

## **Equally Safe in Colleges and Universities Working Group**

Minutes of the meeting held on Friday, 1 February 2019 at Victoria Quay, Edinburgh.

### **Present:**

Gareth Allen, Advanced Learning and Science, Scottish Government (Chair)  
 Saira Kapasi, Head of VAWG and Barnahus Justice Unit, Violence against Women and Girls, Scottish Government  
 Harry Wood, Policy Officer, Justice Directorate, Scottish Government  
 Kate Anderson, Senior Policy Officer Justice Directorate, Scottish Government  
 Natalie Wilson, Policy Adviser, Advanced Learning and Directorate, Scottish Government  
 Kirstin McPhee, Policy Officer, Justice Directorate, Scottish Government  
 Steven Paxton, Policy Officer, Advanced Learning and Directorate, Scottish Government (Secretariat)  
 Jill Stevenson, AMOSSHE  
 Fiona Drouet, Emily Test  
 Maria Zuffova, University of Strathclyde  
 Dr. Anke Kossurok, University of Strathclyde  
 Shuwanna Aaron, NUS Scotland  
 David Livey, NUS Scotland  
 Detective Superintendent Alywn Bell, Police Scotland  
 Detective Inspector, Julie Marshall, Police Scotland  
 Susannah Lane, Universities Scotland  
 Rachel Adamson, Scottish Funding Council  
 Dr Laura James, Government Improvement Service  
 Pam Currie, EIS  
 Suzanne Marshall, College Development Network  
 Mhairi McGowan, ASSIST Glasgow  
 Kathryn Dawson, Rape Crisis Scotland  
 Lauren O'Rourke, Rape Crisis Scotland  
 Stephanie Millar, Advance HE

### **Apologies:**

Kay Steven, Advance HE  
 Fiona Burns, Scottish Funding Council  
 Anne-Maria Hicks, COPFS  
 Marie Claire Chaffey, COFS  
 Anni Donaldson, University of Strathclyde  
 Melanie McCarry, University of Strathclyde  
 Isabelle Kerr, Glasgow and Clyde Rape Crisis  
 Roseanna Macdonald, Scottish Women's Aid  
 Cara Spence, LGBT Youth Scotland  
 Scott Anderson, Education Scotland

## **1. Welcome and Introductions**

The Chair welcomed everyone to the meeting and all the members introduced themselves.

## **2. Minutes of Previous Meeting**

The minutes of the meeting of the Working Group of 26 October 2018 were approved subject to minor textual amendments: Item 4 to make reference to the Universities UK meeting on 4 December 2018; and Item 11 to read as Equally Safe in Colleges and Universities.

## **3. Matters Arising**

The Chair advised that the undernoted matters arising from the minutes, would be addressed as part of the agenda:

**Item 4:** University and UCAS Declaration of Criminal Convictions and Colleges Risk Assessment Processes, NDAs, Protective Suspension and Working Group position statement.

**Item 6:** Equally Safe in Colleges and Universities, Progress Report

**Item 8:** Review of Pinset Mason Guidelines.

**Item 10:** Developing a Community of Practice

## **4. UCAS removal of Criminal Convictions**

The Chair introduced the discussion, noting the complexity of the issue, and invited Steven Paxton and DI Julie Marshall to present the discussion paper.

Steven Paxton and DI Marshall explained that the removal of UCAS declaration of criminal convictions field perhaps presented an opportunity for a more consistent approach across colleges and universities to ensure they are doing all they can to keep students and staff safe from gender based violence (GBV).

A component of a potential new approach may lie in the work undertaken by Police Scotland, Edinburgh Division, whereby the City of Edinburgh Council form part of the partnership approach. A Sex and Violence Offender Liaison Officer (SVOLO) (a specialist criminal justice social worker) is based at Fettes Police Station, who, in partnership with Police and other organisations, have the ability to share information with a number of organisations including Universities and Colleges.

Joint considerations and discussions for disclosure are made reviewing the risks, proportionality, justification and necessity on sharing information with institutions/organisations etc. Disclosures are only made following a significant assessment of risk in line with GDPR and the available legal gateways allowing information to be shared appropriately in circumstances identified as posing a significant risk to the public. The SVOLO is able to give very constructive, informed advice about the risk posed by individuals, including those studying in Edinburgh and

advice on the kind of support needed to keep students and the wider community safe.

