

## Equality and Human Rights Impact Assessment (EHRIA)

EHRIAs support SFC to meet the statutory duties stipulated under the Equality Act 2010 and support Public Bodies in Scotland demonstrate that Equality and diversity is at the heart of their policies, practices and decisions are fair. EHRIAs are the thorough and systematic analysis of a new or revised policy to determine whether they have a differential impact on a particular group in relation to equality, diversity and human rights.

In our strategic plan 2015-18, we commit to a system of further and higher education which will be accessible and diverse. We will contribute to a more equal society by embedding equality and diversity across all our functions, supporting participation, tackling prejudice, and by placing good relations at the heart of our organisation.

The process can be seen as a quality control mechanism which SFC can use to evaluate new or revised policy and best meet the equality, diversity and human rights needs of staff and students in the institutions that we fund, our stakeholders, and for SFC staff as an employer.

In Scotland, the specific duties require us to assess and review new and revised policies and practices against the three needs of the Public Sector Equality Duty (PSED), use evidence, act on the results and publish the EIA accessibly.

'Policy' needs to be understood broadly to embrace the full range of functions, practices, activities and decisions for which the Scottish Funding Council is responsible: essentially everything the Scottish Funding Council does. This includes both current policies and new policies under development.

SFC has developed an equivalent Equality and Human Rights Impact Assessment model to incorporate equality, diversity and human rights considerations, referred to here as an 'EHRIA'.

Guidance on how to complete an EHRIA can be found in the Annex section of this document.

### Template to be completed by the person leading the EHRIA

Policy Owner	Jenny Jamieson
SFC Directorate	Research & Innovation
EHRIA Commenced	16 November 2016
Version number	1
EHRIA Completed	26 April 2017
New/revised policy/practice signed off by Management	27 April 2017
EHRIA actions due for review on:	November 2017
Quality Assessed	26 April 2017
Publication	28 April 2017

# Equality and Human Rights Impact Assessment Publication Document

Our intention is that this template will support you to complete an Equality and Human Rights Impact Assessment (EHRIA) and for us as a collective organisation to complete our statutory requirements.

Prior to the publication on the SFC's website, every EHRIA will be assessed by the Equality & Diversity Group who will be responsible for displaying the publishing document on the SFC external website. Guidance on how to complete an EHRIA can be found in the Annex section of this document.

## Stage 1: Background information

Title of Policy:	EAUC Outcome Agreement 2017-20		
EHRIA Lead Person:	Jenny Jamieson		
Who else is involved in the EHRIA?	Martin Kirkwood		
Date EHRIA completed:	26 April 2017	Is this a new or revised policy?	New <input type="checkbox"/>
Date EHRIA published and where:	28 April 2017		Revised <input checked="" type="checkbox"/>
Review date and frequency:	Annual/Nov 2017		

## Stage 2: Scoping and evidence gathering

Why are you introducing the new policy, or why are you revising an existing policy?	EAUC (Environmental Association for Universities and Colleges) is funded via a 3-year outcome agreement. This new outcome agreement will cover the period 2017 to 2020 and will build on the work achieved during the previous outcome agreement which ran from 2014 to 2017.
What is the intended outcome(s) and impact of the new policy, or making the changes to an existing policy?	EAUC supports SFC strategic outcomes: <ul style="list-style-type: none"> <li>- Greater innovation in the economy</li> </ul> EAUC promotes Equality Outcome 1: <ul style="list-style-type: none"> <li>- More even patterns at both a sectoral and an institutional level – of participation, retention and success by different groups of learners.</li> </ul> This will be achieved by delivering a broader set of graduate skills relevant to sustainability via education for sustainable development.
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you	EAUC have referred to the following evidence: <ul style="list-style-type: none"> <li>• Scottish Government Reports</li> <li>• Equality Challenge Unit website</li> <li>• Outcome Agreements</li> </ul>

considered when deciding to develop new or revise current policy?	<ul style="list-style-type: none"> <li>Staff satisfaction surveys</li> <li>Human resources records</li> <li>Equal opportunities monitoring forms</li> <li>Evidence from involvement, engagement and consultations</li> <li>Evidence from event attendance in terms of any special requirements in terms of accessibility or additional requirements required by delegates</li> </ul>
Who did you consult with?	<ul style="list-style-type: none"> <li>EAUC Scotland and EAUC UK</li> </ul>
What did you learn?	EAUC research has shown that businesses are finding it difficult to recruit graduates with commercial awareness and an understanding of global sustainability and that this business demand will grow.
How did the consultation shape the policy?	The approach to education for sustainable development must take a holistic approach that includes staff, students and senior management throughout the sector.

