

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2022	
Minister	Shirley-Anne Somerville, Cabinet Secretary for Education and Skills	
Lead official	Clare Morley, Head, School Funding, Infrastructure and Organisation	
Officials involved in the EQIA	Name	team
	Anna Macleod Stephen Convill	School Funding, Independent and Home Education
Directorate: Division: Team	Learning Workforce, Infrastructure and Digital	
Is this new policy or revision to an existing policy?	Revision of existing policy and Regulations	

Screening

Policy Aim

The aim of this policy is to remove potential barriers for children and young people who wish to attend St Mary's Music School ('the School'). Consequently, we need to bring forward a number of amendments to the St Mary's Music School (Aided Places) (Scotland) Regulations 2015 ("the 2015 Regulations") in order to

- uprate the thresholds for remission of fees, clothing and travel grants in line with inflation to mitigate familial **income related** barriers.
- update the references to the **eligibility** for EEA children and young people for the Aided Places scheme;
- ensure that prospective pupils arriving through UK government schemes for displaced Ukrainians are covered within the eligibility criteria.

National Outcomes addressed: Children and Young People, Education, Culture, Poverty, and International.

Who will it affect?

- Children and young people (regardless of family income) who are talented musicians considering attending the school and who are:
 - EEA nationals who were in the UK prior to Implementation Period (IP) completion day (in other words, before 11pm on 31 December 2021 when the transition period ended) and who would have met the aided places scheme residency had the UK's status not changed. This group will remain eligible to apply to the scheme; and
 - Displaced Ukrainian young people.

Given the small number of pupils at the school and the relatively small numbers of people affected by these changes, there may be **very few or no** new pupils in these categories, but the purpose of this policy is to ensure that if there are such children and young people, there should be no legal barrier to them being eligible for an Aided Place.

What might prevent the desired outcomes being achieved?

We depend on the School making clear these categories of eligibility, and young people and their parents/carers being aware of the School and making an application.

Stage 1: Framing

Results of framing exercise

The School is a co-educational, non-denominational independent School in the West End of Edinburgh. Education is provided for pupils between the ages of 9 and 19 with a special musical talent on a day and boarding basis. Entry to the School is by audition and assessment, based on musical ability and potential. It is Scotland's only independent specialist music school and the only independent school receiving direct Scottish Government funding. This funding, provided through the St Mary's Music School Aided Places Scheme, provides more than 70% of the School's income.

A light touch framing exercise was carried out as the amended Regulations will affect a **maximum** of 20 children and young people. The School has 60 current pupils and has a capacity for 80, hence 20 'vacancies' that children and young people may be **eligible** for. . 50 of the potential 55 Scottish Government funded Aided Places are currently taken up. Five unused Aided Places are therefore available in 2022-2023 to mitigate familial **income related** barriers. (The School also has funded bursaries and instrument loan arrangements available to further mitigate financial barriers.)

Extent/Level of EQIA required

We have had extensive discussion with the school, including site visits, and interrogated anonymised personal financial data provided and assured ourselves that promotion of equality of opportunity is integrated into the culture of St Mary's Music School. The school has an extensive portfolio of outreach activities to promote the educational opportunities it offers but musical ability remains the priority within the entry criteria. Consideration of protected characteristics data is not therefore core to this Assessment.

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.

Characteristic¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Potential impact on number of children and young people attending St Mary's Music School	Enrolment data supplied to Scottish Government regularly by the School	No gaps in data
DISABILITY	N/A		Data not pertinent to this Assessment
SEX	N/A		Data not pertinent to this Assessment
PREGNANCY AND MATERNITY	N/A		Data not pertinent to this Assessment
GENDER REASSIGNMENT	N/A		Data not pertinent to this Assessment
SEXUAL ORIENTATION	N/A		Data not pertinent to this Assessment

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

RACE	N/A		Data not pertinent to this Assessment
RELIGION OR BELIEF	N/A		Data not pertinent to this Assessment
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)	N/A		

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	Policy is not intended to address this aspect.
Advancing equality of opportunity	X			Policy is geared to reduce barriers to specialist education for children and young people
Promoting good relations among and between different age groups			X	Policy is not intended to address this aspect.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The policy has no discernible impact on disabled people

Advancing equality of opportunity			X	The policy has no discernible impact on disabled people
Promoting good relations among and between disabled and non-disabled people			X	The policy has no discernible impact on disabled people

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			X	The policy has no discernible impact on men and women in different ways
Advancing equality of opportunity			X	The policy has no discernible impact on men and women in different ways
Promoting good relations between men and women			X	The policy has no discernible impact on men and women in different ways

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			X	The policy has no discernible impact on pregnancy and maternity

Advancing equality of opportunity			X	The policy has no discernible impact on pregnancy and maternity
Promoting good relations			X	The policy has no discernible impact on pregnancy and maternity

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The policy has no discernible impact on ‘trans people’
Advancing equality of opportunity			X	The policy has no discernible impact on ‘trans people’
Promoting good relations			X	The policy has no discernible impact on ‘trans people’

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			X	The policy has no discernible impact on people because of their sexual orientation
Advancing equality of opportunity			X	The policy has no discernible impact on people because of their sexual orientation

Promoting good relations		X	The policy has no discernible impact on people because of their sexual orientation
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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			X	The policy has no discernible impact on people on the grounds of their race
Advancing equality of opportunity			X	The policy has no discernible impact on people on the grounds of their race
Promoting good race relations			X	The policy has no discernible impact on people on the grounds of their race

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			X	The policy has no discernible impact on people because of their religion or belief
Advancing equality of opportunity			X	The policy has no discernible impact on people because of their religion or belief
Promoting good relations			X	The policy has no discernible impact on people because of their religion or belief

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

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	N/A

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 NB – There are potential age related positive impacts on children and young people through removing financial barriers to and providing clarification on eligibility to specialist music education but given the small numbers involved (see above) this is impossible to state with any certainty.
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?	N/A
If not justified, what mitigating action will be undertaken?	N/A

Describing how Equality Impact analysis has shaped the policy making process

The EQIA confirms the premise of the policy which seeks to maintain or widen access (in the case of displaced Ukrainian young people) to specialist musical education in Scotland.

Monitoring and Review

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

Discussions with the school regarding equalities are part of regular interactions, as are any questions the School has regarding potential eligibility of a new applicant. This will allow us to monitor the impact of the Regulations and whether any other potential gaps are identified. Given our specific interest in ensuring that those escaping the war in Ukraine are well looked-after, the school will also notify us of any new Ukrainian pupils.

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 The St Mary's Music School (Aided Places) (Scotland) Amendment Regulations 2022 of this assessment to be published on the Scottish Government's website.

Name: Andrew Drought

Position: Deputy Director, Workforce and Infrastructure

Authorisation date: