

GSA SUMMARY REPORT OF EQUALITY CONSIDERATION AND ASSESSMENT OF EQUALITY IMPACT

Date of Assessment:	February 2021	
School or Executive Group Area:	Registrar and Secretary	
Department:	Corporate Governance Office	
Lead member of staff: e-mail:	Pauline Eadie, Corporate Governance Office	
Area of decision making/title of policy, procedure, programme or relevant practice:	Process for Appointment of the Chair of the Board of Governors	
Please indicate if this is:	New:	<input checked="" type="checkbox"/>
	Existing/Reviewed:	<input type="checkbox"/>

1. Summary of how equality, diversity and participation have been considered and due regard given to the Public Sector Equality Duty (PSED):

The Higher Education Governance (Scotland) Act 2016 requires that the governing body of a higher education institution includes a chair who must be appointed in accordance with a process prescribed by the Act. The Act allows governing bodies to develop further rules in relation to the appointment and the Process for Appointment of the Chair of the Board of Governors specifies those additional rules.

The Act and accompanying rules specify detailed requirements which must be followed upon appointing a Chair in order to ensure that the process is fair, equal and open.

The Process has been designed specifically to ensure that:

- GSA and the Board of Governors meet the requirement to conduct their business fairly, honestly and openly, in alignment with the Nine Principles of Public Life in Scotland¹ as set out in GSA’s Statement of Corporate Governance.
- the Process reflects current legislative arrangements.
- the Process reflects the obligation to comply with the Scottish Code of Good HE Governance (2017) which requires the Board of Governors to provide leadership in equality and diversity across all protected characteristics and to assume responsibility for the Institution’s strategy and policy on equality and diversity. In terms of the Code this should not only ensure compliance with all relevant legislative and regulatory requirements but also actively promote and facilitate equality and diversity goals across the whole Institution.

The Process ensures GSA’s alignment with relevant governance legislation and complies with the Public Sector Equality Duties. Both the PSED and the Scottish Specific Duties 2012 have been considered as an integral aspect of the review and development of the Process for Appointment of the Chair of the Board of Governors.

¹ Nine Principles of Public Life in Scotland: duty, selflessness, integrity, objectivity, accountability and stewardship, openness, honesty, leadership and respect.

2. Evidence used to make your assessment:

- **The Higher Education Governance (Scotland) Act 2016**

The Act introduced a new process for the appointment of Chairs of HEIs. The Act details a fair, equitable, transparent and open procedure which GSA requires to adhere to when seeking to appoint a new Chair. The supplementary Process adheres to and complements the requirements of the Act.

- **Scottish Code of Good HE Governance (2017)**

GSA is required in terms of the Code to consult with relevant stakeholders when formulating the rules and procedures for election of the Chair, again to aid transparency and fairness. This consultation has been undertaken with both GSASA and the Trade Union Forum at GSA.

In terms of the Code, the Board of Governors also has an obligation to monitor its own composition, establishing appropriate goals and policies regarding the balance and diversity of the members it appoints and regularly reviewing its performance against those goals and policies. Equality and diversity matters are considered each time a new member is appointed to the Board of Governors and the Board is complying with its responsibilities in this area. The Process for Appointment of the Chair has been drafted in a manner which will ensure that that this approach will continue when a new Chair is appointed in terms of the Act.

The Process will not require to be used until the position of Chair becomes vacant (late 2022) and, following on from the first round of recruitment, GSA will ensure that it is reviewed prior to any future round to determine whether any further improvements can be made to ensure continued compliance with the PSED.

3. Outline any positive or negative impacts you have identified:

The potential for any **positive, negative or neutral impact** in respect of the three duties of the Equality Act 2010 has been identified as follows:

- a. **Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act:**

- Appointment of the Chair in terms of the Higher Education Governance (Scotland) Act 2016 and the additional rules is made following a robust process which concludes with an election at which all members of staff, students and members of the Board of Governors are entitled to vote. Each individual has one vote notwithstanding that they may be eligible to vote in more than one capacity. All votes in the election carry equal weight. thereby ensuring an open and fair process.
- The Board of Governors must delegate to a committee the responsibility of devising the relevant criteria with respect to the position and has a statutory duty to ensure the efficiency and fairness of the process for filling the position.
- The membership of the committee must be approved by the Board of Governors and must include at least one staff and one student member to ensure representation from the staff and student body.
- Each time the recruitment process for the Chair is undertaken, the committee is required to produce a publically available report which gives an overview (without disclosing individuals' identities or confidential information) of certain information. In particular, the

report must disclose the number of applicants for the position of Chair. It must also, to the extent that consent to disclosure has been received from the applicant, disclose the protected characteristics listed in section 149(7) of the Equality Act 2010 in respect of: the overall number of applicants; the applicants invited to interview; and the applicants entitled to stand as candidates in an election for the position of Chair.

