

Equality Impact Assessment Record

Included Engaged and Involved Part 2: a positive approach to managing exclusion

September 2018

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	Included Engaged and Involved Part 2: a positive approach to managing exclusion	
Minister	Deputy First Minister and Cabinet Secretary for Education and Skills John Swinney	
Lead official	Melanie Lowe	
Officials involved in the EQIA	name	team
	Laura Farquhar	Support and Wellbeing
	Maggie Fallon	Education Scotland
Directorate: Division: Team	Learning Directorate Support & Wellbeing Unit	
Is this new policy or revision to an existing policy?	Revision to an existing policy	

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 with a particular focus on those who are at risk of exclusion. 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 (GIRFEC) set out in the Children and Young People (Scotland) Act 2014. It also gives due consideration to the 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; and employment of preventative approaches which reduce the need to consider exclusion. It provides clarity that exclusion should only be used as a last resort.

Who will it affect?

All children and young people but especially among those groups of children and young people who are more prevalent to experiencing exclusion e.g. those with an assessed or declared disability; 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). We know that exclusions peak at S3. *The Edinburgh Study of Youth Transitions and Crime*, a longitudinal tracking study, found that one of the most important predictors of criminal record status is school exclusion by S3. Exclusion from school is not in itself a cause of further difficulties in later life, but it is an indicator of other issues which contribute to anti-social behaviour. Giving every child a strong start in life includes meeting the needs of young people who need more choices and chances, 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; and, to improve outcomes for those learners at risk of exclusion.

We consider that the impact of the guidance is far reaching and could impact on the following National Outcomes:

- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- Our children have the best start in life and are ready to succeed.
- We have tackled the significant inequalities in Scottish society
- We have improved the life chances for children, young people and families at risk.

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 Head Teachers will need to recognise that the guidance is more than an aid to managing exclusions in a positive way. They will need to focus on prevention, early intervention and respond to individual needs, incorporating staged interventions. It is essential that all key stakeholders consider what can be learned and applied from the reduction in exclusions to improve the inclusion of those most at risk of exclusion. Local authorities and schools will need to use the refreshed guidance to review and revise their existing policies and procedures on exclusion following its publication.

Stage 1: Framing

Results of framing exercise

A framing exercise took place on 17 September 2014 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. 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. Suggestions on how this could be done were put forward for consideration.

Extent/Level of EQIA required

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

- Data (published) on exclusions
- Data sets (published) covering equality groups and exclusion

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 ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Evidence on stage at school collated. Exclusion rates highest at S3.	Statistical Bulletin. Summary Statistics for Schools in Scotland, No.6, 2015; exclusion dataset; and Edinburgh Study of Youth Transitions and Crime	
DISABILITY	<p>The exclusion rate per 1000 pupils for pupils with a recorded disability is 63 compared to a rate of 31 per 1000 for children who do not have a disability.</p> <p>The exclusion rate per 1,000 pupils, for pupils who have an additional support need, is more than 4 times higher than those who have no additional support needs. The rate of exclusion per 1000 pupils for a pupil with an additional support need is 69.0 compared to 16.1 for pupils with no additional support needs.</p>	Statistical Bulletin. Summary Statistics for Schools in Scotland, No.6, 2015; exclusion dataset.	
SEX	Boys are more likely to be excluded than girls. Exclusion per 1000 pupils for boys is 42.6 compared to 11.3 for girls. This breaks down to 4667 boys compared to 3763 girls.	Statistical Bulletin. Summary Statistics for Schools in Scotland, No.6, 2015; exclusion dataset.	

