

Equalities and diversity update

- The recently published Review of Coherent Provision and Sustainability places equality at the heart of everything up do.
- In March 2020 SFC entered into a Memorandum of Understanding with the Equality and Human Rights Commission (EHRC).
- In April 2020 SFC published its Report on Widening Access (ROWA). This report provided more granular equality data than earlier reports, for example the report includes more emphasis on detailed ethnicity and disability breakdowns.
- As a result of the work SFC put in place to respond the findings of the EHRC racial harassment inquiry in October 2019, we have been able to respond constructively to race inequalities heightened by the pandemic and the Black Lives Matter movement. This work is informed by subject matter experts with lived experience of racism.
- In March 2020 SFC worked with key partners to ensure appropriate signposting and was in place to support staff and students who were at risk of gender based violence/domestic abuse as a result of the lockdown. A series of webinars on this topic will be taking place in over autumn and winter 2020.
- We are now working with Scottish Government, EHRC and the sector to identify national equality outcomes for the period 2021-2025.
- SFC and EHRC are working together to ensure that the sector is supported to put in place meaningful, measurable equality outcomes for the next PSED reporting period (2021-2025).
- SFC is on track to meet its equality reporting obligations in April 2021.

Recommendation

- Note the range of activity that SFC has led in the last year and the activity in place to support equality and diversity.

Financial implications

- There are no specific new financial implications resulting from this paper, in relation to either programme funds or running costs.

Equalities and diversity update

Purpose

1. To update the Board on activity to advance equality, tackle inequalities, and ensure continued compliance with the requirements of the Public Sector Equality Act (PSED).

Background

2. The SFC has statutory duties in relation to equality. These are outlined in the Equality Act (Scotland) 2010. We provide the Board with an annual update on our progress in meeting these duties which includes a commitment to deliver a set of equality outcomes which are published on our website¹.
3. We have previously provided the Board with separate annual updates on our work to implement the SFC recommendations outlined in the Blueprint for Fairness and to deliver the SFC's Gender Action Plan. These areas of work are now included in a new partnership approach with the Equality and Human Rights Commission (EHRC) and are considered in this update.

How does equality fit with Coherent Provision?

4. The recently published Review of Coherent Provision and Sustainability places equality and students at the heart of everything we do. It clearly states that we cannot have coherent provision without equality. To ensure this is delivered throughout the review we have set up a Student Advisory Group. This group will enable us to engage with the student body and will enable us to better fulfil our equality duties by directly engaging with the people who will be impacted by the review decisions. As part of that process we will ensure we cover all protected characteristics.
5. Within the review document we also published a sample national Outcome and Impact Framework which includes a focus on equalities. It asks that *“Every student has their individual needs recognised in terms of protected characteristics; and everyone is treated fairly and with respect.”* As we build on our work with the EHRC we will consider how the Outcome and Impact Framework and other interventions can best tackle the identified persistent inequalities.

Progress made since the last Board report

6. As reported in the annual report for 2019, SFC is on track to meet its current equality outcomes and a full update on progress will be published in April 2021.

¹ <http://www.sfc.ac.uk/access-inclusion/equality-diversity/access-equality-diversity.aspx>

We will develop new equality outcomes for 2021 onwards.

7. A key achievement for the SFC this year was the development of a sector led group in January 2020 to help direct the development of resources to respond to the findings of the EHRC inquiry into racial harassment on campus². This sector led group has majority Black, Asian and minority ethnic membership and is chaired by a Scottish Asian academic. This approach has ensured that the work is influenced by staff and students who bring appropriate professional expertise as well as lived experience of racism. This group has also been helpful to us as we respond to the equality challenges raised by the ongoing pandemic.
8. On 4 March 2020 SFC entered into a Memorandum of Understanding (MoU) with the Equality and Human Rights Commission (EHRC). The key aim of the MoU is to ensure that SFC and EHRC can work effectively together to provide the appropriate level of scrutiny and support to institutions to ensure that the most persistent inequalities present in tertiary education are tackled over the course of the next PSED reporting cycle.

