

# SQA Equality Impact Assessment

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

## Your policy

### 1 What is the name of your policy, procedure, proposal, project, or decision\*?

\*Referred to as 'policy' hereafter.

<b>Policy name</b>	Flexible Working Policy
<b>Completed by</b>	Equality Impact Assessment Working Group
<b>Head of service</b>	Head of Human Resources
<b>Date</b>	18 December 2021
<b>Signature</b>	
<b>Next scheduled review date</b>	2 years from policy publish date

### 2 Main purpose of policy

What is the main purpose of the policy?

This policy and procedure have been designed to aid in understanding flexible working. This policy (and accompanying procedure) outlines the process we will follow when you make a request to work flexibly, however it does not provide an automatic right for you to work flexibly.

We aim to facilitate discussion and encourage you and your line manager to consider flexible working patterns that are mutually beneficial

### 3 Information and evidence used to evaluate impact

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 – Disability, and Women's, who are able to provide valuable feedback from a significant part of the organisation.

## 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.)

Protected characteristic	Impact (positive/negative/neutral)	Please provide more information
Age	Neutral	Consider adding the Retirement Policy in associated policies to link to flexible retirement.
Disability	Positive	Positive that Occupational Health can provide advice.  Managers to be mindful of the long timescales and shorten if possible.
Marriage or civil partnership	Neutral	This policy applies equally.
Race	Neutral	This policy applies equally.
Religion, belief or non-belief	Neutral	This policy applies equally.
Sexual orientation	Neutral	This policy applies equally.
Gender re-assignment (gender identity and transgender)	Neutral	This policy applies equally.
Pregnancy/maternity	Neutral	This policy applies equally.
Sex	Neutral	This policy applies equally.
Care experience (where relevant)	Neutral	This policy applies equally.

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

Consider having a more supportive introduction to promote flexible working for new and current employees. – “SQA wishes to retain skilled staff, reduce absenteeism and be more effective at responding to the changing needs of our employees. This policy forms part of our approach to ensuring our employees have and maintain a good work life balance.”

Wider education for line managers and heads of service about protected characteristics.

## 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.

Not Applicable

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

Policy section 5.2 – at the end of the second paragraph, it refers to ‘you will not be treated any less favourably...*unless the difference in treatment is justified*’. This reference is subjective and open to interpretation and could possibly result in potential discrimination. Consider re-wording this.

Also consider how are we monitoring this to ensure that there are no ‘barriers’.

Policy section 6 – under ‘You’ the first bullet asks the employee to ‘refer to the Flexible Working policy’ which is the document being read which causes confusion.

Policy section 6 – under the section for Your Manager (points 4 and 6 in particular) talks about discussing ‘**your** flexible working request with **you**/your line manager’ – if this is to do with the employee’s request and this is the line manager’s responsibility, it should read ‘discuss **your employee’s** flexible request with **them**’ or words to that effect?

Procedure section 1.2 and 1.6 – the employee can be accompanied by a trade union representative or a colleague to discuss the request (1.2) and to appeal meetings (1.6). In previous policies, we discussed allowing employees to have an individual of their choosing who may not be a trade union representative or colleague as a reasonable adjustment. There does not appear to be a reasonable adjustment section in this policy, and it would be useful to reference this adjustment that is available, if needed.

Procedure section 1.4 – in the sentence in relation to a potential agreement to extend the flexible working trial period, it states ‘**we** may mutually agree’. Need clarification on who ‘we’ refers to, is this between the employee and line manager, or is the Head of Service and/or HR involved too?

General Equality Duty: eliminate discrimination, advance equality; foster good relations

**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 policy.

## Action plan

Action:	Owners:	Dates:
Review Sections 6 and 8 of this assessment	Policy Review Group	

## Approval and publication

Completed equality impact assessments will be published on SQA's website. As such, they must:

- ◆ be discussed and approved
- ◆ be sent electronically to [equality@sqa.org.uk](mailto:equality@sqa.org.uk)
- ◆ have actions identified, recorded and monitored as part of SQA's equality action plan

## Summary of the Public Sector Equality Duty (PSED) of the Equality Act 2010

### Components

A public authority must, in the exercise of its functions, have **due regard** to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act (**Fairness**)
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (**Opportunity**)
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (**Respect**)

### Due regard

Regarding (b) **Opportunity**, having due regard specifically involves taking steps to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic\*
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of the persons who do not share it
- c) Encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low

Regarding (c) **Respect**, having due regard specifically involves taking steps to:

- a) Tackle prejudice
- b) Promote understanding

\*Due regard comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a policy, procedure or practice is to equality and people, then the greater the regard that should be paid.

### Protected characteristics

The protected characteristics are:

- ◆ Age
- ◆ Marriage and Civil Partnership\*\*
- ◆ Religion or Belief
- ◆ Disability
- ◆ Pregnancy and Maternity
- ◆ Sex

General Equality Duty: eliminate discrimination, advance equality; foster good relations

- ◆ Gender Re-assignment
- ◆ Race
- ◆ Sexual Orientation

\*\*Although marriage and civil partnership applies to section a) in employment only, this will be considered for all stakeholders.