

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

Minister for Higher and Further Education written submission, 7 August 2024

I am writing in regards to the following petition which was submitted to the Scottish Parliament last year:

[PE2022: Introduce national safeguarding guidance on how higher education institutions should handle cases of sexual misconduct](#)

I met with the petitioner in the Parliament earlier this year to discuss this matter in detail and thank them for their efforts campaigning on this issue.

I understand that the petition has now been closed by the Committee and that members are satisfied that work is underway to address the issues raised therein.

It may be helpful to set out some of the steps taken by the Scottish Government and the higher and further education sectors in this regard.

In February 2023, the Scottish Government established a Short-life Working Group on Data Sharing in Relation to Student Sexual Misconduct to undertake a review of the collection and use of student data in relation to relevant unspent criminal convictions and extant criminal charges.

Following this initial work, in late 2023, Universities Scotland confirmed that they are developing guidance to support institutions to collect and process data relating to relevant unspent criminal convictions and relevant criminal charges, taking a risk-assessment approach to student safety. I am informed that this guidance will help to ensure consistency in safeguarding approaches across the higher education sector.

The Scottish Government also supported Colleges Scotland to conduct an information-gathering exercise in order to develop a better understanding of the nature of safeguarding practices across further education institutions. Colleges Scotland are now considering next steps along with their constituent institutions.

The Scottish Government recognises that colleges and universities are autonomous bodies with responsibility for their own internal processes and procedures, including safeguarding guidance. However, I am satisfied that the higher and further education sectors, and their representative bodies, are each working towards implementing a consistent approach to dealing with situations where a student convicted of, or awaiting trial for, a serious sexual offence, is enrolled at their institution.

In the interests of student safety, it is imperative that this work continues to progress, and the Scottish Government remains committed to working closely with the higher and further education sectors to ensure that this happens.

I hope you find this update helpful.

GRAEME DEY MSP