



The Socio-Economic Duty A Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

Colleges Scotland's Response to the Socio-Economic Duty Consultation

Colleges Scotland is the membership body for Scotland's 26 colleges, cited in our local communities across 13 regions in Scotland, who each service the education, skills and training needs for over 227,000 students each year and employ around 11,000 staff. Colleges play an integral role in providing opportunities in the right place and at the right time for students from some of the most deprived communities in Scotland, for whom their college education will be the tool to lift themselves and their families out of cycles of deprivation and unemployment. Colleges Scotland is proud of the role of the college sector in widening access to education, in particular for those most distanced from both education and the labour market.

We welcome this opportunity to respond to the consultation set out by the Scottish Government. Each of the consultation questions has been taken in turn below.

QUESTION 1 – The key terms defined in this section are:

- **Socio economic disadvantage**
- **Inequalities of outcome**
- **Decisions of a strategic nature**
- **Due regard**

Do you agree that the definitions of these terms are reasonable and should be included within the Scottish Government's forthcoming guidance on the socioeconomic duty?

Yes. Colleges Scotland believes it is timely and appropriate to ensure that poverty is given recognition when examining equality. We appreciate the clarification in this consultation paper regarding the proportion of income-deprived individuals who do, or do not, live in deprived areas, and the particular consideration that should be given to their circumstances. We welcome the definition of communities of interest in addition to communities of place, and believe this allows for more nuanced perspectives of inequality, and intersecting inequalities, to be considered.

The term 'service users' is used in the definition of 'Decisions of a strategic nature'. This term can have different meaning depending on the public service, and consideration should be given as to whether a clearer definition might be helpful in this regard.

Scottish Ministers therefore propose that the following Scottish public authorities be bound by the duty:

- **Scottish Ministers [see below]**
- **Local Authorities**
- **NHS Health Scotland**
- **Integration Joint Boards**
- **Regional Health Boards**
- **The Scottish Police Authority**
- **Highlands and Islands Enterprise**
- **Scottish Enterprise.**

“Scottish Ministers” covers the following: The Scottish Government, Accountant in Bankruptcy; Disclosure Scotland; Education Scotland; Scottish Prison Service; Scottish Public Pensions Agency; Student Awards Agency for Scotland; Transport Scotland. The new Scottish Social Security Agency, once established, will also be subject to the duty.

QUESTION 2A – Do you agree that the socio-economic duty should apply to the Scottish public authorities named here? If not, please specify which authority you do not think it should apply to and why?

Colleges Scotland is supportive of the duty applying to the public authorities named here.

QUESTION 2B – Do you think the duty should apply to any other public authorities, similar to those listed in the Equality Act 2010? If so, please name them and explain why you think the duty should apply.

In the process of responding to this consultation it was not clear whether the Scottish Government is empowered to add to the list of public authorities without additional legislation. For the purposes of this consultation, we have assumed that this is permissible.

The Scottish Government has been clear that tackling the attainment gap – the tangible gap in education attainment between children from more deprived and least deprived backgrounds – is a core mission, and there is an abundance of evidence demonstrating that a more educated society is healthier, more progressive, and has other tangible benefits. Consideration should be given as to whether education and skills providers should therefore be subject to the duty. This may include the new Skills & Enterprise Board, Skills Development Scotland, the Scottish Funding Council, or Regional Education structures (this could be schools or colleges).

Colleges Scotland consulted with the College Development Network (CDN) guidance network before responding to this consultation. Feedback from this consultation process was that as colleges are now classified as public bodies since the Office for National Statistics (ONS) reclassification from 1 April 2014, and are already subject to the requirements of the public sector equality duty, the socio-economic duty should apply to colleges.

QUESTION 3A – Do you have any comments on the steps set out in SECTION 3?

Colleges Scotland believes that the requirements of the public sector equality duty provide a good base on which the socio-economic duty could be built. An alignment between these duties would allow for an intersectional lens to be applied in any analysis and planning, for example considering impact on groups with overlapping social identities, to identify those particularly in need.

Regarding the involvement of communities as a way of understanding inequalities of outcome, the *Framework for the Development of Strong and Effective Students' Associations* is used in colleges as a tool to ensure student involvement at every level of decision making. This has underpinned the step-change in students' association activity in recent years, and provides a platform for student representatives to raise issues which affect students' lives. Given the proportional overrepresentation of SIMD 10, 20 and 40 students in colleges, this format has proven crucial in ensuring that issues of inequality are raised between those affected, and the decision makers.

QUESTION 3F – Do you have a view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the long term?

This would appear to be the most logical method to assess impact, as this would allow for baseline monitoring before the introduction of the socio-economic duty, and for mainstreaming of action to tackle inequality.

QUESTION 4A - Once the socio-economic duty is introduced, the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact. What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

Colleges Scotland would expect that with the introduction of the new socio-economic duty, comprehensive guidance will be produced which thoroughly reflects across legislation, duties and guidance, and signposts these as appropriate for cross-consideration.

Colleges Scotland
September 2017