

## 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	Martin Smith
SFC Directorate	Finance
EHRIA Commenced	June 2017
Version number	1
EHRIA Completed	April 2018
New/revised policy/practice signed off by Management	1 February 2018
EHRIA actions due for review on:	March 2019
Quality Assessed	16 April 2018
Publication	23 May 2018

# 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

<b>Title of Policy:</b>	Rural and Remoteness funding from AY 2018-19 onwards		
<b>EHRIA Lead Person:</b>	Caroline Leburn, Funding Policy Officer		
<b>Who else is involved in the EHRIA?</b>	Please list all colleagues who will support the development of this assessment:  Martin Smith, Chief Funding and Information Officer Paul Girdwood, Policy / Analysis Officer Fiona Burns, Assistant Director - Access		
<b>Date EHRIA completed:</b>	April 2018	<b>Is this a new or revised policy?</b>	<b>New</b> <input type="checkbox"/>
<b>Date EHRIA published and where:</b>	23 May 2018, SFC website		<b>Revised</b> <input checked="" type="checkbox"/>
<b>Review date and frequency:</b>	Initial review after 1yr – March 2019		

## Stage 2: Scoping and evidence gathering

<b>Why are you introducing the new policy, or why are you revising an existing policy?</b>	SFC is committed to continue to provide additional funding for college provision in rural and remote areas. This has traditionally been achieved through the use of a 'rural and remoteness premium', paid to six colleges/regions. We have revised the existing policy as SFC's view is that the way we determine allocation of rural and remote funding should be kept reasonably simple and not driven by complex formula. We wanted to shift to a greater focus on how funding is being used effectively to meet the needs of rural areas, placing less emphasis on the metrics to generate allocations. In the interests of institutional stability, we do not propose significant short-term funding changes across college regions. Within the Highlands and Islands region (the region that covers the largest area of rural Scotland) the University of the Highlands and Islands (UHI) as the regional
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	<p>strategic body is responsible for ensuring that funding is utilised to best effect – including funding to support rural and remote provision. However, the SFC will use the principles we decided following the consultation to inform the Outcome Agreement for the Highlands and Islands region. The rural and remoteness funding policy should help ensure equality of access across and within the college regions.</p> <p>Combined with a positive budget settlement, as detailed in the 2018-19 Indicative Funding Announcement, SFC was able to award £1million more in funding to the colleges/regions which were identified as eligible under the revised rural and remoteness funding criteria.</p>
<p><b>What is the intended outcome(s) and impact of the new policy, or making the changes to an existing policy?</b></p>	<ul style="list-style-type: none"> <li>· Simplify the funding process and rationale behind which colleges are eligible to receive rural and remoteness funding.</li> <li>· Maximise the impact of public funds.</li> </ul>
<p><b>What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy?</b></p>	<p>As funding for those institutions classified as rural and/or remote under the new criteria, increased more than for the colleges/regions across Scotland as a whole, this allows for the potential of more learners in rural and/or remote locations to access further education. Hence, in this EHRIA we consider the national picture of the rural population as compared to the overall Scottish population.</p> <p>Evidence considered when revising the current policy included:</p> <ul style="list-style-type: none"> <li>· The College Funding Group, and its subgroup – the Credit Review Working Group, plus a specially formed side group – the Rural Funding Review Group.</li> <li>· Discussions with colleges through the Outcome Agreement process.</li> <li>· FES data sets.</li> <li>· Scotland's Census 2011 - National Records of Scotland.</li> <li>· Responses from our public consultation, which included the question 'Do the proposals have any positive or negative impacts on those with a protected characteristic, those from a care experienced background and/or those from the most deprived communities? If so, please explain to which groups and why.'</li> </ul>
<p><b>Who did you consult with?</b></p>	<ul style="list-style-type: none"> <li>· College Principals and Region Chairs – through the Rural Funding Review Group.</li> <li>· Other Colleges via SFC Outcome Agreement Managers.</li> </ul>

	<ul style="list-style-type: none"> <li>• Senior Management and Executive of the Scottish Funding Council.</li> <li>• The general public via our published Consultation, available on the SFC website for response from 10 October – 4 December 2017.</li> <li>• Respondents to the Consultation included: Colleges' senior management, others members of College staff, Colleges Scotland, NUS Scotland, Lantra, Angus Council, Angus MSPs.</li> <li>• Equality and Challenge Unit (ECU).</li> </ul>
<p><b>What did you learn?</b></p>	<p>From the Rural Funding Review Group : that 'rural' and 'remoteness' are two different things, for example the cost of maintaining provision in a remote area, so the focus should not just be on rurality; SIMD aspects are not considered in this policy as they are taken into account separately as part of the Social Inclusion fund; that SFC should not be issuing suggested funding breakdowns to multi-College regions, Regional Boards should be making their own funding distribution decisions; that the preference of the Group was for the proposed revised Policy and the associated Consultation to be based on a set of principles and the supporting data, and to not label any funding allocations below the 10% threshold as 'rural and remoteness' funding anymore.</p> <p>From SFC Outcome Agreement Managers – that their College/s were concerned by the proposals that they would no longer qualify for rural and remoteness funding, that any drop in funding would have a detrimental effect on their institution and their ability to continue to run a dispersed quality provision.</p> <p>From the Consultation responses: that no one was suggesting that the rural and remoteness premium should not exist; that that majority of the respondents were in support of the policy principles set out; that the Colleges of the University of the Highlands and Islands (UHI) had more costs than most due to their remote locations; that the Angus region had real concerns that Dundee and Angus College was going to receive a decrease in funding; that most respondents saw either no impact or a positive impact on those with a protected characteristic, from a care experienced background and/or from the most deprived communities, but it was pointed out that any reduction in funding is likely to directly impact on the services offered to the most remote and vulnerable learners, and the most deprived (dispersed rural) communities.</p>

