

## SQA EQUALITY IMPACT ASSESSMENT

Please read the [Equality and Human Rights Commission Guidance on assessing impact.](#)

### 1. Name of policy/procedure/proposal/project/decision\*

\*Referred to as 'policy' hereafter.

<b>POLICY NAME</b>	Disciplinary Policy and Procedure
<b>COMPLETED BY</b>	Equality Impact Assessment Working Group
<b>HEAD OF SERVICE</b>	Head of Human Resources
<b>DATE</b>	1 June 2021
<b>NEXT SCHEDULED REVIEW DATE</b>	TBC in line with policy schedule

### 2. What is main purpose of the policy?

This policy sets out the expected behaviours of SQA employees in line with SQA's code of conduct and organisational values of trusted, progressive and enabling.

This policy also outlines types of behaviour which may be viewed as misconduct or gross misconduct and sets out the procedure and consequences should these standards not be maintained.

### 3. What information, and evidence, is being used to evaluate the impact of this policy on people who share protected characteristics?

In order to evaluate the impact of this policy on employees who have shared protected characteristics we have sought feedback from colleagues in Human Resources and Equality & Diversity, as well as representatives from our two recognised unions, Unite and Unison, who can feedback on behalf of their representatives' and members' experiences. We have also included representatives from SQA's employee networks – ACE (Appreciate Culture & Ethnicity), Disability, Rainbow, Women's, who are able to provide valuable feedback from a significant part of the organisation.

We have also considered reasonable adjustments for those with protected characteristics during disciplinary proceedings.

Once available, we will also review and consider any data trends relating to disciplinary on those with protected characteristics.

## PUBLIC SECTOR EQUALITY DUTY

SQA is required to have ‘due regard’ to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

This section provides the opportunity to capture how the policy will contribute towards the three aims of the general equality duty, and to consider if there is anything more we need to do to meet our responsibilities.

**4. How might this policy impact on people who share protected characteristics? Please consider positive or negative impacts. (At the beginning of the process, you may want to record perceived impact — ongoing monitoring of the policy will allow you to measure the actual impact of the policy). Please copy this symbol into the applicable boxes: ✓**

Protected Characteristic	Neutral impact	Positive impact	Negative impact	Please provide more information
Age		✓		Positive considerations for reasonable adjustments.  Consideration into conditions impacting an individual’s behaviour (e.g. menopause)
Disability	✓			Positive considerations for reasonable adjustments relating to disability. i.e. the presence of a family member at formal hearings in exceptional circumstances.  Consideration into conditions impacting an individual’s behaviour/use of language which in the policy are deemed as misconduct (eg Tourette’s).  Extended notification for hearings may be required for those, for example, with visual or hearing impairments in order to prepare any evidence or find support (ie interpreters).
Marriage/civil partnership		✓		Positive considerations for reasonable adjustments.
Race	✓			Positive considerations for reasonable adjustments.  Consideration to be given to language barriers eg, if English is not their first language a

				<p>translator might be required during the hearing.</p> <p>Reasonable adjustments to be considered for colleagues who need to present their case during hearings for example extra time to gather the evidence or additional support during the process.</p>
Religion/belief/non-belief		✓		<p>Positive considerations for reasonable adjustments.</p> <p>During the process colleagues should be mindful of religions occasions/festivals.</p>
Sexual orientation		✓		<p>Positive considerations for reasonable adjustments.</p> <p>Managers should consider appropriate language and pronouns of colleagues before meetings begin.</p>
Gender re-assignment (gender identity and transgender)		✓		<p>Positive considerations for reasonable adjustments.</p> <p>Managers should consider appropriate pronouns of colleagues before meetings begin.</p>
Pregnancy/maternity		✓		<p>Positive considerations for reasonable adjustments. However, managers and all involved in the process should be mindful of any pregnancy related illness and how that might impact the individual attending meetings.</p>
Sex		✓		<p>Positive considerations for reasonable adjustments.</p>
Care experience (where relevant)		✓		<p>Positive considerations for reasonable adjustments.</p>

**5. What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified above?**

Ensure that both investigation managers and hearing managers receive appropriate training and support throughout all disciplinary proceedings. Consider having an occupational health referral at the start of every disciplinary case to provide any reasonable adjustments or support. This should remain optional for the employee.

**6. If you are proceeding with a decision that may have a negative impact despite the mitigatory arrangements identified in Step 5, are you satisfied that this is objectively justified, ie a proportionate means of achieving a legitimate aim? Please provide explanatory details.**

N/A

**7. Could this policy be revised or changed to better meet the general equality duty?**

To ensure we cover all protected characteristics section 5.2 reasonable adjustments — should be for all protected characteristics, therefore removal of the example of disability would make it more inclusive.

Consider having an occupational health referral at the start of every disciplinary case to provide any reasonable adjustments or support. This should remain optional for the employee.

Section 1.2.5 disciplinary sanctions include a possible outcome as 'reduction in pay'. This point may need rewritten or removed as a reduction in pay could result in equal pay claims.

Ensure this policy is easily accessible and available in different formats (ie braille, other languages).

**8. Has there been consultation/is consultation planned with people who will be affected by this policy/procedure/project/decision? Please detail below how this has affected your decision making.**

Consultation with union representatives, employee networks and members of SQA Equality & Diversity team has been completed which represents a significant part of the workforce within SQA.

**9. How will this policy be monitored and evaluated?**

The policy owner will be responsible for reviewing and monitoring this policy on a regular basis to ensure that it is fit for purpose and in line with relevant legislation. All stakeholders involved in the procedure also have a responsibility for ensuring consistency, fairness, and equity throughout the disciplinary procedure.

## ACTION PLAN

<b>Action:</b>	<b>Owners:</b>
Consider including an occupational health referral in all cases prior to any disciplinary proceedings.	Policy Review Group
Ensure all investigating managers and hearing managers have the appropriate training and support throughout all disciplinary proceedings.	Human Resources
Commit to a timescale for the Disciplinary Policy to be reviewed.	Policy Review Group
Continue to monitor any data trends which may be related to the protected characteristics listed under The Equality Act 2010.	HR Shared Service/HR Analytics & Systems
Reasonable adjustments section of the policy to be reviewed to make it more inclusive.	Policy Review Group

Signed: Julia Welsh and Zoey Marshall (EIA Working Group Leads)

Date: 4 June 2021