

Scottish Government submission of 17 May 2023

PE2022/A: Introduce national safeguarding guidance on how higher education institutions should handle cases of sexual misconduct

The Scottish Government remains absolutely committed to eliminating violence against women and girls in all its forms. Scotland's colleges and universities should be places where students can live, study and research, safe from gender-based violence.

Scottish universities are autonomous institutions and as such are responsible for their own admissions, enrolment and safeguarding policies.

We recognise, however, the concerns raised by the Petitioner, Ellie Wilson, and we are working in partnership with the higher education sector and gender-based violence experts in order to facilitate the adoption of a consistent approach to data collection and safeguarding that will help protect our students.

On 29 November 2022, the former Higher and Further Education Minister, Jamie Hepburn MSP, met with Ellie Wilson, Pam Gosal MSP and university sector representatives to hear the Petitioner's concerns and discuss means by which they can be addressed. Mr Hepburn met with UCAS on 1 March 2023 and welcomed their commitment to routinely review their guidance for institutions in the collection of criminal convictions data. The newly appointed Minister for Higher Education and Further Education, Graeme Dey MSP, has agreed to meet with Miss Wilson to further consider her perspective.

A Working Group, established by the Equally Safe in Colleges and Universities Core Leadership Group, is now undertaking a review of the collection and use of student data in relation to relevant unspent criminal convictions and extant criminal charges; and members of that Group are investigating how that data may be used to improve student safety for their sectors.

The Group will also consider the collection of student data which relates to incidences of gender-based violence identified by institutions themselves, and the possibility of sharing that data across institutions.

The Working Group includes representatives from Universities Scotland, College Development Network, Colleges Scotland, SFC, Police Scotland, Rape Crisis Scotland, NUS Scotland and Emily Test. UCAS and the Information Commissioner's Office have indicated that they would be happy to contribute to this work as it develops.

It is imperative that all institutions take actions to reduce the risk of Gender-Based Violence happening. That is why we have supported the EmilyTest charity to develop their ground-breaking GBV Charter and the accompanying LISTEN Risk Assessment Tool. The Charter provides a framework to help institutions start or improve their work in tackling Gender-Based Violence and we continue to encourage all institutions to engage with Emily Test.