Introduction

LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender young people in Scotland. Our mission is to ‘empower lesbian, gay, bisexual and transgender young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community’. Our response focuses on Part 1 of the Bill.

Scope of the Bill

Q2. The duty in the Bill is to ‘have due regard to the desirability’ of ‘reducing inequalities of outcome’. Is this meaningful enough to have the desired policy effect?

We do not feel that having ‘regard to the desirability’ of ‘reducing inequalities of outcome’ is sufficient in that it does not demand change takes place. We ask that a more proactive duty is placed on education authorities and Scottish Ministers by changing the wording to ‘recognise and take steps to eliminate barriers to’ ‘reducing inequalities of outcome’.

Q8. Do you have any views on the consultation and reporting requirements set out in this part of the Bill?

The wording within the Bill around ‘any’ educational benefits to pupils may not be interpreted as necessarily covering all inequalities or protected characteristics should the Bill be expanded to include them. It would be clearer to make it explicit that each inequality must be discussed within each report and resulting plan. Requiring that each protected characteristic appears separately would avoid conflation or a situation in which progress in one area obscures a lack of progress in another.
Providing space for each protected characteristic to be regularly considered ensures that focus is not paid solely to the forms of inequality that are easier to discuss or addressed.

Recent research on prejudice based bullying in Scottish education showed that in education authorities where policies explicitly mentioned all protected characteristics and the ways in which prejudice based bullying would manifest for each, the identity and specific form of discrimination were more likely to be discussed at a school level, by staff, and by pupils.

Q9. The Bill focuses on reducing inequalities of outcome resulting from pupils’ socio-economic disadvantage. Should all examples of inequality of outcome be addressed?

All examples of inequality of outcome should be addressed, from the protected characteristics within the Equality Act 2010 to socio-economic status and looked after and accommodated children and young people.

Impact Assessment

The EQIA noted that there is currently a data gap on the experiences of LGBT children and young people. This is a common statement put forth by public bodies in their EQIAs under existing monitoring and reporting requirements. Stating that there is a data gap can serve as a baseline, yet it often becomes an excuse for not reporting on further progress in relation to sexual orientation or gender identity. In reviews of public body action plans, these statements appear from one plan to the other without addressing the dearth of information. Although a lack of data may be the case across most education authorities, there is evidence available that experiencing discrimination and social exclusion negatively impacts on a pupil’s

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mental and physical health, attendance, attainment and overall achievement\(^2\), and this should be used to inform plans while monitoring information is gathered.

The EQIA notes under paragraph 3, that data is not collected on children and young people’s sexual orientations or gender identities as it is not considered appropriate. We disagree. It is important to understand that where monitoring information is collected, good practice is that monitoring should include all protected characteristics and be undertaken confidentially. As long as monitoring forms state that they will keep the information confidential and be used to inform policy improvements, then children and young people should be free to opt-in to share this information. Although an individual’s response may change over time, similar to disability and religion, children and young people will know how they identify and should be afforded the respect and opportunity to have their say.

If the education authority decides that they are not going to gather this information from children and young people, then they—as well as the Scottish Government—must utilise the information published from the third sector working with these individuals. This will inform the EQIA of the areas of concern and indicate the areas in which further information should be gathered.

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