### Stage 3: Identifying outcomes and impact

Delivering on the SFC's Public Sector Equality Duty	
Consider the equality risk assessment within the context of broader staff or student journey which includes recruitment, retention, progression, promotion, training etc.	
<b>1. How does your policy contribute to eliminating discrimination, harassment and victimisation? Please describe.</b> Education for Sustainable Development promotes an inclusive and positive approach to learning.	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
<b>2. State how your policy advances equality of opportunity between those who share a protected characteristic and those who do not? Please describe.</b> <ul style="list-style-type: none"> <li>EAUC activity aims to reach all cohorts within institutions through training events, institutional engagements and by building an active sustainability network. These activities are open to all students and staff regardless of academic discipline or work area. Their communication strategy will promote this approach.</li> </ul>	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
<b>3. In which ways does this policy fosters good relations between those who share a protected characteristic and those who do not? Please describe.</b> <ul style="list-style-type: none"> <li>EAUC's broad approach social responsibility and environmental awareness has inclusion and diversity at its centre.</li> </ul>	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
<b>4. Does your policy ensure Human Rights articles compliances?</b> Compliant <input checked="" type="checkbox"/> Breach <input type="checkbox"/>	
<b>5. Please indicate which articles your policy relates to:</b>	

Consider:

Article 1 - Free and equal

Article 2 - Right to life

Article 3 - Prohibition of torture

Article 4 - Prohibition of slavery & forced labour

Article 5 - Right to liberty & security

Article 6 - Right to a fair trial (e.g. disciplinary procedures)

Article 7 - No punishment without law (e.g. disciplinary procedures)

Article 8 - Right to respect for private & family life

Article 9 - Freedom of thought, conscience & religion

Article 10 - Freedom of expression

Article 11 - Freedom of assembly & association (e.g. trade union recognition)

Article 12 - Right to marry

(N.B.) Article 13 has been removed

Article 14 - Prohibition of discrimination (e.g. people part of protected characteristic groups)

Protocol 1 Article 1 – Protection of property

Protocol 1 Article 2 – Right to education

**Detail the positive impact here:**

- EAUC's sustainability activity in the sectors allows for the participation and contribution of all groups of learners and staff;
- EAUC sustainability programme is designed to appeal to all students and staff, regardless of discipline or academic position. This is achieved by encouraging staff and students to participate as part of a wider sustainable community in a flexible and inclusive environment with an evolutionary approach to learning.

**Please select which group(s) will be affected by the positive impact:**

Age (e.g. older people or younger people)	<input checked="" type="checkbox"/>
Race (e.g. people from black or any minority ethnic groups)	<input checked="" type="checkbox"/>
Gender (e.g. women or men)	<input checked="" type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	<input checked="" type="checkbox"/>
Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	<input checked="" type="checkbox"/>

<b>Religion or Belief</b> (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input checked="" type="checkbox"/>
<b>Sexual orientation</b> (e.g. lesbian, gay, bisexual or heterosexual)	<input checked="" type="checkbox"/>
<b>Maternity and Pregnancy</b> (e.g. women who are pregnant/on maternity leave/breastfeeding)	<input type="checkbox"/>
<b>Marriage and civil partnership</b>	<input type="checkbox"/>
<b>Socio-economic groups</b>	<input checked="" type="checkbox"/>
<b>Human rights compliance</b> (e.g. civil, political, economic, social, and cultural rights)	<input checked="" type="checkbox"/>

## Stop check

<b>If you identify any positive impacts, please move to Stage 4.</b>	In Stage 4 please detail positive impacts
<b>If you identify any negative impacts that require mitigation please complete Stage 4.</b>	In Stage 4 please detail negative impacts
<b>When considering all your responses to Stage 3 if you selected no effect for <u>ALL</u> areas</b>	Please justify your conclusions here and move directly to <b>Stage 5</b> .

## Stage 4: Analysis of impact/outcomes

You have indicated that this new or revised policy will have an impact/outcome on one or more of the 3 main duties of the Public Sector Equality Duty and Human Rights articles for staff or students. Use these sections below to indicate whether the impact is positive or negative, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

<b>Detail the negative impact here: NONE</b>	
Potential impact:	Mitigating response:
Potential impact:	Mitigating response:
<b>Please select which group(s) will be affected by the negative impact:</b>	
Age (e.g. older people or younger people)	<input type="checkbox"/>
Race (e.g. people from black or any minority ethnic groups)	<input type="checkbox"/>
Gender (e.g. women or men)	<input type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	<input type="checkbox"/>

