

GSA SUMMARY REPORT OF EQUALITY CONSIDERATION AND ASSESSMENT OF EQUALITY IMPACT

Date of Assessment:	July 2021	
School or Executive Group Area:	Registrar and Secretary	
Department:	Corporate Governance Office	
Lead member of staff: Email:	Edna Docherty, Senior Policy Officer H.Docherty@gsa.ac.uk	
Area of decision making/title of policy, procedure, programme or relevant practice:	Board Effectiveness Review and Governance Framework Development Policy which incorporates the: <ul style="list-style-type: none"> • Process for the Annual Review of Chair’s Effectiveness • Process for the Annual Review of Governors’ Contribution to the Board • Process for the Board Effectiveness Survey 	
Please indicate if this is:	New:	<input type="checkbox"/>
	Existing/Reviewed:	<input checked="" type="checkbox"/>
1. Summary of how equality, diversity and participation have been considered and due regard given to the Public Sector Equality Duty (PSED):		
<p>The Scottish Code of Good HE Governance (2017) contains detailed provisions requiring an annual review of the Governors’ contribution to the Board, as follows:</p> <p><i>The governing body is expected to review its own effectiveness each year and to undertake an externally facilitated evaluation of its own effectiveness and that of its committees, including size and composition of membership, at least every five years...¹ (DP49)</i></p> <p>To ensure full compliance with the Code and GSA’s Statement of Corporate Governance, GSA undertakes a review of its own effectiveness each year. As part of this process, consideration is given to the PSED and Scottish Specific Duties to ensure that the governing body is collectively providing leadership in equality and diversity across all protected characteristics. This includes consideration of the impact of decisions on equality, diversity and inclusion.</p> <p>The <i>Board Effectiveness Review and Governance Framework Development Policy</i> sets out the three elements of GSA’s governance effectiveness review process which are as follows:</p> <p>1. Review of the Chair’s Effectiveness (led by an Intermediary):</p> <p>The Chair of the Board of Governors is responsible for the leadership of the governing body, and is ultimately responsible for its effectiveness. The Chair, along with other members of the Board of Governors must act in accordance with the Nine Principles of Public Life in Scotland², which should be the foundation for the governing body’s behaviour and its decision-making processes.</p>		

¹ <http://www.scottishuniversitygovernance.ac.uk/wp-content/uploads/2016/08/Scot-Code-Good-HE-Governance-A4.pdf>

²Duty, Selflessness, Integrity, Objectivity, Accountability and Stewardship, Openness, Honesty, Leadership, Respect.

The process for the annual Review of the Chair's Effectiveness grants all Governors the opportunity to provide feedback privately to the Board Intermediary should they wish to do so. Thereafter, normally a review discussion is led by the Board Intermediary with the full Board, without the Chair in attendance. In conjunction with this process, the Board Intermediary conducts a review with the Chair, which includes consideration of the Chair's view of: the effectiveness of the Board as a whole (and the effectiveness of any committees the Chair sits on); their contribution to the work of the Board and performance of the role of Chair during the year; and the identification of any training priorities or continuing professional development needs including consideration of the need for additional training in matters of equality and diversity.

2. Review of the Governor Contributions to the Board (led by the Chair):

GSA's Board of Governors is responsible for ensuring the effective management of the Institution and for planning its future development and must therefore observe the highest standards of corporate governance. This includes ensuring and demonstrating integrity and objectivity in the transaction of their business, and following, where possible, a policy of openness and transparency in the dissemination of their decisions. It has ultimate responsibility for the affairs of the institution. The process for the Governor Contributions Exercise focuses primarily on the individual's contribution to the Board and any Board Committees on which they sit and on identifying any training or personal development requirements.

3. Board Effectiveness Survey:

As an enhancement to GSA's governance effectiveness review process, Board Effectiveness Surveys are conducted on an annual basis using questions benchmarked against the sector. The survey is comprised of two sections: one related exclusively to the effectiveness of the Board of Governors, and another related to membership of the respective Board Committees. The purpose of the questionnaire is to pinpoint any specific areas that need to be addressed, or could be enhanced in terms of Board effectiveness.

2. Evidence used to make your assessment:

- **Scottish Code of Good HE Governance (2017), specifically Principle 5, detailed provision 41 and Principle 6, detailed provision 58, i.e.:**
 - The governing body must review its effectiveness regularly and is expected to report publicly on the results of effectiveness reviews and associated actions.
 - Members' individual contributions are expected to be reviewed regularly, at a minimum every two years, through a standardised process with the active involvement of the member concerned. Opportunities for relevant personal development should be identified. The timing of this review process should be carefully considered for student members in particular, in order to maximise its usefulness during their limited terms of office. These reviews need not all be carried out by the Chair, though the Chair retains ultimate responsibility for the effectiveness of the governing body.
 - The governing body is expected to appoint one of its lay members to serve as an intermediary for other members who might wish to raise concerns about the conduct of the governing body or the Chair. Led by this lay member, the members of the governing

body are expected to appraise the Chair's performance at least annually, without the Chair present. Prior to this, all governing body members should be offered the opportunity to provide relevant feedback individually and in private. Like other members, the Chair should be assisted to identify professional development needs in relation to governance responsibilities and seek opportunities to address them.

