Equality and Human Rights Impact Assessment (EHRIA)

EHRIAs support SFC to meet the statutory duties stipulated under the Equality Act 2010 and support Public Bodies in Scotland demonstrate that Equality and diversity is at the heart of their policies, practices and decisions are fair. EHRIAs are the thorough and systematic analysis of a new or revised policy to determine whether they have a differential impact on a particular group in relation to equality, diversity and human rights.

In our strategic plan 2015-18, we commit to a system of further and higher education which will be accessible and diverse. We will contribute to a more equal society by embedding equality and diversity across all our functions, supporting participation, tackling prejudice, and by placing good relations at the heart of our organisation.

The process can be seen as a quality control mechanism which SFC can use to evaluate new or revised policy and best meet the equality, diversity and human rights needs of staff and students in the institutions that we fund, our stakeholders, and for SFC staff as an employer.
In Scotland, the specific duties require us to assess and review new and revised policies and practices against the three needs of the Public Sector Equality Duty (PSED), use evidence, act on the results and publish the EIA accessibly.

'Policy' needs to be understood broadly to embrace the full range of functions, practices, activities and decisions for which the Scottish Funding Council is responsible: essentially everything the Scottish Funding Council does. This includes both current policies and new policies under development.

SFC has developed an equivalent Equality and Human Rights Impact Assessment model to incorporate equality, diversity and human rights considerations, referred to here as an 'EHRIA'.

Guidance on how to complete an EHRIA can be found in the Annex section of this document.

Template to be completed by the person leading the EHRIA

Policy Owner	Professor Mark Inall
SFC Directorate	Charlotte Matheson
EHRIA Commenced	Date 24/10/19
Version number	2
EHRIA Completed	Date: 29/06/21
New/revised policy/practice signed off by Management	Date: 1/07/21
EHRIA actions due for review on:	Date: 31/8/22
Quality Assessed	Date: 1/07/21

Equality and Human Rights Impact Assessment Publication Document

Our intention is that this template will support you to complete an Equality and Human Rights Impact Assessment (EHRIA) and for us as a collective organisation to complete our statutory requirements.

Prior to the publication on the SFC's website, every EHRIA will be assessed by the Equality & Diversity Group who will be responsible for displaying the publishing document on the SFC external website. Guidance on how to complete an EHRIA can be found in the Annex section of this document.

Stage 1: Background information

Title of Policy:	SERENE: **S**olutions from **E**merging **R**esearcher **E**xchanges: The role of the **N**atural **E**nvironment. Project managed by the Scottish Alliance for Geoscience, Environment and Society (SAGES), hosted by University of Glasgow.		
EHRIA Lead Person:	Professor Mark Inall		
Who else is involved in the EHRIA?	Carol Thomson, SAGES Administrator Sue Johnson, UHI/SAMS Head of Human Resources		
Date EHRIA completed:	01/11/2019	**Is this a new or revised policy?**	**New** ☐
Date EHRIA published and where:	SFC to advise		**Revised** ☒
Review date and frequency:	**Review at every funding renewal**		

Stage 2: Scoping and evidence gathering

Why are you introducing the new policy, or why are you revising an existing policy?	This policy relates to an application by SAGES to the SFC Saltire Emerging Researcher Scheme. SAGES, hosted by the University of Glasgow, will run this programme from the 1st September 2021 until the 31st August 2022.
What is the intended outcome(s) and impact of the new policy, or making the changes to an existing policy?	In intended outcome of this revision is to ensure SAGES EHRIA principles are applied consistently in the advertising and selection process for SERENE grant awardees. SAGES is one of ten research pools co-funded by SFC, specific to SERENE our remit is to provide: • Funding support for researchers • Funding support for post graduate students • Improve opportunities to obtain EU funding • Development of international exchange opportunities