<b>Gender Identity</b> (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	<input type="checkbox"/>
<b>Religion or Belief</b> (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input type="checkbox"/>
<b>Sexual orientation</b> (e.g. lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>
<b>Maternity and Pregnancy</b> (e.g. women who are pregnant/on maternity leave/breastfeeding)	<input type="checkbox"/>
<b>Marriage and civil partnership</b>	<input type="checkbox"/>
<b>Socio-economic groups</b>	<input type="checkbox"/>
<b>Human rights compliance</b> (e.g. civil, political, economic, social, and cultural rights)	<input type="checkbox"/>

## Stage 5: Identifying options and course of action

Select a recommended course of action:	
<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
<b>Outcome 2:</b> Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
<b>Outcome 3:</b> Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
<b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

## Outline plans to action and review the impact of the new or revised policy

- Note: **any** evidence that raises concern would trigger an **early review** rather than the scheduled date
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new or changed policy

WHAT	WHY	WHO	WHEN	REVIEW POINT
Detailed participation data from events	To ensure participation levels reflect diversity	EAUC staff	Now to 2017	November 2017

WHAT	WHY	WHO	WHEN	REVIEW POINT

Summary of results, including the likely impact of the proposed policy advancing-equality and human rights
EAUC will provide a service that is both diverse and inclusive in its reach and in its design. The on-line material uses a style of language and images which are positive for all students and staff and does not create barriers for staff or students to participate.

Next Steps
Ask EAUC for progress on participation levels in terms of diversity in November 2017.

## Stage 6: Publishing

The completed EHRIA and Publishing Document must:

- Be sent to the Equality and Diversity Lead at [e&d@sfc.ac.uk](mailto:e&d@sfc.ac.uk)
- Please note that the final EHRIA, or reference to it may be published on the SFC staff intranet and / or website

# Annex: Guidance to support completion of EHRIA

## What is an EHRIA?

The integrated approach of looking at equality and human rights together in SFC reflects the statutory requirements of the Public Sector Equality Duties set out in the Equality Act (2010) underpinned by the priority to human rights and FAIR process. Through completion of the EHRIA, SFC ensure that policies, and the ways we carry out our functions, do what they are intended to do and for everybody. The Scotland Act 1998 established the Scottish Parliament and the Scottish Government. It ensures that the Scottish Parliament can only pass laws that are compatible with human rights. This means that human rights must be respected and realised at all levels of governance in Scotland. SFC considers that an inter-disciplinary approach to assessing new or revised policy ensures that we are able to inform decision making relating to both under-representation and socio-economic disadvantage.

## Why do we carry out EHRIA?

The main reasons for carrying out EHRIAs are to ensure fairness, ensure compliance with legislation, and improve SFC effectiveness. They are a tool for meaningful and informed decision making for new or revised practice. The process helps to identify and measure their effect in terms of equality, diversity and human rights on relevant groups.

They permit impacts and outcomes to be predicted, monitored and, if necessary, avoided or mitigated. When undertaken and led by the decision or policy maker, EHRIAs serve to raise awareness of sector, staff and our stakeholder's interests and ensure they are factored into policy development at the earliest possible stage.

The legislative requirements that are met when carrying out EHRIA are the Public Sector Equality Duties from the Equality Act 2010. The Scotland Act (1998) makes provisions for the protection of human rights within Scotland and when any subordinate legislation is made it must not be incompatible with any of the Human Rights Legislation. The consideration of socio-economic factors included in the EHRIA is part of our contribution to achieving relevant government objectives for fairness, participation and tackling inequalities set out in the Programme for Government and Post-16 (Scotland) Act 2014, although is not a protected characteristic under the Equality Act 2010. There is a statutory duty to promote and safeguard the rights of children and young people, in particular those with the poorest outcomes and this should be taken into account with carrying out EHRIA.

## Delivering on SFC'S Public Sector Equality Duties

Under Public Sector Equality Duties, SFC is required to have due regard to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and people who do not share it

Across all aspects of any SFC decision-making process we need to be consciously thinking about the three aims of the Public Sector Equality Duties. This means that consideration of equality issues must influence the decisions reached by SFC – such as in how we act as employers; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others.

The Public Sector Equality Duties require consideration of how new or revised policy will eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations in relation to eight of the nine protected characteristics within the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race

- Religion or belief
- Sex
- Sexual orientation

The ninth protected characteristic, marriage and civil partnership, is not covered by the Public Sector Equality Duties. However when carrying out EHRIAs you will be asked to consider how this policy/practice will impact on or what outcomes are there for people belonging to a protected characteristic group, including the ninth protected characteristic. SFC supports individuals who are care experienced, to support those who achieve the lowest educational outcomes, as if a protected characteristic group.

Within the Scottish Specific Duties of the Public Sector Equality Duties, SFC is required to demonstrate how we have considered evidence of the impact that key policy will have on equality and diversity.

