

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Lews Castle College (Transfer & Closure) Order 2023	
Minister	Minister for Higher & Further Education	
Lead official	Mary Maxwell	
Officials involved in the EQIA	name	team
	Claire Jamieson Jess Dolan	College Governance College & Economic Impact Unit
Directorate: Division: Team	Directorate for Lifelong Learning & Skills; Young Workforce & SFC Sponsorship Division; College Governance Team	
Is this new policy or revision to an existing policy?	Negative SSI	

Screening

Policy Aim

To close Lews Castle College and merge it into North Highland College.

The merging colleges wish: to create an anchor institution of scale; to become more financially resilient; To increase opportunities for college staff; To make services for learners more resilient.

National Performance Outcome which this policy aims to address is: We are well educated, skilled and able to contribute to society.

Who will it affect?

It will have a direct effect on the students and staff of Lews Castle College.

What might prevent the desired outcomes being achieved?

Financial difficulties caused by constrained budgets and inherited financial weakness.

Stage 1: Framing

Results of framing exercise

EQUIA data, for students at Lews Castle College, for the last 3 academic years for which data is available was collected.

Potential Benefits: increased opportunities for staff ; increased choice of courses for students;

Potential Disadvantages: staff having to relocate and students having to travel for courses if curriculum offering is removed from some campuses and transferred to campuses further away. This may impact particularly on students with disabilities; students who have to make childcare arrangements (in the main females) and those with fewer resources and less money. It will also affect those in the remotest locations the most. **However the merging colleges have provided assurances that they have no plans at present to withdraw or relocate courses or to close physical centres so there will be no disadvantage.**

Extent/Level of EQIA required

A consultation was run by the Scottish Government into the proposed merger. It ran from 24 February 2023 to 5 May 2023 and generated 21 responses.

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.

Data was provided by Advanced Learning & Skills Analysis (ALSA) for 4 academic years, from 2017-18 to 2020-

21. The data has been analysed for 3 of these years; the academic year 2020-21 has not been added to the analysis as it was the year most affected by the pandemic, and the data from that year is anomalous.

N.B. All the figures below relate to numbers and percentages of ENROLMENTS.

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken																				
AGE	<p>It is clear that at Lews Castle College students tend to be 20 or younger, or 30 and older. There are comparatively few students in their twenties studying at the college:</p> <table border="1"> <tr> <td></td> <td>17-18</td> <td>18-19</td> <td>19-20</td> </tr> <tr> <td><=20</td> <td>35.3%</td> <td>41.7%</td> <td>38.1%</td> </tr> <tr> <td>21-24</td> <td>8.4%</td> <td>7.5%</td> <td>7.9%</td> </tr> <tr> <td>25-29</td> <td>8.0%</td> <td>6.3%</td> <td>6.4%</td> </tr> <tr> <td>>=30</td> <td>48.3%</td> <td>44.3%</td> <td>47.3%</td> </tr> </table>		17-18	18-19	19-20	<=20	35.3%	41.7%	38.1%	21-24	8.4%	7.5%	7.9%	25-29	8.0%	6.3%	6.4%	>=30	48.3%	44.3%	47.3%	Data received from ALSA	
	17-18	18-19	19-20																				
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DISABILITY	<p>There has been a slight increase in the percentage of students at Lews Castle College who are recorded as having a disability, but as this is only for one year it should be treated with great caution.</p> <table border="1"> <tr> <td></td> <td>17-18</td> <td>18-19</td> <td>19-20</td> </tr> <tr> <td></td> <td>12.5%</td> <td>11.1%</td> <td>15.9%</td> </tr> </table>		17-18	18-19	19-20		12.5%	11.1%	15.9%	Data received from ALSA													
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¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

