

# **Equality Impact Assessment Record**

## **Included, Engaged and Involved**

### **Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools**

## EQUALITY IMPACT ASSESSMENT RECORD

<b>Title of policy/ practice/strategy/ legislation etc.</b>	<b>Included, Engaged and Involved Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools</b>	
<b>Minister</b>	<b>Deputy First Minister and Cabinet Secretary for Education and Skills John Swinney</b>	
<b>Lead official</b>	<b>Iain Mitchell</b>	
<b>Officials involved in the EQIA</b>	<b>Name</b>	<b>Team</b>
	<b>Phil Alcock Maggie Fallon</b>	<b>Support and Wellbeing Unit Education Scotland</b>
<b>Directorate: Division: Team</b>	<b>Learning Directorate Support and Wellbeing Unit</b>	
<b>Is this new policy or revision to an existing policy?</b>	<b>Revision to existing policy</b>	

### Screening

#### Policy Aim

The overarching aim is to support whole school communities, learning establishments and their partners to keep all learners fully included, engaged and involved in their education, wherever this takes place; and, to improve outcomes for all Scotland's children and young people. The guidance will support Scottish Government's focus on transforming lives of children and young people, closing the attainment gap and ensuring equity for all. This is an opportunity to refresh and realign the use of exclusion in learning establishments. It includes a refreshed focus on prevention, early intervention and response to individual need in line with the principles of Getting it right for every child set out in the Children and Young People (Scotland) Act 2014. It also gives due consideration to the United Nations Convention on the Rights of the Child (UNCRC) and highlights its importance. It emphasises

the need for learning establishments to place a greater importance on inclusion through effective learning and teaching; promoting positive relationships and behaviour.

### **Who will it affect?**

All children and young people but especially among those groups of children and young people who are more likely to having lower levels of attendance, such as looked after children and young people; children and young people from the most deprived areas; and those with an additional support need (particularly if that support need is social, emotional and behavioural). Giving every child the best start in life includes meeting the needs of children and young people who need more support, and who are at risk of not engaging with or benefitting from compulsory education. The Scottish Government's overarching aim is to support whole school communities, learning establishments and their partners to keep all learners fully included, engaged and involved in their education, wherever this takes place.

### ***What might prevent the desired outcomes being achieved?***

For the guidance to be effective and deliver the desired outcomes, partnerships will need to be developed and engagement with key stakeholders, staff, practitioners and agencies will need to take place. Good leadership, communication and staff development will be required to enable staff to make improvements. Local authorities and Headteachers will need to recognise that the guidance is more than an aid to managing and promoting attendance. They will need to focus on prevention, early intervention and respond to individual needs, incorporating staged interventions where necessary. Local authorities and schools will need to use the refreshed guidance to review and revise their existing policies and procedures on attendance following its publication.

## **Stage 1: Framing**

A framing exercise with the working group, comprising of local authority representatives, teaching unions, the National Parent Forum of Scotland, Scottish Government and Education Scotland officials, took place on 27 March 2018 to identify the potential impact of the proposed guidance on children and young people in school. From the exercise, it was concluded that the impact of the guidance was expected to be positive for all groups of children and young people affected. This was also considered by the working group throughout the drafting of this guidance. The group members were unable to find evidence of negative impact on any of the equality groups. However, it was clear from discussions which took place during the exercise that even further benefits could be gained by encouraging, through the guidance, more focus and support for some equality groups, such as looked after children, young carers and gypsy travellers.

In addition, Scottish Government and Education Scotland ran a series of engagement sessions with key stakeholders primarily from local authorities prior to the publication of the document. Over 150 delegates attended, including those who work directly with children and young people. In addition, Scottish Government officials engaged with the Centre of Excellence for Looked After Children in Scotland (CELCIS), presenting the document and asking CELCIS members key questions on the document. These engagement sessions promoted group discussion on key questions of the structure and content of the document. All views were carefully considered at the conclusion of these engagement sessions.