DI Marshall explained that the City of Edinburgh Council and Police Scotland's Edinburgh Division cover the one local authority area and they have embedded SVOLOs within a police station. This has fostered a strong working relationship with their Division and positive relations with organisations allowing additional support, advice and guidance to be provided. Nationally, Police Scotland implements their disclosure process throughout all 13 Policing Divisions covering the 32 Local Authority areas.

Disclosure is not made on every occasion and may only be done in relation to those who present a high/continuing or significant risk to individuals or the wider community and it is necessary and proportionate to do so. Disclosures could be made via a number of legal gateways which include Child Protection, Adult Protection, Multi- Agency Public Protection Arrangements, Disclosure Scheme Domestic Abuse Scotland (DSDAS or known commonly as Claire's Law) etc. supported by internal procedures.

In discussion, Mrs Drouet expressed concern around the processes for universities collecting data at a local level and how this would be collated at national level. She highlighted the importance of every institution across Scotland collecting this information. Suzanne Marshal highlighted that the college sector is looking at its own admissions procedures as there is no consistent approach across the sector. The matter will be discussed the CDN Safeguarding Forum on 4 March.

Susannah Lane, Universities Scotland, noted that the removal of the criminal convictions field presented an opportunity to look at the issue afresh. She explained that universities are looking at their own Privacy Impact Statements and that this was discussed at the UUK meeting on 4 December. Institutions had to consider their legal responsibilities, duty of care and rehabilitative nature of education. Information and best practice sharing were important factors in developing the approach across the sector. UUK is currently working on briefings on the issue.

It was agreed that both sectors provide updates to future working group meetings, as they further consider the issue.

##### **5. Review of Pinset Mason Guidelines, Non-Disclosure Agreements, Protective Suspension and UUK Staff-Student Misconduct Review.**

Kate Anderson, Scottish Government, outlined key points in relation to Non-Disclosure Agreements. These included:

- Both SG and the Women and Equalities Committee are concerned about potential misuse of NDAs where abuse or harassment is involved – particularly where there is a possibility that those signing are not mentally, physically or contextually in a fit state to sign, or where those signing are effectively being silenced.
- Staff, and students with some employee status within an HIE (ie postgraduate tutors), who have employment disputes – including those involving abuse –

are protected by employment laws (notably the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998), and a recognised process of resolving disputes using Settlement Agreements (often including NDAs and funded legal advice). This process is outlined by the Scottish Funding Council in Financial Memorandums for each sector, and strongly reflects the Scottish Public Finance Manual guidance applicable to public bodies.

- Those not protected in this way are staff and employee students whose agreement with the HEI does not involve a financial settlement, and students who have no employee status within HEIs; for these groups an NDA could be proposed outside of the framework of a settlement agreement, with, however, no requirement for legal advice.

Susannah Lane, explained the Universities Secretaries Group had considered this issue and that while NDAs are used in certain circumstances they would not be used in respect of criminal activities. She further noted that the Pinsent Masons guidelines are to be reviewed, and there is a possibility of creating something new that is informed by the ESHE Toolkit and is unique to Scotland. Any concerns around the use of NDAs by Scottish HEIs could be folded into this work. She advised that a preliminary scoping meeting has been organised for the middle of February and would be happy to work with the SFC on this.

Mrs Fiona Drouet raised the issue of Protective Suspension and noted that this approach is currently being used at Glasgow Caledonian University and that they could be invited to the next meeting of the Working Group. Some other universities are also considering this. Suzanne Marshall, CDN, added that the Safeguarding Group could also consider this issue as part of the professional registration of college teachers under the auspices of the General Teaching Council.

The Working Group (a) noted that a preliminary meeting around the Student Misconduct Guidelines would take place in mid-February; and (b) agreed to invite Glasgow Caledonian University to its next meeting to share its approach to the issue of Protective Suspension.

