

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023	
Minister	Minister for Higher & Further Education	
Lead official	Adam Mackie	
Officials involved in the EQIA	name	team
	Claire Jamieson	College Governance College & Economic Impact Unit
Directorate: Division: Team	Directorate for Lifelong Learning & Skills; Young Workforce & SFC Sponsorship Division; College Governance Team	
Is this new policy or revision to an existing policy?	Affirmative.	

Screening

Policy Aim

To add two trade union nominees, one from teaching staff unions and one from support staff unions, to the boards of colleges. The introduction of trade union nominees will build on the fundamental principles of the Fair Work, which recognises the positive impact of trade unions at individual, workplace, sector and national level and the unions' role in promoting progressive workplace practices that contribute to the health of the economy and civil society in Scotland.

Who will it affect?

It will have a direct effect on college boards, as their size increases to accommodate two trade union nominees, and therefore on college governance, however, as the changes are minor administrative governance changes, there will do direct impact on students, staff or course provision.

What might prevent the desired outcomes being achieved?

The overall goal is improved governance, therefore, measures need to be in place to ensure appropriate training of trade union nominees to ensure they understand their role and function as board members and actively participate to improve governance.

Stage 1: Framing

Results of framing exercise

Potential Benefits: Improved governance and bringing trade unions closer to decision-making processes of college boards; improved employer and Trade Union relations.

Potential Disadvantages:

Extent/Level of EQIA required

A consultation was run by the Scottish Government into the proposed merger. It ran from 1 December 2022 - 27 January 2023 and generated 29 responses.

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.

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	No data Available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
DISABILITY	No data Available		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
SEX	<p>Gender Split on College Boards of Management across all Board Members</p> <p>October 2021 Male 53%; Female 47%</p> <p>October 2022 Male 52% ; Female 48%</p>	Data received from Colleges Scotland	

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

PREGNANCY AND MATERNITY	No data available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
GENDER REASSIGNMENT	No data available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
SEXUAL ORIENTATION	No data available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
RACE	No data available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
RELIGION OR BELIEF	No data available.		Colleges Scotland do not collect this data due to the relatively small number of board members and the risk of identification.
MARRIAGE AND CIVIL PARTNERSHIP	No data available.		Colleges Scotland do not collect this data due to the relatively small number of

<p>(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 document for details)</p>			<p>board members and the risk of identification.</p>
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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			X	The proposed change will involve a change to the governance of colleges by adding two trade union nominees to the boards of colleges. In the short term, this will not impact on or represent a change to student experience or staff working in colleges. In the longer term, the changes will bring trade unions closer to the decision making of college boards but the continuing requirement to have more non-executive members on college boards will limit influence. The assessment across all EQIA criteria is that this is a neutral impact.
Advancing equality of opportunity			X	See answer in ‘Eliminating unlawful discrimination, harassment and victimisation’.
Promoting good relations among and between different age groups			X	See answer in ‘Eliminating unlawful discrimination, harassment and victimisation’

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations among and between disabled and non-disabled people			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Promoting good relations between men and women			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
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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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Promoting good race relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
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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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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

The introduction of trade union nominees will build on the fundamental principles of the Fair Work, which recognises the positive impact of trade unions at individual, workplace, sector and national level and the unions' role in promoting progressive

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

workplace practices that contribute to the health of the economy and civil society in Scotland.

It is important that institutions reflect the wide diversity within Scotland's society and the student population that they serve, therefore, in ministerial guidance, that is currently being updated, it is set out that boards should be mindful of protected characteristics when appointing members.

Monitoring and Review

Not applicable

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 Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023* and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Stuart Greig

Position: Deputy Director

Authorisation date: 22 September 2023