• **Statement of Corporate Governance 2020/21, specifically section 2.13, i.e.:**

- To establish processes to monitor and evaluate the performance and effectiveness of the Board of Governors.

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

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

3.1 Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act:

- The aim of the GSA's *Board Effectiveness Review and Governance Framework Development Policy*, comprised of three elements as outlined in 1. above, is to ensure that the culture of the Board reflects the values and culture of the institution as a whole.
- The purpose of the annual Review of the Chair's Effectiveness, led by the Board Intermediary, is to provide an informal route for Governors to raise any concerns they may have about the conduct of the governing body or the Chair if they so wish, privately and individually, thus supporting a culture of duty, openness, accountability and honesty.
- The purpose of the annual Review of the Governors' Contribution to the Board, led by the Chair, is to review members' individual contributions through a standardised process with the active involvement of the member concerned and to identify opportunities for relevant personal development, including consideration of the need for additional training in matters of equality and diversity.
- The annual Board Effectiveness Survey, led by the Registrar and Secretary, enhances GSA's governance effectiveness review process in that it provides an opportunity for all Governors (including the Chair) to reflect further on the Board's effectiveness and the effectiveness of its Board Committees and to pinpoint any specific issues that need to be addressed.

All three elements of GSA's governance effectiveness review process as outlined above and set out in the *Board Effectiveness Review and Governance Framework Development Policy* are likely to have a **positive impact** on the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

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

- The process relating to the annual Review of the Governor Contributions to the Board facilitates identification of any training priorities or continuing professional development needs including consideration of the need for additional training in matters of equality and diversity.

- The process relating to the annual Review of the Chair’s Effectiveness ensures that, like other members, the Chair is assisted to identify any training priorities or continuing professional development needs including consideration of the need for additional training in matters of equality and diversity.
- The purpose of the Board Effectiveness Survey is to provide an opportunity for all Governors (including the Chair) to reflect on their contribution to the Board and any Committees on which they sit and to pinpoint any specific areas that need to be addressed, or could be enhanced in terms of Board effectiveness.

All three elements of GSA’s *Board Effectiveness Review and Governance Framework Development Policy* as outlined above are 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 applies to all persons equally.

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

- All three elements of GSA’s *Board Effectiveness Review and Governance Framework Development Policy* facilitate consideration of any other relevant or material governance matters which may have arisen during the preceding year. For example, during the recent review (January 2021), the Board Intermediary noted that several Governors had expressed the view that they had found it easier to contribute via the Zoom meetings rather than the more conventional face to face occasions. All Board Committee meetings will continue to be held via zoom in 2021/22 with the option for face to face meetings, at the Convenor’s discretion, should COVID-19 restrictions permit.

All three elements of GSA’s *Board Effectiveness Review and Governance Framework Development Policy* as outlined above are 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 processes apply to all persons equally.

With due regard to the PSED, **no actual or potential negative impact** on people from any protected characteristic group has been identified in relation to the application or implementation of the *Board Effectiveness Review and Governance Framework Development Policy*.

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	Timeframe
Monitoring and Reporting			
The Board Effectiveness Review and Governance Framework Development Policy (incorporating the Process for the Review of Chair’s Effectiveness; Process for the Review of Governor Contributions; and Process for the Board Effectiveness Survey) will be reviewed in line with the CGO Policy Review Schedule.	Inform delivery of the three needs of the PSED through identification of issues or themes arising and their relevance to the PSED and other relevant legislation.	Registrar and Secretary	Every three years.

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

An overarching report, which provides a detailed overview of the outcomes from each of the elements of the *Board Effectiveness Review and Governance Framework Development Policy*, including any areas for development and enhancement, will be submitted by the Registrar and Secretary to the March meeting of the Board of Governors, via the Audit and Risk Committee.

In the case of all three elements of GSA's *Board Effectiveness Review and Governance Framework Development Policy*, where a review identifies appropriate revisions and improvements in practice and procedures, these will be documented, actioned, and reported on.

In terms of the Review of the Chair's Effectiveness, where a review identifies professional development needs in relation to governance responsibilities, the Intermediary will work with the Chair of the Board to develop a plan to address those needs. In terms of the Review of the Governor Contributions to the Board, the Chair, with appropriate input from the Vice-Chairs, will review and identify any points to be followed up with individual Governors and refer any training requirements they may have to the Registrar and Secretary; the Chair will also review and identify any points for wider consideration by either the Nominations Committee or the Board, or to be factored in to the wider review of Board effectiveness.

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

The *Board Effectiveness Review and Governance Framework Development Policy* as outlined above will assist GSA to ensure that it is contributing to GSA's Equality Outcomes 2021-25, specifically:

Equality Outcome 1: Actively foster and support an organisational culture in which dignity and respect for self and others is understood and practiced, where confidence is encouraged and promoted, and where ignorance, prejudice and bias is challenged.

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

Signed	Edna Docherty
Position	Senior Policy Officer
Date	July 2021

Executive Lead

Signed	Craig Williamson
Position	Registrar and Secretary
Date	6 August 2021

Equality Lead (Head of Student Support and Development)

Signed	Julie Grant
Position	Head of Student Support and Development
Date	29/07/2021