'Blueprint for Fairness'

9. This report³ outlines the First Minister's commitment that students from the most deprived areas will have the same chance of going to university as those from the least. It sets a target of achieving equality in university entry (i.e. 20% of Scottish domiciled students from the 20% most deprived areas by 2030 with a milestone point of 16% by 2021). It also outlines several recommendations for the SFC. Progress in this area has been overseen by Ministerial Access Delivery Group. The group is on hold due to the pandemic but at its last meeting the Minister outlined he was content with our progress.
10. The latest data confirms that we are already very close to the first milestone point. We are also confident that this has grown further in 2019, but this will not be confirmed until the data is published towards the end of this year. The institutional targets for this area also remain on target.
11. We have also looked at how universities, colleges, local authorities, schools, SFC funded access programmes and early years providers should work together to deliver a coordinated approach to access which removes duplication and provides a coherent and comprehensive offer to learners. This was considered as part of the evidence for the Review of coherent provision and sustainability phase 1 report.

² <https://www.equalityhumanrights.com/en/publication-download/tackling-racial-harassment-universities-challenged>

³ <https://www.gov.scot/publications/blueprint-fairness-final-report-commission-widening-access/>

The Memorandum of Understanding between EHRC & SFC

12. The MoU provides an opportunity to improve the scrutiny given to the delivery of equality outcomes by the SFC and institutions. The MoU creates the conditions for a streamlining of reporting so that resources can be directed on action rather than paperwork. In line with that we have paused the requirement for institutions to develop gender action plans and will instead consider gender equality as part of our work with the EHRC. Our intention is to achieve a more holistic and impactful approach that can make a difference to the most persistent inequality areas.
13. An expert group is now looking at available research and data to establish the significant persistent inequalities relevant to tertiary education. Annex A provides an overview of the high level persistent inequalities relevant to tertiary education.
14. The consequences of lockdown and the continued impact of the pandemic has affected the planned delivery dates of this work. However, it is the intention to have identified the relevant national persistent inequalities no later than February 2021.
15. A review of published PSED's has highlighted that existing equality outcomes set across the sector vary in effectiveness. In many instances the current equality outcomes are not measureable and do not address specific inequalities. Accordingly, SFC and EHRC are jointly running a series of workshops as part of the MoU Action Plan to ensure that institutions have access to guidance and practical support to ensure they set SMART equality outcomes updated annually. These workshops are running in the first fortnight of November 2020.
16. SFC has led work to refocus existing sector equality groups. These groups are now structured to ensure the sector is able to respond to and inform consultations and policy development from an equality, diversity and inclusion perspective.
17. The rest of this report provides an overview of our progress against key areas relevant to our ambitions to advance equality and inclusion.

Improved equality data in the Report on Widening Access

18. The *SFC Report on Widening Access 2018-2019*⁴ was published in April 2020. This is the fourth SFC Report on Widening Access. As per our commitment in 2019 we have been able to include more data about the profile of Scottish domiciled students with reference to specific ethnicities and specific disability

⁴ <http://www.sfc.ac.uk/publications-statistics/statistical-publications/2020/SFCST062020.aspx>

types as well as provide more detailed information relevant to subject choice.

Equality responses during the pandemic

19. SFC worked with sector representatives and partner agencies to ensure that guidance and resources were quickly made available to support staff and students who might have been placed at risk as a result of the stay at home advice. Follow up resources, including a series of webinars are now in place with the first webinar focussed on gender based violence taking place on 28 October 2020.
20. As a result of the work set up to respond to the EHRC inquiry into racial harassment SFC was able to facilitate a constructive response to issues emerging as a result of the pandemic and latterly the re-emergence of the Black Lives Matter movement. SFC has been able to demonstrate its position as a structural ally, supporting and enabling work led and informed by experts with lived experience of racism. A series of well attended webinars began in June 2020 with the next webinar in the series scheduled to take place at end of November 2020.