	- Provide networking opportunities for researchers - Provide training and mentoring for early career researchers (ECR) - Provide access to shared facilities and equipment The intended outcome in the revising our policy is to ensure equality during administration of SERENE.
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy?	- Equality Act 2010 (& Scottish Specific Duties 2012) - Stakeholder engagement with all SAGES partner institutions - Sector requirements - Equal opportunities monitoring forms - Evidence from involvement, engagement and consultations - Information on how institutions have assessed the impact of their policies and practices on different protected characteristics
Who did you consult with?	Sue Johnson – SAMS Head of Human Resources University of Glasgow Equality & Diversity Office
What did you learn?	The consultation identified there is still the need for a body to lead co-ordinated approaches to strategic environmental research questions (in areas including climate and environmental change, resilience, renewable and new energy sources and societal responses; food security) which best utilise expertise in Scotland to meet government aspirations for the Scottish economy and quality of life. The consultation identified the need to update our Equality and Diversity statement and statistics on gender and diversity. The consultation identified the need to restate the set of Principles of Equality and Diversity for SAGES, namely: - SAGES is a network of self-Governing Scottish HEIs - Each governing body maintains oversight of their institutional strategies and policies with respect to equality and diversity - Some institutional actions are specific to equality and diversity, for example the Athena Swan charter - Other actions with respect to equality and diversity are rightly embedded within the cultural stance across the full breadth of institutional strategy, policy and actively promulgated best practice

	• SAGES is a network which strives to adhere to the fairest operating principles of its constituent member HEIs
How did the consultation shape the policy?	We have reviewed our website and marketing materials to ensure that our commitment to equality and diversity is visible, in consultation with the University of Glasgow's Equality and Diversity Office. We will monitor funding applications to SERENE by gender and, where possible, other protected characteristics. If we identify under representation in applications, we will work with the University's Equality and Diversity Office to identify methods of attracting underrepresented groups. Regarding the SERENE programme, SAGES will put in place the following actions on Equality and Diversity: Within SERENE decision-making powers, three equality and diversity principles exist: 1. Embed equality and diversity in decision making 2. Shape the approaches in specific requirements of each decision 3. Ensure accountability of the decision makers with respect to equality and diversity Types of decision making within the power of SERENE: ➢ Appointment of leadership roles (reviewers) ➢ Awarding of early career grant support How the three principles of equality and diversity are now managed: ➢ Timing of all funding call has been planned w.r.t. the school day and holidays ➢ Anonymous double-blind reviewing of all proposals ➢ Register of gender and seniority (career stage) profile across review committee ➢ Diversity balance of review panel prioritised ➢ Mid-term review by Executive Committee of SAGES decisions w.r.t. Equality and Diversity Athena Swan

	All SAGES member institutions have Athena Swan accreditation (Bronze or Silver), at the institutional level and additionally at the departmental level in the case of the larger units.
	As a network of self-Governing Scottish HEIs, SAGES cannot meaningfully contribute to all Athene Swan principles, since SAGES has no decision-making power relating to them. Nevertheless, SAGES supports all ten Athena Swan charter principles (http://www.ecu.ac.uk/equality-charters/athena-swan/about-athena-swan/).
	A Grievance Procedure is in place.
	Should any SERENE applicant have a grievance with respect to SAGES Equality and Diversity Statement (https://www.sages.ac.uk/sages-equality-diversity-statement/), an independent review of their grievance will be undertaken by the Director or other non-conflicted senior representative of MASTS (Marine Alliance for Science and Technology, Scotland). Their findings will be reported to SAGES Executive Committee and to SFC.

Stage 3: Identifying outcomes and impact

Delivering on the SFC's Public Sector Equality Duty Consider the equality risk assessment within the context of broader staff or student journey which includes recruitment, retention, progression, promotion, training etc.		
1. **How does your policy contribute to eliminating discrimination, harassment and victimisation? Please describe.**	**Positive**	☒
	Negative	☐
• As host institute, the University of Glasgow are committed to achieving and promoting equality of opportunity in learning teaching, research and working environments, and to ensuring these environments support positive relations between people and a culture of respect. • These commitments are realised and mainstreamed across the University departments, including SAGES, through the University's equality and diversity policies and action plans including the Equality and Diversity policy, Dignity at Work and Study policy and Personal Relationships policy.	**No effect**	☐
2. **State how your policy advances equality of opportunity between those who share a protected characteristic and those who do not? Please describe.**	**Positive**	☒
	Negative	☐
• The University monitors staff populations, including SAGES staff, by protected characteristics and implements associated actions to address under representation and advance equality of opportunity. SAGES ensure its events and materials are accessible.	**No effect**	☐

