely alongside both the live and recorded elements of NeLO should be designed in such a way that it will not create unlawful discrimination related to pregnancy.</p> <p>Remote learning through NeLO offers opportunities for learners to engage with interrupted learner programmes as well as accessing a whole suite of resources that are more flexible than in a school setting.</p> <p>In addition, remote learning also provides an opportunity for learners who are pregnant to continue to socially engage with their studies and reduce the likelihood of isolation.</p> <p>Furthermore, learners with this protected characteristic are also given the opportunity to engage with programme networks for new parents as part of the NeLO offering.</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"/>	

### Do you think the National e-Learning Offer will impact on learners 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 resources to support learners with learning remotely alongside both the live and recorded elements of NeLO should be designed in such a way that it will not create unlawful discrimination related to race.</p> <p>There could be potential positive and negative impacts on learners with different racial identities. While NeLO may include building racial literacy groups with representation from the travelling community, we must ensure speakers and learning resources are representative of all racial identities across the offering.</p>
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

				In addition, mitigating actions could include inviting guest speakers to discuss representation balance during live broadcasts which is currently being organised by the NeLO working group.
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Do you think the National e-Learning Offer will impact learners because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The resources to support learners with learning remotely alongside both the live and recorded elements of NeLO should be designed in such a way that it will not create unlawful discrimination related to religion or belief.  There is a potential for NeLO to have a positive impact on learners with different religions or beliefs as the platforms allows learners to share their views and opinions on the topic of religious education in safe spaces.
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"/>	

Do you think the National e-Learning Offer will impact learners 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"/>	NeLO neither positively or negatively affects learners because of their sexual orientations. We will however promote inclusion by ensuring representation of children and their families is part of online resources alongside our live and recorded broadcasts.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

<p>Are there any positive or negative impacts identified for any of the equality groups?</p>	<p>The continuation of the National e-Learning Offer can have both positive and negative impacts to varying degrees for most protected characteristic groups.</p> <p>Evidence tell us that remote learning can increase attainment levels and reduce barriers learners with protected characteristics may experience when learning face-to-face.</p> <p>Whilst remote learning can be positive for many groups, if the resources and content is not inclusive, then challenges remain, particularly for learners with disabilities.</p>
<p>Is the policy directly or indirectly discriminatory under the Equality Act 2010<sup>6</sup>?</p>	<p>Indirectly, we will continue to review our delivery on a regular basis in recognition of this equality impact assessment.</p>
<p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p>	<p>The organisation has a duty of care to protect learners across the Scottish education system.</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 continuing to deliver the National e-Learning Offer might have on learners with one or more protected characteristics.

We will continue to monitor and review our decisions on a routine basis.

## Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of the National e-Learning Offer:

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: Ollie Bray**

**Position: Strategic Director**

**Authorisation date: 29/06/2022**

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