

Fairer Scotland Duty – Part 1

This Fairer Scotland Duty Assessment template should be used with the [guidance published on the Scottish Government website](#). This gives advice about applying the Duty, links to useful resources and a glossary of key terms.

Title of policy/practice/strategy/legislation etc.	<i>The Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023</i>
Lead Minister	Minister for Higher and Further Education; and Minister for Veterans
Lead official	Adam Mackie
Directorate Division team	Directorate for Lifelong Learning & Skills; Young Workforce & SFC Sponsorship Division; College Governance Team

Stage 1 – planning

This first stage is introductory. You should ask the question: **Is this a ‘strategic’ programme, proposal or decision?**

This is a strategic decision.

Please answer the questions below to help with your planning.

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- What is the aim of your policy/strategy/plan?

The policy will add trade union nominees to the boards of colleges.

- Who will it affect (particular groups/businesses/geographies etc)?

These changes are minor governance changes to the membership of boards of colleges; the changes will affect current college boards.

- What outcomes do you expect the policy/strategy/plan to deliver?

Improved governance through giving greater voice to trade unions in decisions that affect the running of colleges and the experience of both students and workers. This is in line with the Fair Work Agenda.

- What is your timeframe for completing the Fairer Scotland Duty assessment?

26 September 2023

- Who else will be involved in the assessment and what roles will they play?

Review by policy colleagues and SGLD colleagues, with input from Advanced Learning & Skills Analysis (ALSA).

Stage 2 – evidence

The second stage involves working closely with analysts, making use of relevant data and commissioning other evidence to inform options for improvement. This stage is likely to involve a number of discussions between teams:

- to understand the inequalities of outcomes associated with the programme/policy/decision.
- to scope out how the programme/policy/decision could be strengthened to reduce the inequalities further, based on evidence.
- where necessary, to commission new data collections, for example from community consultation/participation, or new secondary analysis of existing data.

The Scottish Government has access to a wide range of relevant data, both quantitative and qualitative. This includes administrative data, data about local neighbourhoods (for example the Scottish Index of Multiple Deprivation).

New experimental statistics on combined low income and material deprivation (now available at a local level), and health, education and employment data. Analytical teams will be able to advise on the evidence is most useful.

Evidence can also be sought from communities and groups directly, particularly when there are evidence gaps – for example, where a significant new policy is being developed. Engagement processes should reflect the principles of the [National Standards for Community Engagement](#).

Another source – particularly in terms of integrating equality and socio-economic considerations – is the Scottish Government [Equality Evidence Finder](#). This is an updated web resource providing equality evidence by subject and protected characteristic. We intend to expand this over the next year to include socio-economic disadvantage as a new category, including child poverty considerations.

You may also find the data sources in the [Fairer Scotland Duty Guidance](#) useful.

Please answer the questions below to meet the Duty’s evidence requirements.

- what does the evidence suggest about existing inequalities of outcome, caused by socio-economic disadvantage, in this specific policy area? You might want to think about:
 - people on low incomes
 - people in deprived areas (and particular communities of place and interest)

- people with no/low wealth or in debt
- people in material deprivation
- people from different social classes

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.

Colleges play a vital role in providing opportunities from those affected by socio-economic disadvantage and improving outcomes for those from deprived backgrounds with 25% of entrants to higher education courses in colleges are from the 20% most deprived areas of Scotland, as per SIMD quintiles. SIMD divides Scotland into small geographic areas and measures the relative deprivation of each of these geographic areas. The measures are: income levels; employment levels; educational attainment; health; access to services; crime levels and housing quality (overcrowding and central heating). It is important to note that not everyone in a particular SIMD area will be deprived or affluent, it is only an area-based measure.

Data is not collected on the full range of protected characteristics of college board members.

- what does the evidence suggest about possible impacts of the policy/programme/decision, as planned, on those inequalities of outcome.
No Impact
- is there evidence that suggests alternative approaches to the policy/programme/decision? For example, evidence from the UK or international evidence?

No, the policy has previously been implemented in the university sector in Scotland and a similar approach has been adopted for colleges.

- what gaps are there in key evidence? Is it possible to collect new evidence quickly in other areas? For example, through consultation meetings, focus groups or surveys?

There are no gaps in key evidence.

- how could you involve communities of interest (including those with lived experience of poverty and disadvantage) in this process? The voices of people and communities are likely to be important for identifying potential improvements to the programme/policy/decision.

The Scottish Government has conducted an 8 week public consultation into the proposal for adding Trade Union nominees to college boards and has worked extensively with the Good Governance Steering Group to shape proposals.

Stage 3 – assessment and improvement

Having considered the data and evidence you have gathered, the assessment and improvement stage is where you look in more detail at improvements to the proposal, plan or decision.

It's essential that policy team leaders are involved at this stage to ensure opportunities to develop a better proposal are considered. Analysts should also be involved, as this is key for meeting the 'due regard' test.

The outcomes of the assessment and improvement phase, with any options emerging for consideration, should be clearly set out by the appropriate officer(s) in Stage 4.

The key questions to answer at this stage are:

- what options could strengthen this programme/policy/decision in its impact on inequalities of outcome?

While the outcome is discreet, it is part of wider governance reforms, which will, as a package of reform seek to continue to strengthen inequalities outcomes through improving the effective voice on trade unions in board decisions.

College Boards are subject to the Gender Representation on Public Boards (Scotland) Act 2018, which came into force in May 2020. As part of this the Government reports to Parliament on progress on reaching gender equality on public boards. This Act guides boards when making appointments.

- what are the pros and cons of these options?

Adding trade union nominees will further the Scottish Government's Fair Work Agenda, feeding into the principle of effective trade union voice.

- how could the programme/policy/decision be adjusted to address inequalities associated with particular groups? Communities of interest or of place who are more at risk of inequalities of the outcome?

The policy is discreet and adds two trade union nominees to college boards to improve governance and trade union voice in the college sector, however, representation on college boards will continue to be reviewed and reported on as per the Gender Representation on Public Boards (Scotland) Act 2018, which came into force in May 2020.

Stage 4 – decision

The decision stage allows deputy directors (or above) to consider the assessment process from stages 2 and 3. They can also agree changes to the policy, proposal or decision and confirm that due regard to meeting the Fairer Scotland Duty has been achieved.

Key questions to discuss at this summary stage are:

- what changes, if any, will be made to the proposal as a result of the assessment? Why are these changes being made and what are the expected outcomes?

No changes

- if no changes are proposed, please explain why.

The proposed changes have neutral impact on inequalities; they will bring greater voice of workers and trade unions to board meetings and help the sector meet the fair work principles.

Discussion were had around implementing the need to mandate that trade unions take account of protected characteristics when nominating individuals to the board, however, there was concern around interference in the democratic process of trade unions and given the existence of the Gender Representation on Public Boards (Scotland) Act, Boards have a duty and the scope to ensure that boards are balanced through the appointment of non-executive members.

Once these questions have been discussed and written up, save this document in the relevant project file in eRDM. Your deputy director (or above) should sign and date in the box below.

Sign off of the Fairer Scotland Assessment template	Sign off and Date: Stuart Greig 26.09.2023 Name: Stuart Greig Job title: Deputy Director , Governance & Assurance Division
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STAGE 5 - PUBLICATION

The final stage is the [Fairer Scotland Duty summary](#) for publication on the Scottish Government website.