Meeting our general duties within SFC

21. There is currently a strong equality presence in our strategic framework and operating plan, both of which state SFC's strong commitment to placing equality, diversity and good relations at the heart of the organisation. Similarly, the current review emphasises the importance placed on embedding equality in everything we do.
22. Guidance has been provided to help ensure that, where members of staff have specific Equality Outcome responsibilities, those duties are reflected appropriately in their forward job plans and ongoing review discussions. On our equality intranet page we have increased the range of resources and sources of evidence that staff can access to support them take forward their work in a way that actively considers equality and inclusion and supports effective impact assessment. Going forward we will continue to support a strong equality presence in both the Strategic Framework and annual operating plans.

Risk assessment

23. Our new relationship with the EHRC puts us in a strong position to progress equality within the SFC and with institutions. We are currently reviewing how equalities is governed within the SFC and are seeking input from the EHRC on good practice. We consider the risk of not delivering our statutory duties to be low.

Equality and diversity assessment

24. An active approach to equality impact assessment has informed the activity detailed in this paper and we continue to improve the granularity of our data reporting and routes to ensure effective involvement in our policy making processes.

Recommendation

25. The Board is invited to note the range of activity that SFC has led in the last year and the activity in place to support equality and diversity.

Financial implications

26. There are no specific new financial implications resulting from this paper, in relation to either programme funds or running costs.

Publication

27. This paper will be published on the Council website.

Further information

28. Contact: Lynn Killick, tel: 0131 313 6698, email: lkillick@sfc.ac.uk

Annex A: Overview of significant inequalities relevant to tertiary education in Scotland

The EHRC has published information about persistent areas of inequality in our communities, the following examples are relevant to tertiary education.

The EHRC [Is Scotland Fairer report](#) which refers to SFC data tells us:

Not everyone is equally likely to achieve a degree level qualification:

- Disabled people are less likely to have a degree level qualification
- People from deprived communities and men are under-represented at university
- Ethnic minority students receive lower final grades for their degrees compared to white students

In Modern Apprenticeships:

- Women, people from ethnic minorities and disabled people are under-represented.
- Women and men are concentrated in different occupational areas (reflecting the wider labour market) with women less likely to be in Modern Apprenticeships in better-paid sectors, such as construction, engineering and transport and logistics.

Unemployment affects some groups more than others:

- Young people aged 16-24 have the highest rate of unemployment.
- There is a much lower employment rate for disabled people than for non-disabled people.

Not everyone has the opportunity to work in higher paid occupations:

- Young people, disabled people, black people, those in the non-white group and women are more likely to work in low-pay occupations.

Gender based violence

- Most victims of sexual violence and rape do not report it to the police.
- Women age 16-20 are most at risk, and often the offender is their partner.
- Women and disabled people are more likely to experience domestic abuse.

Representation and participation

- Women, people from ethnic minority groups and disabled people are under-represented in all areas of public life.
- The proportion of disabled people on public boards has fallen.
- Older and disabled people were less likely to have access to digital services.
- Young people and people from ethnic minority groups reported lower levels of trust and belonging in their neighbourhood.
- Disabled people were less likely to say most people in their neighbourhood could be trusted.

- People who had no religion or belief were less likely to feel they belonged to their neighbourhood.

The EHRC tackling racial harassment - universities challenged report tells us that racial harassment:

- Is a common experience for a wide range of students and staff at universities,
- Can have a profound impact on someone's mental health, educational outcomes and career,
- Is not fully understood and university staff lack confidence in dealing with race issues,
- Is most often not reported or recorded and this restrict the ability to take action, and
- Is not being handled well through existing complaints' procedures.

The IBF Report - How coronavirus has affected equality and human rights tell us that during the pandemic:

- The economic impact has been unequal, entrenching existing inequalities and widening others.
- The groups most likely to be affected by the expected rise in poverty include young people, ethnic minorities and disabled people, who are already closest to the poverty line.
- Young people have experienced significant interruption to their education, which threatens previous gains in attainment levels.
- Differences in support for remote learning threaten to widen inequalities for those who already perform less well than their peers.
- There has been a rise in reported domestic abuse and there are concerns about the ability of survivors to access justice.