

# Emily Test submission of 12 December 2023

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

I am writing on behalf of EmilyTest to highlight our unwavering commitment to campus safety and our response to PE2022, calling for the introduction of national safeguarding guidance in higher education institutions.

### **EmilyTest's Advocacy Efforts in 2018:**

Since 2016, following the tragic loss of Emily Drouet, an undergraduate law student aged only 18 years old, who took her own life after being subjected to a sustained campaign of abuse while living in halls of residence, EmilyTest has been committed to ensuring all students can live, work and study free from the harms and threats of Gender Based Violence (GBV). Since then, we have fully committed ourselves to ensuring the safety of all students in relation to GBV prevention, intervention, and support. We work alongside key stakeholders to address critical issues in higher and further education institutions.

In response to UCAS removing the declaration of criminal convictions from application forms, EmilyTest took decisive action to balance campus safety with equal access to tertiary education for ex-offenders. Lobbying for change at a national level, we engaged with Universities Scotland, the Scottish Government Advanced Learning and Science directorate, the Justice directorate, and other key stakeholders. Our concerns were echoed in our letter that was endorsed by Scottish Women's Aid and Rape Crisis Scotland.

Acknowledging the importance of complying with GDPR guidelines while collecting vital data to keep the university and college community safe, we urged the sector to ensure student safety remained paramount and that due consideration be given to the nature of the convictions. Despite significant efforts by and assurances from Universities Scotland, inconsistencies in data collection practices remain across Scotland. Whilst some institutions collect this information, others do not.

### **The Gender-Based Violence Charter:**

In recognition of the fragility of the situation, EmilyTest pioneered the world's first Gender-Based Violence Charter for universities and colleges. This evidence-led charter, based on five principles and comprising 42 minimum standards, sets an evidence-based framework for GBV prevention, intervention, and support. We believe it could have prevented tragedies like that of Emily Drouet in 2016. One of the minimum standards that needs to be met to achieve the charter award is the requirement for institutions to evidence the collection of criminal convictions and pending charges. Given the absence of regulation in the sector, we wholeheartedly believe the EmilyTest GBV Charter is the most effective way of both ensuring much-needed safe practices and consistent data gathering.

### **PE2022: Urging National Safeguarding Guidance:**

We wholeheartedly support PE2022, urging the Scottish Government to introduce national safeguarding guidance for sexual misconduct cases in higher education. Ellie's personal experience, and that of many other students, underscores the urgent need for such safeguarding measures, and we are disappointed the commitment we gained in 2018 in relation to criminal convictions has not been met.

### **Guidance Considerations:**

We emphasise the importance of comprehensive national guidance in relation to the collection of criminal convictions and pending charges. This should include guidance on appropriate safe measures, such as offering distance learning to individuals awaiting trial and appropriate disciplinary actions if a breach of the student code of conduct has occurred and a guide on safe and responsible risk assessment processes that take the safety of all parties into account. It is, of course, also imperative that institutions consider if they could deliver on their offer to study if the convictions/charges could potentially impact the chosen degree course, for example.

In conclusion, we very much commend Universities Scotland's commitment to comprehensively reviewing these practices. We do urge due caution, however, as there is no regulation of the sector in this regard; therefore, the Gender-Based Violence (GBV) Charter remains crucial for ensuring the adoption and implementation of Universities Scotland guidelines.

We appreciate your attention to these critical matters and are open to further discussions/questions if helpful.