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

PREGNANCY AND MATERNITY	Not collected	Not collected	Data gap identified but it would not be ethically appropriate to seek to collate such data.
GENDER REASSIGNMENT	It is not appropriate to collect this for pupils.	Not collected	Data gap identified but it would not be ethically appropriate to seek to collate such data.
SEXUAL ORIENTATION	It is not appropriate to collect this for pupils.	Not collected	Data gap identified but it would not be ethically appropriate to seek to collate such data.
RACE	White Scottish pupils and those whose ethnicity is African/Black/Caribbean pupils have the highest rates of exclusion at, respectively, 16.2 and 16.1 exclusions per 1,000 pupils. Further detailed ethnicity breakdowns are not possible due to small numbers.	Statistical Bulletin. Summary Statistics for Schools in Scotland, No.6, 2015; exclusion dataset.	
RELIGION OR BELIEF	Not collected	Not collected	Data gap identified but it would not be ethically appropriate to seek to collate such data.
MARRIAGE AND CIVIL PARTNERSHIP (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			✓	All age groups would benefit from the guidance.
Advancing equality of opportunity			✓	NA
Promoting good relations among and between different age groups	✓			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, harassment and victimisation	✓			The guidance will re-state and highlight that learners cannot be excluded for a reason related to their disability. The Equality Act 2010 and the Equality Act 2010 Technical Guidance for Schools in Scotland refer.
Advancing equality of opportunity			✓	NA
Promoting good relations among and between	✓			One of the key messages threaded throughout the document will be the promotion of positive relationships and

disabled and non-disabled people				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?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The approach taken within this document is an inclusive and holistic one.
Advancing equality of opportunity			✓	NA
Promoting good relations between men and women			✓	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?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	NA
Advancing equality of opportunity			✓	NA
Promoting good relations			✓	NA

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	NA
Advancing equality of opportunity			✓	NA
Promoting good relations			✓	NA

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	
Advancing equality of opportunity			✓	
Promoting good relations	✓			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?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	
Advancing equality of opportunity			✓	

Promoting good race relations			✓	
-------------------------------	--	--	---	--

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	
Advancing equality of opportunity			✓	
Promoting good relations			✓	

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

Marriage and Civil Partnership ²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	

² 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

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

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 positive approaches to managing school exclusions.

As a result of the review the following changes will be considered to improve the outcomes for all equality groups:

- The key messages within the current document are at times lost and as our focus is on supporting local authorities, schools etc. to keep **all** children and young people fully included, engaged and involved in their education; and to improve outcomes for those most at risk of exclusion; providing clarity that exclusion should only be used as a last resort. It made the current structure of the document out of balance with the key messages we want to put across. The order of the document will now be reframed to have the early intervention, prevention and positive relationships approaches at the forefront of the document rather than beginning the document with guidance on the process of managing exclusions.
- The key message around learners with disabilities and the fact that they cannot be excluded for reasons related to their disability will be made clearer and highlighted throughout several points in the new guidance

³ See EQIA – Setting the Scene for further information on the legislation.

- New checklists about the process prior to, during and after an exclusion will be included in the refreshed guidance
- Examples of best practice will be produced following publication of the refreshed guidance
- Need to seek input on the impact exclusion has from children and young people across the different equality groups
- Communication with local authorities and schools when the refreshed guidance is published about their responsibilities and SG expectations.

Children and young people will be the beneficiaries of this guidance. We are proposing to visit the young people at HMYOI Polmont to discuss the impact that exclusion from school has had on them.

We intend to develop two guidance documents in collaboration with the Pupil Inclusion Network Scotland, Education Scotland and the National Parent Forum Scotland for parents and carers on what to expect prior to, during and after exclusion. In addition, we will be producing leaflets to support children and young people through the process. These will be published at the same time as the new guidance.

Schools and local authorities will need to be proactively engaged with partners, including communities, to help them understand the benefits of positive relationships and behaviour not just within the context of a school environment but the impact it can have outside the school gates. As a result of the EQIA local authorities and schools will need to ensure their policies and strategies based around the refreshed guidance reach the different equality groups across the school and consider their impact on the wider community. By doing this, a better understanding around the positive approaches used to deal with disruptive behaviour and, where necessary, school exclusions will happen.

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 and related exclusion dataset - 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 and Absence** and **exclusions** from school

- Exclusion dataset contains a breakdown of exclusions based on numerous variables. The variables relevant to the EQIA are the number of exclusions, ethnic background, gender, additional support need and disability.

NB the school attendance, absence and exclusion data is now collected on a biennial basis. The last time it was collected was for the 2012/13 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 2: a positive approach to managing school exclusion and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Donna Bell

Position: Deputy Director, Strategy and Performance, Learning Directorate

Authorisation date:



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2018

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78781-191-1 (web only)

Published by The Scottish Government, September 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS464706 (09/18)

W W W . G O V . S C O T