

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017	
Minister	John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills	
Lead official	Stacey-ann Lindsay	
Officials involved in the EQIA	name	team
	Shirley Anderson	Empowering Schools Unit
Directorate: Division: Team	Empowering Schools Unit, People and Infrastructure Division, Learning Directorate	
Is this new policy or revision to an existing policy?	This is a new policy and is the first time that we have put in place legislation arrangements to ensure that all teachers in independent schools are registered with the General Teaching Council for Scotland (GTCS).	

Screening

Policy Aim

Through introducing The Registration of Independent Schools (Prescribed Person)(Scotland) Regulations 2017 we intend to achieve the following objective:

- Ensure all teachers in Independent Schools are registered with the General Teaching Council for Scotland.

The National Outcome that it contributes to is “Our young people are successful learners, confident individuals, effective contributors and responsible citizens.”

Who will it affect?

The policy will affect all current and future teachers working in independent schools who are not registered with the GTCS. This will bring independent schools into line with local authority schools and will provide opportunities for teachers to work across both sectors. Thus improving the life chances and education of all children in Scotland.

It will have a positive effect on teachers within the independent sector as they will benefit from Professional Update, the aim of which is to support, maintain and enhance teachers' continued professionalism through professional learning. It should be noted that teachers who are currently employed in independent schools who require to obtain additional qualifications or experience may find this challenging from a financial, work and family life perspective.

The continued improvements in the quality and standards of teachers both in independent schools and across Scotland will have a positive effect on children's learning and support the policy of raising attainment and closing the equity gap.

The policy will provide parents with the reassurance that irrespective of where their children are educated the standards and quality of teaching staff is regulated by the GTCS.

What might prevent the desired outcomes being achieved?

There is a risk associated with the availability of sufficient number of registered teachers to meet the needs of independent schools

Whilst the Scottish Government does not employ teachers, it is recognised that some local authorities have experienced challenges in relation to teacher recruitment with these challenges mostly in the STEM subjects. Action has been taken to help address these issues including the second phase recruitment campaign 'Teaching Makes People' launched in February this year. This campaign along with the more flexible routes to registration being introduced by the GTCS should mitigate the risk associated with any issues relating to recruiting GTCS registered teachers in the independent sector.

Stage 1: Framing

Results of framing exercise

During the passage of the Education (Scotland) Act 2016 through the Scottish Parliament Scottish Government officials met with a range of relevant stakeholders to discuss and consider the mechanism for achieving the policy outcome of GTCS registration for all teachers in independent schools. These discussions considered all aspects of the potential consequences of the legislative change. Policy colleagues have continued with discussions with

stakeholders through the GTCS Working Group set up to support registration of teachers in independent schools. The Group includes representatives from individual schools, the Scottish Council of Independent Schools and Education Scotland. This supported the development and the terms of The Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017. In particular the provisions relating to transitional arrangements for those teachers currently employed in independent schools.

The information submitted by independent schools annually in September was used to consider the extent to which the policy would impact on individual schools and teachers. The data submitted includes the name, age, date of birth, qualification and gender of all teaching staff along with an indication as to whether they are GTCS registered. The analysis indicated that the number of teachers involved across the sector was relatively small and at school level was manageable. While time would be required for some teachers to meet the requirements through up skilling and obtaining qualifications the data suggested there were a large number who are likely to meet current registration requirements.

A public consultation on a draft of The Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017 took place from 20th March to 1st May 2017. Thirteen responses were received to this with the majority of respondents agreeing with the draft regulations.

There were some minor concerns raised by respondents in the margins of the consultation expressing reservations around current teachers being able to meet the GTCS criteria specifically relating to subjects not currently recognised by the GTCS; financial implications for the sector and attracting new teachers to the sector. There were no comments which gave concern in respect of the impact of the policy on the Scottish Government meeting its equality duties and no amendments were made to the regulations following the public consultation.

Extent/Level of EQIA required

The Scottish Government's assessment of the impact of this policy on all areas of protected characteristics is that it will have no effect. The EQIA process has highlighted the need for the Scottish Government to continue to engage closely with stakeholders to ensure that equalities issues continue to be at the forefront of policy development processes and that any new issues can be dealt with as they arise.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Considered as part of discussions with stakeholders.	Stakeholders	none
DISABILITY	Considered as part of discussions with stakeholders.	Stakeholders	none
SEX	Considered as part of discussions with stakeholders.	Stakeholders	none
PREGNANCY AND MATERNITY	Considered as part of discussions with stakeholders.	Stakeholders	none
GENDER REASSIGNMENT	Considered as part of discussions with stakeholders.	Stakeholders	none

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

<p>SEXUAL ORIENTATION</p>	<p>Considered as part of discussions with stakeholders.</p>	<p>Stakeholders</p>	<p>none</p>
<p>RACE</p>	<p>Considered as part of discussions with stakeholders.</p>	<p>Stakeholders</p>	<p>none</p>
<p>RELIGION OR BELIEF</p>	<p>Considered as part of discussions with stakeholders.</p>	<p>Stakeholders</p>	<p>none</p>
<p>MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics)</p>	<p>Considered as part of discussions with stakeholders.</p>	<p>Stakeholders</p>	<p>none</p>

document for details)

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

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			Yes	
Advancing equality of opportunity			Yes	
Promoting good relations among and between different age groups			Yes	

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			Yes	

Advancing equality of opportunity				Yes	
Promoting good relations among and between disabled and non-disabled people				Yes	

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	
Advancing equality of opportunity			Yes	
Promoting good relations between men and women			Yes	

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	

Advancing equality of opportunity			Yes	
Promoting good relations			Yes	

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	
Advancing equality of opportunity			Yes	
Promoting good relations			Yes	

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	
Advancing equality of opportunity			Yes	
Promoting good relations			Yes	

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	
Advancing equality of opportunity			Yes	
Promoting good race relations			Yes	

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	
Advancing equality of opportunity			Yes	
Promoting good relations			Yes	

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	

²

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. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. 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.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	No
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ?	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

Describing how Equality Impact analysis has shaped the policy making process

During the development of the policy the impact of the equality impact analysis was fully considered and through discussions with stakeholders it emerged that the availability of more flexible and alternative routes to registration would support the policy aim and ensure equality of opportunity for teachers both currently working in independent schools and for those wishing to be employed in independent schools in the future.

³ See EQIA – Setting the Scene for further information on the legislation.

The introduction of GTCS registration for all teachers in independent schools will develop better outcomes for people and communities by supporting a priority of the Scottish Government which is to improve the life chances and education of all children in Scotland irrespective of where they are educated. High quality teaching and strong leadership are key features of a successful education system. By introducing a requirement for all teachers working in independent schools to be GTCS registered this will bring them into line with local authority schools and is a means of improving the standard of teaching across the whole of the education sector. It will offer assurance to parents that irrespective of where their children are educated the standards and quality of teaching staff is regulated by the GTCS.

The requirement will provide schools with assurances of the standard and quality of the teachers they are employing. It will also benefit teachers through Professional Update, the aim of which is to support, maintain and enhance teachers' continued professionalism through professional learning.

Monitoring and Review

This policy links directly to the recruitment and on-going employment of teachers in independent schools. The information regarding teachers in independent schools will continue to be monitored by the registrar of independent schools through the annual independent schools census.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:
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 for the introduction of GTCS registration of teachers in independent schools and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Clare Hicks

Position: Deputy Director, People and Infrastructure Division

Authorisation date: 12th May 2017