

# **The Head Teachers Education and Training Standards (Scotland) Regulations 2019**

## **Equality Impact Assessment Record**

**August 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

**THE HEAD TEACHERS EDUCATION AND TRAINING STANDARDS (SCOTLAND) REGULATIONS 2019 - EQUALITY IMPACT ASSESSMENT RECORD**

<b>Title of policy/practice/ strategy/ legislation etc.</b>	The Head Teachers Education and Training Standards (Scotland) Regulations 2019	
<b>Minister</b>	John Swinney, DFM and Cabinet Secretary for Education and Skills	
<b>Lead official</b>	Clare Hicks	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	David Roy Shirley Anderson	Teacher Education and Leadership Unit
<b>Directorate: Division: Team</b>	Learning Directorate: Workforce, Infrastructure and Reform Division	
<b>Is this new policy or revision to an existing policy?</b>	This is the first time we have put in legislative arrangements around training standards for headteacher appointments. However, we have had a policy consistent with the proposed legislation in place since 2005.	

**Screening**

***Policy Aim***

The aim of this policy is to improve educational leadership within schools. It is widely recognised that leadership along with the quality of teaching are crucial factors in improving educational outcomes for pupils. The policy will ensure that those appointed to their first headteacher post have engaged with a supportive and reflective programme of development that is aligned to the General Teaching Council for Scotland's Standard for Headship. This should allow them to undertake the duties of their post with confidence and clarity. The National Outcome that it contributes to is 'Our young people are successful learners, confident individuals, effective contributors and responsible citizens'.

The Standard for Headship is awarded by the GTCS on completion of the Into Headship programme, which is delivered by university providers and accredited by both the Scottish College for Educational Leadership, who are now incorporated into Education Scotland, and GTCS.

Seven universities are delivering the Into Headship programme and since it was introduced in 2015, 410 teachers across all 32 local authorities have completed the programme.

### ***Who will it affect?***

The policy will affect all teachers who are aspiring to headship in local authority and grant-aided schools, local education authorities and the managers of grant-aided schools. It will give all teachers, no matter where they are in Scotland, a structured development programme that includes support such as coaching and mentoring. Local authorities as employers select participants and have regard to equality issues in their advertising and selection process.

### ***What might prevent the desired outcomes being achieved?***

Factors that might prevent desired outcomes include the costs of participation and the desirability of the headteacher post.

- The cost to participants of the programme. Several funding models were discussed with stakeholders with a view to ensuring equity across the country and value for money by having a high completion rate. The agreed position for the first cohort in 2015 was for the Scottish Government to fund two thirds of the national fee and with the participants funding the remaining one third. Arrangements for the second and subsequent cohorts have changed so that the Scottish Government now funds the fee in full. This was in part because some local authorities were covering participants' costs and therefore creating inequity.
- The desirability of the headteacher post. Throughout the development of the regulations work has been ongoing to address the challenges associated with recruitment and retention of headteachers. On 1 November 2018 the Scottish Government published the report from the Headteacher Recruitment Working Group which was set up in 2016 to explore concerns relating to the recruitment and retention of headteachers. The report sets out a series of recommendations for employers, Scottish Government, Education Scotland and other bodies. These include
  - Scottish Government and Education Scotland should provide annual data packs for local authorities to support local and regional succession planning;
  - Local authorities should identify appropriate numbers of aspiring heads to take part in Into Headship programme and ensure a good supply to meet local needs; and
  - Local authorities should work with headteachers to test and evaluate improvements to local working practices to tackle bureaucracy.

While these factors do present challenges the Scottish Government will continue to fully fund participants in the Into Headship programme and will work with partners in taking forward the above actions to reduce these risks.

## **Stage 1: Framing**

### ***Results of framing exercise***

Subsequent to the announcement that the Education Scotland Bill 2016 would contain the powers allowing Scottish Ministers to make regulations prescribing the standards of education and training needed before a person could be appointed as a headteacher of an education authority, grant-aided or independent school, Scottish Government officials met with a range of relevant stakeholders. Discussions with stakeholder considered all aspects of the potential consequences of the new regulations as they would affect equality and the protected characteristics.

The provisions within the Education Scotland Bill 2016 were the subject of Parliamentary scrutiny at stage 2 where it was agreed that the regulations relating to the independent sector would be delayed until after those covering the education authority and grant-aided sectors came into force and the requirement for all teachers in independent schools to be registered with the GTCS had become embedded. Section 28 of the Education (Scotland) Act 2016 amends the Education (Scotland) Act 1980 to include powers for Scottish ministers to make regulations for head teacher education and training standards. Section 28(1) covers local authority and grant aided schools and came into force on 1st January 2017. Section 28(2) covers independent schools and is not yet in force.

The draft Head Teacher Education and Training Standards (Scotland) Regulations (“the draft regulations”) were the subject of a public consultation which took place between December 2016 and March 2017 and received 42 responses.

In general most respondents thought that the draft regulations were practical and a positive statement of intent with regard to ensuring that suitably prepared and qualified teachers are appointed to headteacher posts. However, the introduction of the requirement to hold the Into Headship qualification may be seen as an additional barrier and impact on the number of applications for headteacher posts. Concern was also expressed with regard to the introduction date suggesting that it should be moved to 2020 or 2021 and the timeframe a teacher could be in a temporary headteacher post should be longer than 24 months to allow sufficient time to complete the Into Headship programme which takes 18 months. Both these suggestions were accepted with introduction now intended as 2020 and temporary positions being possible for a period of up to 30 months. The latter particularly supports equality of opportunity and recognises the annual recruitment cycle starting in January each year.