	<p>From ECU – did not have any suggestions for other organisations or groups that we could consult with, other than those who had already responded to the Consultation.</p>
<p><b>How did the consultation shape the policy?</b></p>	<p>The meeting with the Rural Funding Review Group and subsequent discussions with SFC senior management helped us to focus the policy and eligibility criteria more specifically on just two main factors: that at least 10% of the aggregate regional population are from rural and / or remote areas; and that the college or region has to meet the needs of its area through smaller or remote campuses or through necessarily small cohorts.</p> <p>The discussions also helped to shape the content of the Consultation document and the Consultation questions, and removed references to potential breakdowns of funding within regions. We no longer referred to funding for the non-qualifying institutions as 'rural and remote', but instead as institutional funding to be considered separately, but without any suggestion that their allocation/s would be reduced overall.</p> <p>Following a review of the Consultation responses, we had support from the majority of the sector to implement our revised rural and remoteness funding policy. We went ahead with getting this proposed policy and supporting indicative 2018-19 funding allocations approved by the SFC Board, whilst continuing to provide reassurances to the institutions no longer eligible for this specific kind of funding. Due to a higher than expected funding settlement from the Scottish Government, we were also able to take the representations from the qualifying institutions, regarding significantly higher costs, into account and award higher funding allocations in the 2018-19 Indicative Funding Announcement. In total, the rural and remoteness premium was increased by £1million across the four colleges / regions that are categorised as rural and remote under the revised policy.</p>

## 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.	
<p><b>1. How does your policy contribute to eliminating discrimination, harassment and victimisation? Please describe.</b></p> <ul style="list-style-type: none"> <li>It is intended to be policy neutral. We are not aware of any aspects of this policy that would impact this area.</li> </ul>	Positive <input type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input checked="" type="checkbox"/>
<p><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></p> <ul style="list-style-type: none"> <li>Minimises disadvantage to those in the overall rural population who are of a higher percentage than those in the overall Scottish population in the following protected characteristics: holding a religion or belief; and those over 25 years old.</li> <li>(no information available on sexual orientation nor gender identity in Scottish rural population to compare)</li> <li>No information available on 'Pregnancy and maternity' nor 'Marriage and civil partnership' (FES does not currently collect this information, although it will do so in future)</li> <li>Encourages more further education participation from rural learners, some of whom may come from more of these protected characteristic groups</li> </ul>	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
<p><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></p> <ul style="list-style-type: none"> <li>By encouraging and allowing for more further education participation from those who share the protected characteristics detailed in 2 above, this helps to tackle prejudice</li> <li>More availability of funding in the most rural and remote regions allows the most vulnerable of learners to not be forgotten about (as identified by respondents to the Rural and Remoteness funding Consultation).</li> </ul>	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
<p><b>4. Does your policy ensure Human Rights articles compliances?</b></p> <p>Compliant <input checked="" type="checkbox"/> Breach <input type="checkbox"/></p>	
<p><b>5. Please indicate which articles your policy relates to:</b></p> <p>Consider:</p> <p>Article 1 - Free and equal <input checked="" type="checkbox"/></p> <p>Article 2 - Right to life <input type="checkbox"/></p> <p>Article 3 - Prohibition of torture <input type="checkbox"/></p> <p>Article 4 - Prohibition of slavery &amp; forced labour <input type="checkbox"/></p> <p>Article 5 - Right to liberty &amp; security <input type="checkbox"/></p> <p>Article 6 - Right to a fair trial (e.g. disciplinary procedures) <input type="checkbox"/></p> <p>Article 7 - No punishment without law (e.g. disciplinary procedures) <input type="checkbox"/></p>	

- 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:

The provision of increased funding for colleges serving rural and remote regions allows them to ensure that further education is potentially more available to those groups with a protected characteristic that are a higher representation within rural areas than the Scottish population as a whole.

**Religion or Belief** – as slightly more people in rural areas “Have religion or belief” than the overall population compared to a lower number of rural students within the Scottish students, increased rural and remoteness funding allows the potential for more people who “Have religion or belief” to participate in further education.