- The Board must ensure that any vacancy is advertised widely to ensure that it is brought to the attention of as broad and as diverse a range of people as possible to ensure equality of opportunity.
- The advert will, as required by the Act, make it clear that reimbursement is offered of expenses incurred in connection with attending an interview or campaigning in an election for the position and that remuneration and allowances are available in connection with the holding of the position to ensure people are fully informed before making a decision to apply.
- All candidates whose applications appear to the committee to meet the advertised criteria will be offered an interview to be undertaken by the committee, thereby ensuring equality of opportunity and the fairness of the process.
- If the applicant satisfies the committee at interview that they meet the relevant criteria, the applicant will be entitled to stand as a candidate in an election for the position.

The new detailed process introduced by the Act, together with the supplementary rules approved by the Board of Governors, is likely to have a **positive impact** on the general duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010. Each step of the process is governed by detailed rules which ensure equality and fairness.

b. Advance Equality of Opportunity between people who share a protected characteristic and people who do not share it:

- The purpose of the Process for the Appointment of the Chair is to supplement the provisions of the 2016 Act and to ensure that the appointment process is fair, equitable, transparent and open.

The Process is likely to have a neutral impact on the need to advance equality of opportunity between people who share a protected characteristic and people who do not share it. The Process for appointment of the Chair applies to all persons equally.

c. Foster Good Relations between people who share a protected characteristic and people who do not share it.

The Process is likely to have a neutral impact on the need to foster good relations between people who share a protected characteristic and people who do not share it. The Process for appointment of the Chair applies to all persons equally.

With due regard to the three needs of the PSED as noted above, no actual or potential **negative impact** on people from any protected characteristic group has been identified in relation to the application of the Process for Appointment of the Chair of the Board of Governors or its implementation.

4. Actions you have taken or planned as a result of your findings: (Please complete the action plan in this section)			
Action	Equality Impact	Person responsible	Time frame
The Process for Appointment will only be utilised when the position of Chair at GSA becomes vacant. At that stage, following the conclusion of the recruitment process, the Committee will produce a report providing an overview of certain information in accordance with the Act and additional rules as detailed above.	This will provide a mechanism to assist with the monitoring of compliance with the PSED.	Registrar and Secretary.	Within three months of the appointment of a new Chair.
The Process will be reviewed and approved by the Board of Governors in advance of each recruitment round.	This will ensure that the Process continues to comply with the PSED.	Registrar and Secretary	In advance of each recruitment round.

5. Where/when will progress and the outcomes of your actions be reported and reviewed:

The Committee will produce a report, via the Registrar and Secretary, providing an overview of the information prescribed by the Act within three months of the appointment of a new Chair. The report shall be published on GSA’s website to ensure transparency.

The Process will be reviewed and approved by the Board of Governors in advance of each recruitment round to ensure that it continues to comply with the PSED.

6. How will your actions and intended outcomes contribute to the delivery of GSA’s equality outcomes:

The Process for the Appointment of the Chair will ensure that GSA and its Board of Governors maintain the highest standards and conduct the recruitment process for the appointment of any future Chair of the Board in accordance with relevant legislative arrangements and best practice in higher education governance.

The continued review of the Process for Appointment in advance of each round of recruitment will assist GSA to ensure that it is contributing to compliance with the PSED and the Scottish Specific Duties and GSA’s Equality Outcomes.

The outcome of your assessment:

- No action (no potential for negative or positive impact)
- Action to remove barriers/mitigate negative impact
- Action to promote positive impact

Sign-off, authorisation and publishing**Review Lead**

Name	Ms Pauline Eadie
Position	Senior Policy Officer
Signature	Pauline Eadie
Date	February 2021

Executive Lead

Name	Dr Craig Williamson
Position	Registrar and Secretary
Signature	Craig Williamson
Date	March 2021

Equality Lead (Head of Student Support and Development)

Name	Ms Julie Grant
Position	Head of Student Support and Development
Signature	Julie Grant
Date	March 2021