### ***Extent/Level of EQIA required***

The Scottish Government’s assessment of the impact of this policy on all areas of protected characteristics is that it will have a relatively positive impact offering opportunities to all. As part of the development of Into Headship

programme an Equality Impact Assessment was carried out on cohort 1 and the outcomes from that report were taken forward. This included the collection and analyse of equity data and the tracking of progress by protected characteristic and gathering participant feedback. Also the main part of the programme is undertaken by higher education institutions that routinely use Equals as part of the programme design.

## 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.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	Considered as part of discussions with stakeholders	stakeholders	Through the collection of data we will monitor age profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.
<b>DISABILITY</b>	Considered as part of discussions with stakeholders	stakeholders	Through the collection of data we will monitor disability profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.
<b>SEX</b>	Considered as part of discussions with stakeholders	Stakeholders	Monitoring take up to the programme to ensure it reflects gender split across profession. The data from the first 4 cohorts shows slightly more males undertaking the programme (29%) in proportion to their representation in the general teaching workforce (23% as at 2018 census). This information

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

			is discussed with local authorities who select participants.
<b>PREGNANCY AND MATERNITY</b>	Considered as part of discussions with stakeholders	stakeholders	Deferrals are available on health grounds and other mitigating circumstances.
<b>GENDER REASSIGNMENT</b>	Considered as part of discussions with stakeholders	stakeholders	Through the collection of data we will monitor the gender reassignment profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.
<b>SEXUAL ORIENTATION</b>	Considered as part of discussions with stakeholders	stakeholders	Through the collection of data we will monitor the sexual orientation profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.
<b>RACE</b>	Considered as part of discussions with stakeholders	stakeholders	<i>The Teaching in a Diverse Scotland: Increasing And Retaining Minority Ethnic Teachers In Scotland's Schools Report</i> was published on 14 November 2018 with an aim to increasing representation of BME teachers across the teaching profession in Scotland. In taking forward the recommendations within the report. There is an expectation that all partners will act on the report's recommendations and take steps

			<p>to radically improve the diversity in Scottish teaching.</p> <p>Through the collection of data we will monitor the race profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.</p>
<b>RELIGION OR BELIEF</b>	Considered as part of discussions with stakeholders	stakeholders	<p>Through the collection of data we will monitor the religion/belief profile of programme participants where this is disclosed. If a pattern emerges that suggests discrimination then action will be taken.</p>
<p><b>MARRIAGE AND CIVIL PARTNERSHIP</b>          (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)</p>	Considered as part of discussions with stakeholders	stakeholders	none



**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?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations among and between different age groups	Yes			The programme will see engagement and interaction between different age groups

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school

				community. The programme offers mentoring support and a range of assessment methods.
Promoting good relations among and between disabled and non-disabled people			Yes	The programme will see engagement and interaction between disabled and non-disabled groups

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership.
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations between men and women			Yes	The programme will see engagement and interaction between men and women

**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership. Deferrals are available on health grounds and other mitigating circumstances.
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for

				protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations			Yes	

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership.
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations			Yes	

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations			Yes	

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good race relations			Yes	

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination	Yes			Formalising a national opportunity means that employers must operate a clear and transparent pathway to leadership
Advancing equality of opportunity	Yes			The Learning outcomes from the programme have the potential to contribute to the delivery of positive equality impact, advancing equality and fostering good relations for protected characteristic groups across the school community. The programme offers mentoring support.
Promoting good relations			Yes	

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

<b>Marriage and Civil Partnership<sup>2</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			yes	

---

<sup>2</sup> 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?	Yes
Is the policy directly or indirectly discriminatory under the Equality Act 2010 <sup>3</sup> ?	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*

An issue throughout the development of this policy is who would bear the costs of the Into Headship programme. Options were the Government, employer or teacher or a combination of each. Following discussions the Government agreed to fully fund the cost of the fees for participants. This was a way to ensure that an individual's personal financial circumstances or the differing arrangements for supporting the fees by local authorities would not stand in the way of applying for the programme.

The EQIA has ensured that the impact of the requirement to be awarded the Standard for Headship will support and offer opportunities for teachers from all aspects of society to become headteachers. This in turn should help shape schools to have a focus on pupils from all backgrounds.

### *Monitoring and Review*

This policy links directly to the training, recruitment and appointment of headteachers. We are therefore, planning to closely evaluate how it is working and its effect on recruitment through the sharing of information with Education Scotland Scottish College of Educational Leadership Team, local authorities' representatives and the wider stakeholder bodies. This will be supported by the collection of data relating to the protected characteristics of those applying and completing the Into Headship programme.

---

<sup>3</sup> See EQIA – Setting the Scene for further information on the legislation.

The intention is to review the regulations in 10 years.

### 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.

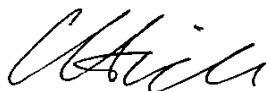
Yes  No

- ◆ 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 draft Head Teachers Education and Training Standards (Scotland) Regulations and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**



**Clare Hicks  
Deputy Director  
3 April 2019**



© Crown copyright 2019

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83960-032-6 (web only)

Published by The Scottish Government, August 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS613170 (08/19)

W W W . G O V . S C O T