• SAGES monitors gender balance in all areas (student, staff, Committee membership, grant awards) and has a Equality and Diversity Statement and Grievance procedure • SERENE will monitor similarly awards made under the Saltire scheme	
3. In which ways does this policy fosters good relations between those who share a protected characteristic and those who do not? Please describe. • The University, and SAGES as a hosted institute, promotes equality, diversity and inclusion amongst staff and students via its print and web-based materials, Equality and Diversity policy and Dignity at Work and Study policy.	**Positive** ☒ **Negative** ☐ **No effect** ☐

4. Does your policy ensure Human Rights articles compliances? **Compliant** ☒   **Breach** ☐

5. Please indicate which articles your policy relates to:
 	
Consider:
Article 1 - Free and equal ☐
Article 2 - Right to life ☐
Article 3 - Prohibition of torture ☐
Article 4 - Prohibition of slavery & forced labour ☐
Article 5 - Right to liberty & security ☐
Article 6 - Right to a fair trial (e.g. disciplinary procedures) ☐
Article 7 - No punishment without law (e.g. disciplinary procedures) ☐
Article 8 - Right to respect for private & family life ☐
Article 9 - Freedom of thought, conscience & religion ☐
Article 10 - Freedom of expression ☐
Article 11 - Freedom of assembly & association (e.g. trade union recognition) ☐
Article 12 - Right to marry ☐
(N.B.) Article 13 has been removed
Article 14 - Prohibition of discrimination (e.g. people part of protected characteristic groups) ☒
    Protocol 1 Article 1 – Protection of property ☐
    Protocol 1 Article 2 – Right to education ☐

Detail the positive impact here:
Targeted funding will improve access to career opportunities for younger researchers. Consistency of policy and approach between educational institutions will reduce opportunities for discrimination or bias in allocation of funding and opportunities.

Please select which group(s) will be affected by the positive impact:	
Age (e.g. older people or younger people)	☒
Race (e.g. people from black or any minority ethnic groups)	☒
Gender (e.g. women or men)	☒

Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	☒
Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	☒
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	☒
Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual)	☒
Maternity and Pregnancy (e.g. women who are pregnant/on maternity leave/breastfeeding)	☒
Marriage and civil partnership	☒
Socio-economic groups	☒
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	☒

Stop check

If you identify any positive impacts, please move to Stage 4.	In **Stage 4** please detail positive impacts
If you identify any negative impacts that require mitigation please complete Stage 4.	**In Stage 4** please detail negative impacts
When considering all your responses to Stage 3 if you selected no effect for <u>ALL</u> areas	Please justify your conclusions here and move directly to **Stage 5.**

Stage 4: Analysis of impact/outcomes

You have indicated that this new or revised policy will have an impact/outcome on one or more of the 3 main duties of the Public Sector Equality Duty and Human Rights articles for staff or students. Use these sections below to indicate whether the impact is positive or negative, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

Detail the negative impact here:		
Potential impact:	**Mitigating response:**	
Potential impact:	**Mitigating response:**	
Please select which group(s) will be affected by the negative impact:		
Age (e.g. older people or younger people)		☐
Race (e.g. people from black or any minority ethnic groups)		☐
Gender (e.g. women or men)		☐
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)		☐

Gender Identity (e.g. people who will change/have changed/ are changing their gender from that assigned at birth)	☐
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	☐
Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual)	☐
Maternity and Pregnancy (e.g. women who are pregnant/on maternity leave/breastfeeding)	☐
Marriage and civil partnership	☐
Socio-economic groups	☐
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	☐

Stage 5: Identifying options and course of action

Select a recommended course of action:	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	☒
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	☐
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	☐
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	☐

Outline plans to action and review the impact of the new or revised policy

- Note: **any** evidence that raises concern would trigger an **early review** rather than the scheduled date
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new or changed policy

WHAT	WHY	WHO	WHEN	REVIEW POINT
Review on an ongoing basis	Ensure that the policy remains up to date with sector and cultural developments,	The policy ownership group within the 10 participating HEIs.	Formal review every 3 years	

WHAT	WHY	WHO	WHEN	REVIEW POINT
All academic partners collect and feed data into policy and subsequent procedural developments.	To measure impact of policy on diversity outcomes	As above	Ongoing collection and collation of data as grants are awarded	Mid-term review of data collected for any evidence of adverse impact.