## **6. Equally Safe in College and Universities**

Steven Paxton introduced a paper on the approach that has informed the work on Equally Safe in Colleges and Universities. This had been requested at the last meeting of the Working Group. It sets out the approach to Gender Based Violence which has informed the work in Equally Safe in Colleges and Universities and the Equally Safe in Higher Education Toolkit published in April 2018. The approach in Scotland is rooted in the UN's understanding of GBV as a human rights violation which recognises that nation states have both a moral and legal duty to uphold the rights of women, children and young people. The paper serves as a reference document for the Group.

Detective Superintendent Bell, in welcoming the paper, highlighted the increase in sexual offences which was a continual concern for Police Scotland. Saira Kapasi confirmed materials as part of the public campaign around the Domestic Abuse (Scotland) Act 2018, were currently out for consultation and would be happy to report in this at its next meeting.

The Working Group in noting the paper agreed that comments should be sent to Steven Paxton and the paper then resubmitted to the Group.

## **7. Universities Scotland Update**

Susannah Lane, Universities Scotland advised that the Support Cards, launched at the end of September, are now being piloted by police officers in Glasgow, Ayrshire and Northern Divisions.

DI Julie Marshall added that the pilot in Glasgow would be extended by three months and that this would inform the use of the cards in Ayrshire and Northern Divisions, which had also expressed interest in the cards.

Noted.

## **8. Update Report on Implementation**

Dr. Anke Kossurok and Maria Zuffova, University of Strathclyde presented an update report on Phase One Implementation. Phase Two would commence in September 2019.

Phase One activities including the adoption of the Toolkit by a range of universities, preparatory work in some colleges (for example, Forth Valley College)

Rape Crisis Scotland updated on the progress of work with local organisations to build their capacity to support colleges and universities using the toolkit. The emphasis is on a regional cluster approach.

Rachel Adamson, SFC/Zero Tolerance highlighted the importance of addressing primary prevention and not solely focusing on responses to GBV. She also highlighted the role of the curriculum in tackling GBV and the importance of addressing this. She further referred to her work with the Improvement Service in capturing Primary Prevention Good Practice.

The Group, noted the take up of the Toolkit, and sought to better understand the process of how the early adopters were selected, and how this process could be extended to other universities in Scotland. The Working Group was supportive of a process whereby all universities would be able to benefit from the support being provided centrally for the implementation of the toolkit.

The Group agreed (a) that it would be helpful to have an update on the process of how early adopters were selected, and to keep a focus on Primary Prevention in its considerations; and (b) in order to ensure that all universities are aware of the implementation of the Toolkit and the opportunities to engage with it as “early adopters”, that Anni Donaldson and, if appropriate, members of the Equally Safe Team arrange to meet with Directors of Student Services via AMOSSHE Scotland.

## **9. Regional Events: February and March 2019**

Dr. Anke Kossurok and Maria Zuffova, University of Strathclyde advised that the Regional events were scheduled as follows: 15 February, Ayrshire College, 19 March, University of Highlands and Islands and 29 March, University of Stirling.

#### **10. Houses in Multiple Occupation: Licencing**

It was agreed that this issue be presented at the next meeting of the Working Group.

#### **11. Membership of the Working Group**

Susannah Lane, Universities Scotland advised that Dr Sandra Cairncross, Edinburgh Napier University was now the Gender Based Violence lead from Universities Scotland.

It was advised that Professor Ferdinand von Prondzynski, who had formerly represented Universities Scotland on the Working Group, had offered to continue to contribute to the work of the Working Group. The Working Group were grateful for the offer and agreed to call upon Professor Ferdinand von Prondzynski's personal experience and expertise in relation to specific pieces of work, where these arose.

#### **12. Developing a Community of Practice and the use of Khub**

Steven Paxton set the context for the development of a Community Practice and online platform for the sharing of practice and collaboration on the development of ideas.

Dr Laura James, Improvement Service gave a presentation on the functionality of Khub and invited all members of the Working Group to join the Community which had already been established on Khub. Khub would also be promoted at the forthcoming Regional Events.

The Working Group thanked Dr James for the presentation.

#### **13. Date of Next Meeting**

It was agreed that the next meeting would be in April. Steven Paxton would be in contact to confirm a date.

The meeting finished at 12:15