**Human rights compliance** – We do not have any data for this protected characteristic, however it could be that the rural and remoteness funding policy has a positive impact on “Right to education” by helping to ensure that further education is available to people in all parts of Scotland, not just in the urban and easy to reach areas.

**Age** – those over 25yrs of age could be disproportionately favoured by an increase in rural and remoteness funding; age was referred to in SFC’s [October 2017 Ministerial Correspondence on Outcome Agreements](#), “colleges are not required to prioritise full-time provision for 16-24s but rather should be responsive to the current needs of learners and the economy. This must include access to opportunities for part-time learners, learners over the age of 24 and those returning to learning for up-skilling and re-skilling.”

**Gender** – as the male/female ratios are similar within the rural population and overall population, the figures do not suggest any negative impact for this protected characteristic.

**Disability** - as the “known disability” percentages are similar within the rural population and overall population, the figures do not suggest any negative impact for this protected characteristic.

**Gender Identity** – Census population data is not available for this protected characteristic.

**Sexual orientation** - Census population data is not available for this protected characteristic.

**Maternity and Pregnancy** - Census population data is not available for this protected characteristic, however we do not expected the rural and remoteness funding policy to have any impact on this protected characteristic.

**Marriage and civil partnership** - Census population data is not available for this protected characteristic, however we do not expected the rural and remoteness funding policy to have any impact on this protected characteristic.

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

<b>Age</b> (e.g. older people or younger people)	<input checked="" type="checkbox"/>
<b>Race</b> (e.g. people from black or any minority ethnic groups)	<input type="checkbox"/>
<b>Gender</b> (e.g. women or men)	<input type="checkbox"/>
<b>Disability</b> (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 checked="" 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 checked="" type="checkbox"/>

## 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.)

Detail the negative impact here:	
<p><b>Potential impact:</b> There is a potential negative impact on the number of Black &amp; Minority Ethnic (BME) students participating in further education, as the rural household population has a smaller BME percentage than the Scottish household population as a whole.</p>	<p><b>Mitigating response:</b> There is only a small difference between the household population percentages; and, the current student population ratios show a higher BME percentage within students (both rural and overall) compared to the census overall household data, so it implies that BME attendance in further education is buoyant already and the ratios of BME students are unlikely to significantly decrease due to increased rural and remoteness funding provision.</p>
<p><b>Potential impact:</b> There is a potential negative impact on the number of students from lower socio-economic groups participating in further education, as the rural population has a much higher percentage in SIMD 40-100 than the Scottish population as a whole (84.6% vs 61.1%).</p>	<p><b>Mitigating response:</b> However, as noted in what was learnt from the Rural Funding Review Group in section 2 above, "SIMD aspects are not considered in this policy as they are taken into account separately as part of the Social Inclusion fund". Therefore, any socio-economic impacts will be covered elsewhere.</p>
<p><b>Potential impact:</b> The two institutions who no longer qualify for rural and remoteness funding under the new criteria were concerned about this causing a decrease in their funding allocation.</p>	<p><b>Mitigating response:</b> These two institutions were reassured that SFC would continue to provide a sustainable level of funding in order to protect their dispersed provision, and this was reflected in their allocations in the 2018-19 Indicative Funding Announcement.</p>
Please select which group(s) will be affected by the negative impact:	
Age (e.g. older people or younger people)	<input type="checkbox"/>
Race (e.g. people from black or any minority ethnic groups)	<input checked="" 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"/>
Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	<input type="checkbox"/>
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input type="checkbox"/>
Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>

Maternity and Pregnancy (e.g. women who are pregnant/on maternity leave/breastfeeding)	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Socio-economic groups	<input checked="" type="checkbox"/>
Human rights compliance (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:	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>
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).	<input type="checkbox"/>
Outcome 4: 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
Consider, through FES data, if there is any big percentage changes within the rural students population protected characteristic aspects.	To check that the increase in rural and remoteness funding has not caused any large changes in certain groups of students.	Policy / Analysis Officer e.g. Paul Girdwood	November 2019	After full 2018-19 student data is available through FES

## Summary of results, including the likely impact of the proposed policy advancing-equality and human rights

The outcome of the rural and remoteness funding consultation is that we have a transparent revised policy, with clearly set out principles and criteria with regards to which institutions qualify to receive this additional funding. It will help to support the “right to education” of those living in the most far flung and difficult to access parts of the diverse Scottish mainland and islands.

## Next Steps

### May 2018

Final funding allocations to be determined for colleges in AY 2018-19 based on the Budget approved by the Scottish Parliament. [A summary of this EHRIA will also be included in the EHRIA for the overall Outcome Agreement allocations for colleges.]

### March 2019

Initial review of this policy to be undertaken prior to 2019-20 final funding allocations being agreed.

### November 2019

The 2018-19 FES data to be analysed to check that there do not appear to be any big percentage changes within the rural students population protected characteristic aspects.

## 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 will be published on the SFC website once the EHRIA has received Director approval.
- As part of a transparent process, and to support decision making, EHRIAs will also be attached to Funding, Board or Committee papers where relevant.