Summary of results, including the likely impact of the proposed policy advancing equality and human rights
The policy aims to create an equitable and supportive attitude to those with particular protected characteristics as declared under the Equality Act, regardless of whether PSED applies. As such we expect that impact will be positive through cross-partnership input and consistent content.

Next Steps
Clarify responsibilities for diversity data collection and reporting within existing SAGES network. Create appropriate mechanisms to ensure practice reflects policy. Review at the end of SERENE, or in light of suggested amendments.

Stage 6: Publishing

The completed EHRIA and Publishing Document must:

- Be sent to the Equality and Diversity Lead at e&d@sfc.ac.uk
- Please note that the final EHRIA, or reference to it may be published on the SFC staff intranet and / or website

Annex: Guidance to support completion of EHRIA

What is an EHRIA?

The integrated approach of looking at equality and human rights together in SFC reflects the statutory requirements of the Public Sector Equality Duties set out in the Equality Act (2010) underpinned by the priority to human rights and FAIR process. Through completion of the EHRIA, SFC ensure that policies, and the ways we carry out our functions, do what they are intended to do and for everybody. The

Scotland Act 1998 established the Scottish Parliament and the Scottish Government. It ensures that the Scottish Parliament can only pass laws that are compatible with human rights. This means that human rights must be respected and realised at all levels of governance in Scotland. SFC considers that an inter-disciplinary approach to assessing new or revised policy ensures that we are able to inform decision making relating to both under-representation and socio-economic disadvantage.

Why do we carry out EHRIA?

The main reasons for carrying out EHRIAs are to ensure fairness, ensure compliance with legislation, and improve SFC effectiveness. They are a tool for meaningful and informed decision making for new or revised practice. The process helps to identify and measure their effect in terms of equality, diversity and human rights on relevant groups.

They permit impacts and outcomes to be predicted, monitored and, if necessary, avoided or mitigated. When undertaken and led by the decision or policy maker, EHRIAs serve to raise awareness of sector, staff and our stakeholder's interests and ensure they are factored into policy development at the earliest possible stage.

The legislative requirements that are met when carrying out EHRIA are the Public Sector Equality Duties from the Equality Act 2010. The Scotland Act (1998) makes provisions for the protection of human rights within Scotland and when any subordinate legislation is made it must not be incompatible with any of the Human Rights Legislation. The consideration of socio-economic factors included in the EHRIA is part of our contribution to achieving relevant government objectives for fairness, participation and tackling inequalities set out in the Programme for Government and Post-16 (Scotland) Act 2014, although is not a protected characteristic under the Equality Act 2010. There is a statutory duty to promote and safeguard the rights of children and young people, in particular those with the poorest outcomes and this should be taken into account with carrying out EHRIA.

Delivering on SFC'S Public Sector Equality Duties

Under Public Sector Equality Duties, SFC is required to have due regard to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and people who do not share it

Across all aspects of any SFC decision-making process we need to be consciously thinking about the three aims of the Public Sector Equality Duties. This means that consideration of equality issues must influence the decisions reached by SFC – such as in how we act as employers; how we develop, evaluate and review policy; how we design, deliver and evaluate services, and how we commission and procure from others.

The Public Sector Equality Duties require consideration of how new or revised policy will eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations in relation to eight of the nine protected characteristics within the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The ninth protected characteristic, marriage and civil partnership, is not covered by the Public Sector Equality Duties. However when carrying out EHRIAs you will be asked to consider how this policy/practice will impact on or what outcomes are there for people belonging to a protected characteristic group, including the ninth protected characteristic. SFC supports individuals who are care experienced, to support those who achieve the lowest educational outcomes, as if a protected characteristic group.

Within the Scottish Specific Duties of the Public Sector Equality Duties, SFC is required to demonstrate how we have considered evidence of the impact that key policy will have on equality and diversity.

SFC must:
- Consider relevant evidence relating to people with protected characteristics, including any evidence received from those people
- Take account of the results of any assessment
- Publish the result of any assessment within a reasonable time period

When do you carry out EHRIA?

