

Annex 1: SFC/EHRC Memorandum of understanding: Joint action plan – delivering equality of outcome

Background

The Scottish Funding Council (SFC) and the Equality and Human Rights Commission (EHRC) agree that the Public Sector Equality Duty (PSED) has not yet been used to its fullest potential to tackle the most significant and persistent inequalities relevant to the university and college sector.

We know that participation rates and the success of students studying at our colleges and universities differ for students who share different protected characteristics. For example, we know that gender affects subject choice¹ so that male students are less likely to pursue studies related to nursing or childcare and female students are less likely to enter studies in the field of computer science. We also know that students who declare they are disabled have lower rates of successful completion compared to the overall sector rate.²

In addition, a recent EHRC Inquiry³ found that racial harassment is a common experience for a wide range of students and staff at universities across England, Scotland and Wales and we know that racial harassment can have a profoundly negative impact on someone's mental health, educational outcomes and career.

The broad purpose of the PSED is to integrate consideration of equality and good relations into the day-to-day business of public authorities. It requires public bodies when they are exercising their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This means SFC and EHRC must think about how they can positively contribute to advancing equality and good relations and reflect this in the design of policies and delivery of services. When there is evidence that a particular equality group is

¹ Scottish Funding Council (2019) "Gender Action Plan: Technical Report" available [here](#)

² Scottish Funding Council (2019) "Report on Widening Access 2017-2018 Statistical Publication, 2019 Update available [here](#)

³ Equality and Human Rights Commission (2019) "Tackling racial harassment: universities challenged" available [here](#)

disadvantaged or experiencing inequality we must consider how we are going to tackle this so we can achieve equality.

The Scottish Government has committed to undertake a review of the Scottish Specific Equality Duties to ensure they remain an effective vehicle to deliver the PSED. The SFC and EHRC will participate fully in this review.

It is because of all of this that the SFC and EHRC have agreed a Memorandum of Understand (MOU) and action plan so that we can maximise the potential of the PSED and make real progress on equality for those experiencing unlawful discrimination and inequality in the HE/ FE sector.

Activities

Nationally, and at a local level, we want to help focus efforts and resources on taking action over the next PSED reporting cycle (2021-2025) to tackle the most pressing inequalities, which the evidence suggest are relevant to the sector. This approach is aligned with the Scottish Government's National Performance Framework and their expectations and ambitions for SFC Outcome Agreements with colleges and universities.

To achieve this, we have agreed to work together on the following activities to support better performance of the PSED in the sector:

1. Agree the most pressing inequalities that the sector should be taking action on, setting national equality outcomes and including these within Outcome Agreements

We will:

- Set up an evidence group to help identify the significant inequalities and priority equality issues relevant to the sector.
- Agree national equality outcomes.
- Identify ways to integrate reporting on the PSED within existing outcome and reporting systems.
- Agree a measurement framework to ensure the impact of actions and progress towards achieving equality across colleges and universities and the sector as a whole is measured consistently.

This work started in February 2020 and will be complete by September 2021.

2. Support universities and colleges to plan for how they will achieve equality outcomes and how they will track the effectiveness / impact their activities are having

We will:

- Publish and promote sectoral guidance to support effective performance of PSED in autumn 2020.
- Run PSED workshops for colleges and universities in autumn 2020.
- Offer development sessions to leadership groups within Colleges Scotland and Universities Scotland before the end of November 2021.

3. Strengthening SFC performance of PSED

We will:

- Provide relevant SFC staff with development sessions and training on the Equality Act 2010.
- Agree SFC equality outcomes.
- Identify how SFC will monitor and publish information about the impact of actions and progress being made by the sector to achieve equality outcomes.
- Establish a framework for the future delivery of SFC annual thematic reviews to inform and direct improvement and identify areas of good practice.

This work started in October 2020 and will be complete by September 2021.

4. Evaluate the effectiveness of our work

We will:

- Evaluate the work we have done and identify lessons learned.
- After the first two-year reporting period in April 2023, review the impact of actions and progress to achieve equality outcomes.

This evaluation work will start in April 2021 and end in June 2023.