	<p>The percentage of female students at Lews Castle College over the 3 years hovers around the 50% mark.</p> <table border="0"> <tr> <td>17-18</td> <td>18-19</td> <td>19-20</td> </tr> <tr> <td>46.8%</td> <td>49.7%</td> <td>51.1%</td> </tr> </table>	17-18	18-19	19-20	46.8%	49.7%	51.1%	Data received from ALSA	
17-18	18-19	19-20							
46.8%	49.7%	51.1%							
PREGNANCY AND MATERNITY	No data available.		Only partial data collected.						
GENDER REASSIGNMENT	No data available.		No data collected.						
SEXUAL ORIENTATION	<p>The percentage of students who identified their sexuality as other than heterosexual was as follows:</p> <table border="0"> <tr> <td>17-18</td> <td>18-19</td> <td>19-20</td> </tr> <tr> <td>2.1%</td> <td>2.9%</td> <td>2.9%</td> </tr> </table> <p>It is important to note that in every year the percentage of students whose sexual orientation was unknown ranged from 14% to just under 18%).</p>	17-18	18-19	19-20	2.1%	2.9%	2.9%	Data received from ALSA	
17-18	18-19	19-20							
2.1%	2.9%	2.9%							
RACE	The percentage of students who are not white, while tiny is edging up slightly. It is important to take these figures with caution as the numbers involved are so small.	Data received from ALSA							

	<p>17-18 18-19 19-20 1.3% 1.5% 1.9%</p>																						
<p>RELIGION OR BELIEF</p>	<p>The percentage of Christians ran at just under 50%, with the percentage of students indicating they had no religion at around a third. The numbers of students who belong to other religions is extremely small, hovering around the 2% - 3% mark. There are a significant number of students whose religious beliefs are not known, which is why the percentages below do not add up to 100.</p> <table border="0"> <tr> <td></td> <td>17-18</td> <td>18-19</td> <td>19-20</td> </tr> <tr> <td>None</td> <td>37%</td> <td>34%</td> <td>37%</td> </tr> <tr> <td>Christian</td> <td>48%</td> <td>46%</td> <td>47%</td> </tr> <tr> <td>Muslim</td> <td>0.2%</td> <td>0.2%</td> <td>0.2%</td> </tr> <tr> <td>Other</td> <td>1.3%</td> <td>1.3%</td> <td>1.7%</td> </tr> </table>		17-18	18-19	19-20	None	37%	34%	37%	Christian	48%	46%	47%	Muslim	0.2%	0.2%	0.2%	Other	1.3%	1.3%	1.7%	<p>Data received from ALSA</p>	
	17-18	18-19	19-20																				
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Other	1.3%	1.3%	1.7%																				
<p>MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice</p>	<p>No data available.</p>		<p>Only partial data collected.</p>																				

relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)

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	The proposed change will involve a change to the administration of Lews Castle College only and will not represent a change to student experience in the short term. In the longer term the merging parties assert that the merger could provide potential to increase the reach of the curriculum and provide more opportunities for students in remote areas. This impact assessment is concerned with the closure of Lews Castle College and the administrative change of transferring the property, rights liabilities and obligations to the proposed “host” college (North Highland College). The assessment across all EQIA criteria is that this is a neutral impact.
Advancing equality of opportunity			X	See answer in ‘Eliminating unlawful discrimination, harassment and victimisation’.
Promoting good relations among and			X	See answer in ‘Eliminating unlawful discrimination, harassment and victimisation’

between different age groups				
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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations among and between disabled and non-disabled people			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations between men and women			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good race relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Advancing equality of opportunity			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.
Promoting good relations			X	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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	See answer in 'Eliminating unlawful discrimination, harassment and victimisation' above.

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

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	No
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 merger parties have indicated that there are no current plans to close physical centres or to withdraw or relocate courses. Nor are there any current plans to move courses that are presented in person to remote presentation. This change will involve the administration of the

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

college and not represent a change to student experience in the short term. In the longer term the merging parties believe that the merger could provide potential to increase the reach of the curriculum and provide more opportunities for students in remote areas.

It is for college management to ensure appropriate impact assessments are carried out in relation to staff, as data on staff demographics is held by individual colleges. However it is important to note that the colleges have committed to no compulsory redundancies as a consequence of the merger process.

Monitoring and Review

Not applicable

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 Lews Castle College (Transfer & Closure) Order 2023 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.



Name: Adam Reid

Position: Deputy Director, Skills, Lifelong Learning & Science

Authorisation date: 23/5/23