When the decision is made for a need for a new or revised policy or procedure you should develop your EHRIA.

There are 6 stages have to be followed when carrying out EHRIAs

The Equality and Diversity Lead is there to support if there is anything that is not clear but they are not able to develop the EHRIA as they will not be the decision makers or implementers of the proposed changes. When completed the Equality and Diversity Group are responsible for the overall quality assessment of the EHRIA by peer review.

The process of developing an EHRIA may be a one off meeting with relevant people or an ongoing process over time depending on time it takes to develop the new or revised policy.

How do you carry out **EHRIA?**

Stage 1: Background information

A clarify whether the policy is new or revised. If the policy is revised the original impact assessment must be used to build on the previous findings.

Identify the Lead Author/Policy Owner of the EHRIA with consideration to balancing 'ownership' of the process and deciding who is best able to lead the work.

The Lead Author/Policy Owner must select a team of contributors who have a thorough understanding of the policy and its context as this is vital to being able to undertake a proper EHRIA and to the ability to suggest appropriate alternative policies where negative impacts are identified.

Stage 2: Scoping and evidence gathering

All EHRIAs should include a description of the policy and its aims, why it has been developed and what the intended outcomes/impact. Some of the questions that might be asked include:

- Who initiated the policy?
- Who has responsibility for implementation of the policy?
- What is the legal, policy and practice context of the proposal?
- How does it relate to other policy?
- Does it seek to fulfil any targets set, for example, by Scottish Government?
- What are the resource implications of the policy?
- Who do we need to gather information from?

Identifying the evidence that might be needed, and where it might be found is a key part of the scoping stage. This may involve highlighting gaps in existing evidence and possibly commissioning research to fill the gaps (depending on the scope, scale and severity of impacts).

The Lead Author/ Policy Owner must evidence impacts on the equality, diversity and human rights that the new or revised policy may have. This is the information that will inform analysis of the policy. The types of evidence are qualitative, quantitative and case law. The qualitative and quantitative evidence can be internal and/or external. An example of external benchmarking and information that needs to be considered at this stage is the Scottish Government Equality Toolkit and SFC's Learning for All publication, Equality Challenge Unit's statistical reports Colleges in Scotland, HESA.

Consultation ensures the voices of those (likely to be) affected by the policy are heard and taken into account in the EHRIA process

Stage 3: Identifying outcomes and impact

The options provided for the Public Sector Equality Duties and Human Rights articles should be used to consider the outcomes and impact.

If the policy has no effect on the Public Sector Equality Duties and does not breach human rights then justification must be provided for this decision.

Equality and Diversity is included within the SFC Improvement schedule of work in 2016-18.

Stage 4: Analysis of impact

The details of the positive impact on the groups identified must be listed at this stage.

The negative impact must be mitigated to a reasonable, objective justifiable level or the policy must be abandoned if this is not possible as it would be illegal.

Stage 5: Identifying options and course of action

A decision has to be made from a choice of the 4 options for the outcome of the EHRIA and a summary why the decision has been made with any other recommendations must be provided. The options are:

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.

Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.

Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).

Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.

The planned actions to be taken and how the impact of the new or revised policy must be detailed and include the lead person who will ensure this will be done in the timescales set. This is to make sure that the EHRIA is not a one off process but an on-going cycle of review of policy.

Stage 6: Publishing

This stage is a summary of the EHRIA and should be filled in using the information from the above stages. The Lead Author/Policy Owner should then:

1. Policy Owner completes the six-stage EHRIA template and save draft to Links
http://links.sfc.ac.uk/livelink/livelink.exe?func=ll&objId=245261663&objAction=browse&viewType=1

2. Policy Owner sends notification and a link to the completed form to
e&d@sfc.ac.uk

3. The form will be checked, process will be evaluated and the policy owner notified

4. The Policy Owner will locate the finalised form in the completed folder on Links
http://links.sfc.ac.uk/livelink/livelink.exe?func=ll&objId=243024477&objAction=browse&viewType=1

5. A peer review of the EHRIA will be made by the EDG

6. A log of completed EHRIAs will be published on the SFC website

Queries

If you have any queries regarding the process please contact Halena Gauntlett, hgauntlett@sfc.ac.uk or Julia Murphy, jmurphy@sfc.ac.uk