### **Extent/Level of EQIA required**

It is recognised that there is a reasonable amount of evidence around school attendance and this is also broken down into equality groups. As a result of the framing exercise, the following was specifically considered:

- Data (published) on attendance
- Data sets (published) covering equality groups and attendance rates

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	Statistics show that overall attendance rates at primary school are higher (94.1%) than those at secondary school (91.2%).	Summary statistics for schools in Scotland no. 8: 2017 edition	
<b>DISABILITY</b>	The attendance rate for pupils with additional support needs is lower (91.2%) than those who do not have additional support needs (94.1%).	Summary statistics for schools in Scotland no. 8: 2017 edition	
<b>SEX</b>	Overall, boys have a slightly higher attendance rate (93.4%) compared to girls (93.3%).	Summary statistics for schools in Scotland no. 8: 2017 edition	
<b>PREGNANCY AND MATERNITY</b>	Not collected	Not collected	
<b>GENDER REASSIGNMENT</b>	It is not appropriate to collect this for children and young people.	Not collected	

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<b>SEXUAL ORIENTATION</b>	It is not appropriate to collect this for pupils.	Not collected	
<b>RACE</b>	African/Black/Caribbean have the highest rate of attendance (96.0%), followed by mixed or multiple ethnic groups (94.0%), Asian (93.6%), White Scottish (93.3%) and White non-Scottish (93.0%).	Summary statistics for schools in Scotland no. 8: 2017 edition	
<b>RELIGION OR BELIEF</b>	Not collected	Not collected	
<b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	Not collected as the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices	Not collected as the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices	Not collected as the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	All age groups will benefit from the guidance
Advancing equality of opportunity			x	N/A
Promoting good relations among and between different age groups	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

#### Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			x	N/A

harassment and victimisation				
Advancing equality of opportunity			x	N/A
Promoting good relations among and between disabled and non-disabled people	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	N/A
Advancing equality of opportunity			x	N/A
Promoting good relations between men and women	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	N/A
Advancing equality of opportunity			X	N/A
Promoting good relations	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	N/A
Advancing equality of opportunity			X	N/A
Promoting good relations	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this

				document is one of an inclusive and holistic approach.
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**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	N/A
Advancing equality of opportunity			x	N/A
Promoting good relations	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	N/A
Advancing equality of opportunity			x	N/A
Promoting good race relations	x			One of the key messages threaded throughout the

				document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.
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**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	N/A
Advancing equality of opportunity			x	N/A
Promoting good relations	x			One of the key messages threaded throughout the document will be the promotion of positive relationships and behaviour through whole school ethos and values. The approach taken within this document is one of an inclusive and holistic approach.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>2</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			x	N/A

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<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	No
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>3</sup> ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### Describing how Equality Impact analysis has shaped the policy making process

Working through the Equality Impact analysis has shown that the guidance will potentially have a positive impact on most equality groups. No negative impact is anticipated. It also highlighted areas where the guidance can be used to good effect to promote good practice in terms of considering equality groups in the promoting positive relationships and behaviour and promoting good attendance.

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<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

## Monitoring and Review

This is a refreshed piece of guidance for an existing policy.

There is no intention to introduce centrally any additional data collection or surveys specifically to monitor the impact of the guidance on equality groups (not least because it is ethically inappropriate to collect some equality data from children and young people). However, the following existing resources will be used to review and assess impact generally, some of which include some data about equality groups:

Statistical Bulletin. Summary Statistics for Schools in Scotland - this document an annual summary of statistics bulletin that brings together information from the following sources:

- The annual census of pupils and teachers in publicly funded schools in Scotland
- Information on pre-school education centres in Scotland,
- School Estate survey data for the relevant financial year
- Information on Attendance, Absence and exclusions from school

NB the school attendance, absence and exclusion data is now collected on a biennial basis. The last time it was collected was for the 2016/17 academic year.

## Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:  
Yes  No
- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:
  - Eliminating unlawful discrimination, harassment, victimisation;
  - Removing or minimising any barriers and/or disadvantages;
  - Taking steps which assist with promoting equality and meeting people's different needs;

- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## Declaration

**I am satisfied with the equality impact assessment that has been undertaken for Included, Engaged and Involved Part 1: A Positive Approach to the Promotion and Management of Attendance in Scottish Schools and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Sam Anson**

**Position: Deputy Director, Learning Directorate**

**Authorisation date: 27 November 2020**



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Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80004-431-9 (web only)

Published by The Scottish Government, December 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS798926 (12/20)

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