Equality and Human Rights Commission response to inquiry into the attainment and achievement of school aged children experiencing poverty

Creating a fairer Britain
Equality and Human Rights Commission response to Scottish Parliament Education and Skills Committee inquiry into the attainment and achievement of school aged children experiencing poverty

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The Equality & Human Rights Commission (EHRC) welcomes the opportunity to respond to the Education & Skills Committee inquiry into the attainment and achievement of school aged children experiencing poverty.

The EHRC supports the Government's initiative to boost the educational attainment of children living in the most deprived parts of Scotland through the Attainment Challenge. The EHRC’s remit includes the recently enacted Section 1 of the Equality Act 2010 (the “Fairer Scotland” or “Socio Economic Duty”). The Duty will require both the Government and Local Authorities to, “when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”. The Duty will assist public bodies in Scotland to critically appraise their strategic policies to ensure that they are delivered in a way which narrows the attainment gap between the most and least deprived parts of Scotland.

The EHRC is concerned that in developing the Attainment Challenge the Scottish Government has paid insufficient attention to equality, focusing the benefits of the policy on inequality (deprivation) and not making the connection to equality (protected characteristics).

Taking the example of race, we know from official data that ethnic minorities are twice as likely to live in poverty than White Scots. However many ethnic minorities (particularly Asian and Chinese communities) are not as clustered in the most deprived areas as white people meaning that the focus on delivery by postcode could inadvertently mean that fewer ethnic minority pupils could benefit from the policy. Similarly, we know that boys perform worse than girls, and that disabled pupils, Gypsy/Travellers and looked after children all have far lower attainment scores than the pupils living in the most deprived wards of Scotland. The EHRC is concerned that without a specific focus on equality the Attainment Challenge could inadvertently widen the gaps between the these groups, defined by their protected characteristic, and those pupils attending schools in the most deprived postcodes.

The EHRC has raised these concerns with the Scottish Government who are now conducting a full equality impact assessment on the policy. We expect to see the completed Impact Assessment by the end of March 2018.

Currently neither Local Authorities nor schools are required to set out which protected groups they intend their work under the Attainment Challenge to benefit. Similarly there are no monitoring requirements in place which require these bodies to either monitor or assess the extent to which pupils

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1 age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity
with, or who share protected characteristics, are benefiting from the policy equitably.

In the last month the Scottish Government has issued guidance to head teachers “Pupil Equity Funding – National Operational Guidance – 2018” which for the first time asks schools to “consider” equality when developing Equity Fund projects:

“Evidence shows that some children and young people from equalities groups can be disproportionately affected by deprivation and can therefore face significant additional barriers to learning. Education authorities have responsibilities to actively address inequality and the promotion of equity is a shared responsibility held by all staff, partners and stakeholders. In this context, headteachers should consider additional steps that might be required to close the educational attainment gap for pupils affected by poverty who may also experience disadvantage for other reasons. For example, disadvantage related to; a protected characteristic (disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation); a need for which they require additional support; being looked after; or having caring responsibilities”.

The EHRC would welcome the opportunity to discuss this matter further with the Committee to ensure that all pupils experiencing poverty irrespective of their postcode can benefit equally from this significant investment in our children’s future.