

Citizen Participation and Public Petitions Committee

11th Meeting, 2023 (Session 6), Wednesday
28 June 2023

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

Petitioner	Ellie Wilson
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to introduce national safeguarding guidance for dealing with cases of sexual misconduct in higher education institutions, which includes clearly defined measures to ensure campus safety where a convicted sex offender, or someone awaiting trial for a serious sexual offence, is enrolled at an institution.
Webpage	https://petitions.parliament.scot/petitions/PE2022

Introduction

1. This is a new petition that was lodged on 13 April 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 252 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

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

Petitioner

Ellie Wilson

Date lodged

13 April 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce national safeguarding guidance for dealing with cases of sexual misconduct in higher education institutions, which includes clearly defined measures to ensure campus safety where a convicted sex offender, or someone awaiting trial for a serious sexual offence, is enrolled at an institution.

Previous action

I have raised the issue with Pam Gosal MSP, who raised the issue during [First Minister's Questions](#).

I have also met with the then Higher Education Minister, Jamie Hepburn, and representatives from Universities Scotland to raise the issue of sexual violence on university campuses and lack of safeguarding measures and guidance.

Background information

I was raped while studying at university and my attacker was charged and found guilty at the High Court.

The attacker was suspended from the university when charged, but while awaiting trial started studying at another university, despite this institution being informed of the charges. This enabled my attacker to have a normal student experience before being sent to prison.

This case brought into sharp focus the lack of safeguarding measures in place at Scottish universities for dealing with cases of sexual misconduct like this.

Women at university are more likely to experience sexual violence than the general population, yet there is no national guidance to ensure students and staff are kept safe when sexual misconduct claims arise. Allowing persons convicted of, or charged with, rape on to campuses with no measures in place to ensure safety is irresponsible and gambles with lives.

Guidance should consider:

- offering online-only classes to individuals awaiting trial;
- appropriate disciplinary action if sexual misconduct is proven.

Annexe B

The logo for SPICe (The Information Centre) is displayed within a purple and blue gradient rounded rectangle. The text 'SPICe' is in white, with 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white text on a dark blue background to its right.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2022](#): Introduce national safeguarding guidance on how higher education institutions should handle cases of sexual misconduct, lodged by Ellie Wilson

Background

The petition calls:

- on the Scottish Parliament to urge the Scottish Government to introduce national safeguarding guidance for dealing with cases of sexual misconduct in higher education institutions
- for this to include clearly defined measures to ensure campus safety where a convicted sex offender, or someone awaiting trial for a serious sexual offence, is enrolled at an institution.

The petition states national safeguarding guidance should include offering online-only classes to individuals awaiting trial, with appropriate disciplinary action to follow if sexual misconduct is proven.

This petition arises from the petitioner's own experiences of being raped while studying at university. While awaiting trial, the individual accused was suspended from their university. However, they were able to begin studying at another university despite this institution also being informed of the charges. The individual was later found guilty in a trial at the High Court.

The petitioner met with the then Minister for Higher Education and Further Education, Youth Employment and Training, Jamie Hepburn MSP, and representatives from the higher education sector. She [has also spoken out in the press](#) about the case, calling for national

guidance to ensure students and staff are kept safe when sexual misconduct claims arise.

Equally Safe in higher education strategy

Equally Safe is the Scottish Government's strategy for preventing violence against women and girls, often referred to as Gender Based Violence (GBV). It was produced in partnership with the Convention of Scottish Local Authorities (COSLA), Police Scotland, Health Scotland and specialist groups including Scottish Women's Aid and Rape Crisis Scotland.

The Scottish Government's Equally Safe in Colleges and Universities Core Leadership Group takes forward this work with colleges and universities. The group's strategic aims are detailed in its [2022/23 and 2023/24 operating plan](#). The aims of most relevance to this petition are summarised below:

- [Increasing staff and student awareness of GBV and how to prevent it](#): Supporting institutions to provide training for staff and students on GBV and sexual harassment referral/support routes.
- [Providing support for leaders](#): Advising on the completion of guidelines on student misconduct for universities; support sector leaders to put in place GBV measures.
- [Identifying and sharing good practice on preventing GBV](#).
- [Enhancing disclosure and data sharing](#): Supporting the development of whistleblowing systems data sharing between organisations including Police Scotland.
- [Ensuring effective referral pathways and support for survivors](#): Facilitating service co-ordination between institutions, NHS and Police Scotland.

Data collection

Universities Scotland has advised SPICe that they have been in contact with the petitioner on this matter since late 2022 and acknowledge her call for greater consistency and transparency around sharing information.

A sector-wide approach on keeping students safe in cases where applicants or existing students may have unspent criminal convictions

and/or be awaiting trial for sexual offences is being looked at. Such an approach requires the establishment of a lawful basis for the collection and use of sensitive personal student data, by institutions, where there is a demonstrable specific and proportionate need. Universities currently make their own assessment of if, when and how they collect this data, informed by a data privacy impact assessment, as consistent with data protection legislation.

UCAS currently collects this data from students at the point of application to degree courses where protection of vulnerable groups is a factor. This data is collected on a self-declaration basis and has not been collected from students applying for other courses since 2018.

Universities Scotland stated:

“Scotland’s universities start from the position of wanting to establish a legitimate basis for the consistent collection of this data where students have unspent convictions for crimes that could pose a threat to other students. This work is being taken forward in consultation with key partners such as the Scottish Government and UCAS, with regular updates provided to a wider set of stakeholders. In doing so we need to balance a range of statutory and moral responsibilities to student safety and wellbeing, data protection legislation, a belief in access and participation and respect for fundamental principles of the justice system. We hope to be able to publish a common baseline of practice for the higher education sector by the early summer and fully intend to re-engage with Ms Wilson in advance of doing so.”

Gender Based Violence Charter

The [Gender Based Violence \(GBV\) Charter](#) was launched by the EmilyTest charity in 2021. EmilyTest was set up following the death of student Emily Drouet in 2016, following a campaign of GBV from a fellow student.

Colleges and universities can sign up to the GBV Charter to receive staff support, resources, feedback and opportunities to share practice. Institutions must meet minimum standards to prevent GBV set out by the Charter. Institutions then ‘Take the Test’ by presenting evidence of their work to a panel of experts.

There are 16 universities and colleges across Scotland currently enrolled in the Charter.

Lynne Currie
Senior Researcher (Further and Higher Education)
May 2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

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.