

APPENDIX 1

LETTER TO BALFOUR AND MANSON SOLICITORS OPERATING ON BEHALF OF THE CHRISTIAN INSTITUTE

Thank you for your request of 29 May to the Scottish Government Legal Directorate, on behalf of your client the Christian Institute, concerning the above. As I have responsibility for LGBTI equality policy, it has been passed to me to respond. Your request has been considered under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You ask for the Scottish Government to address the following 3 points:

1. Confirm what steps the Government Equality Unit took to ensure the guidance reflected a correct understanding of the law.
2. Confirm what steps the Government Equality Unit took to comply with its section 149 duty in relation to all protected characteristics (including religion and belief) (a) when making the decision to fund the guidance; (b) when making the decision to endorse the guidance.
3. Confirm what steps were taken to ensure that the Government Equality Unit was acting compatibly with the Human Rights Act in the exercise of its functions in making decisions about funding and endorsing the guidance.

You also ask the Scottish Government to take a specific action, namely to:

4. Confirm that the Scottish Government will withdraw its endorsement of the guidance pending further consideration of the above matters.

Response to your request

The answer to your questions and your request is as follows:

1. **Confirm what steps the Government Equality Unit took to ensure the guidance reflected a correct understanding of the law.**
2. **Confirm what steps the Government Equality Unit took to comply with its section 149 duty in relation to all protected characteristics (including religion and belief) (a) when making the decision to fund the guidance; (b) when making the decision to endorse the guidance.**

The guidance is not a Scottish Government publication. The Scottish Government funds LGBT Youth Scotland to *address discrimination, engage with LGBTI young people and build the capacity of professional and public bodies*. The purpose of this funding is to advance equality of opportunity and reduce discrimination. As part of their application submitted for the 2016/17 funding round, LGBT Youth Scotland set out the activity they intended to pursue, which included the production of the guidance. Through that funding bid and subsequent engagement, the Scottish Government was made aware of the guidance and expressed support for it. We did not take any decision to formally endorse the guidance as we do not take a prescriptive approach to the curriculum in Scotland. It is very much up to individual schools and local authorities what approaches they use and external partnerships they build to help them deliver relevant and engaging learning.

3. Confirm what steps were taken to ensure that the Government Equality Unit was acting compatibly with the Human Rights Act in the exercise of its functions in making decisions about funding and endorsing the guidance.

The Scottish Government considers that its decision to fund LGBT Youth Scotland is consistent with the Human Rights Act 1998.

4. Confirm that the Scottish Government will withdraw its endorsement of the guidance pending further consideration of the above matters.

As stated previously, we did not take any decision to formally endorse the guidance.

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have some of the information you have requested. Specifically, we do not have information setting out the steps to consider the matters you have requested for the reasons set out above.