SFC must:

- Consider relevant evidence relating to people with protected characteristics, including any evidence received from those people
- Take account of the results of any assessment
- Publish the result of any assessment within a reasonable time period

## **When do you carry out EHRIA?**

When the decision is made for a need for a new or revised policy or procedure you should develop your EHRIA.

There are 6 stages have to be followed when carrying out EHRIAs



The Equality and Diversity Lead is there to support if there is anything that is not clear but they are not able to develop the EHRIA as they will not be the decision makers or implementers of the proposed changes. When completed the Equality and Diversity Group are responsible for the overall quality assessment of the EHRIA by peer review.

The process of developing an EHRIA may be a one off meeting with relevant people or an ongoing process over time depending on time it takes to develop the new or revised policy.

## How do you carry out **EHRIA**?

### Stage 1: Background information

A clarify whether the policy is new or revised. If the policy is revised the original impact assessment must be used to build on the previous findings.

Identify the Lead Author/Policy Owner of the EHRIA with consideration to balancing 'ownership' of the process and deciding who is best able to lead the work.

The Lead Author/Policy Owner must select a team of contributors who have a thorough understanding of the policy and its context as this is vital to being able to undertake a proper EHRIA and to the ability to suggest appropriate alternative policies where negative impacts are identified.

## Stage 2: Scoping and evidence gathering

All EHRIAs should include a description of the policy and its aims, why it has been developed and what the intended outcomes/impact. Some of the questions that might be asked include:

- Who initiated the policy?
- Who has responsibility for implementation of the policy?
- What is the legal, policy and practice context of the proposal?
- How does it relate to other policy?
- Does it seek to fulfil any targets set, for example, by Scottish Government?
- What are the resource implications of the policy?
- Who do we need to gather information from?

Identifying the evidence that might be needed, and where it might be found is a key part of the scoping stage. This may involve highlighting gaps in existing evidence and possibly commissioning research to fill the gaps (depending on the scope, scale and severity of impacts).

The Lead Author/ Policy Owner must evidence impacts on the equality, diversity and human rights that the new or revised policy may have. This is the information that will inform analysis of the policy. The types of evidence are qualitative, quantitative and case law. The qualitative and quantitative evidence can be internal and/or external. An example of external benchmarking and information that needs to be considered at this stage is the Scottish Government Equality Toolkit and SFC's Learning for All publication, Equality Challenge Unit's statistical reports Colleges in Scotland, HESA.

Consultation ensures the voices of those (likely to be) affected by the policy are heard and taken into account in the EHRIA process

## Stage 3: Identifying outcomes and impact

The options provided for the Public Sector Equality Duties and Human Rights articles should be used to consider the outcomes and impact.

If the policy has no effect on the Public Sector Equality Duties and does not breach human rights then justification must be provided for this decision.

Equality and Diversity is included within the SFC Improvement schedule of work in 2016-18.

## Stage 4: Analysis of impact

The details of the positive impact on the groups identified must be listed at this stage.

The negative impact must be mitigated to a reasonable, objective justifiable level or the policy must be abandoned if this is not possible as it would be illegal.

## Stage 5: Identifying options and course of action

A decision has to be made from a choice of the 4 options for the outcome of the EHRIA and a summary why the decision has been made with any other recommendations must be provided. The options are:

**Outcome 1:** Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.

**Outcome 2:** Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.

**Outcome 3:** Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).

**Outcome 4:** Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.

The planned actions to be taken and how the impact of the new or revised policy must be detailed and include the lead person who will ensure this will be done in the timescales set. This is to make sure that the EHRIA is not a one off process but an on-going cycle of review of policy.

## Stage 6: Publishing

This stage is a summary of the EHRIA and should be filled in using the information from the above stages. The Lead Author/Policy Owner should then:

1. Policy Owner completes the six-stage EHRIA template and save draft to Links  
<http://links.sfc.ac.uk/livelink/livelink.exe?func=ll&objId=245261663&objAction=browse&viewType=1>



2. Policy Owner sends notification and a link to the completed form to  
[e&d@sfc.ac.uk](mailto:e&d@sfc.ac.uk)



3. The form will be checked, process will be evaluated and the policy owner notified



4. The Policy Owner will locate the finalised form in the completed folder on Links  
<http://links.sfc.ac.uk/livelink/livelink.exe?func=ll&objId=243024477&objAction=browse&viewType=1>



5. A peer review of the EHRIA will be made by the EDG



6. A log of completed EHRIsAs will be published on the SFC website

## Queries

If you have any queries regarding the process please contact Halena Gauntlett, [hgauntlett@sfc.ac.uk](mailto:hgauntlett@sfc.ac.uk) or Julia Murphy, [jmurphy@sfc.ac.uk](mailto:jmurphy@sfc.ac.uk)