

Equality Impact Assessment [\(supporting guidance available\)](#)

Action Plan

This section is completed at the end of the Equality Impact Assessment. Due to the importance of embedding equality in SQA through our actions the Action Plan will be the focus and record of ongoing actions.

Agreed Schedule Review Date	December 2023	Additional Schedule Review Date	
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Explain how you will monitor and record the actual impact on equality groups, including how the evidence can be revisited to measure the actual impact.

Required Actions	Owner	Date	Comment & Review
SQA will uphold their process within the policy and ensure that paper copies are available and that where required support to complete the paper version is provided if required.	Appointee Services Manager	01/12/2022	As and when required

Policy Aims

Name of Policy or practice	Appointee Disclosure Scotland Policy
New Policy or Revision	Revision
Name of Policy Owner	Appointee Services Manager
Date Policy Owner Confirmed Completion	01/12/2022

What is the rationale for this policy or practice?

SQA currently stipulates that certain appointee types who undertake duties which involve contact with candidates must complete an Enhanced Disclosure Scotland application prior to any offer of appointment. SQA will comply with the Code of Practice issued by Disclosure Scotland in dealing with requests for and in making decisions on PVG information.

What evidence is there to support the implementation or development of this policy or practice?

SQA complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust.

SQA recognises its obligation to ensure we do not appoint anyone who is barred from working with children or vulnerable adults where they may come into contact with these groups whilst undertaking SQA activities. The fact that a prospective appointee has a conviction will not necessarily make them unsuitable for an appointee role and we will consider the person's suitability as a whole in light of all the information available.

What are the aims of this policy or practice?

SQA recognises its obligation to ensure we do not appoint anyone who is barred from working with children or vulnerable adults where they may come into contact with these groups whilst undertaking SQA activities. The fact that a prospective appointee has a conviction will not necessarily make them unsuitable for an appointee role and we will consider the person's suitability as a whole in light of all the information available.

How is the content of these aims relevant to equality groups?

SQA is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. No applicant will be disadvantaged, and this includes the 9 protected characteristics.

This policy will apply to all appointees who may come into contact with children or vulnerable adults whilst undertaking SQA activities. Appointees currently employed by a centre and who are registered with the General Teaching Council are exempt from this policy and will not be required to complete an PVG application.

No offer of appointment will be confirmed until SQA receive a PVG Certificate that it deems to be satisfactory.

Evidence, Consultation and Engagement

What stakeholders have you engaged with in the development of this policy or practice?

The Appointee Disclosure Scotland (ADS) policy is wholly based on the advice and guidance of Scottish Government's legal requirement as set by legislation. SQA does not own the process, but we are mandated to apply the process.

EqlA was supported by guidance at:

<https://www.gov.scot/publications/disclosure-scotland-bill-impact-assessment-eqla/>

<http://www.sps.gov.uk/Corporate/Publications/Publication-7393.aspx>

<http://www.sps.gov.uk/Corporate/Publications/Publication-7196.aspx>

It should also be noted that SQA does gather any evidence from appointees on any of the 9 protected characteristics as they are not the main employer. This mean that we do not have any data-based evidence to provide in support of this EqlA.

	What evidence about equality groups do you have to support this assessment?
Age	Protection of Vulnerable Groups (Scotland) Act 2007
Disability	
Race	
Religion or Belief	
Sex	
Sexual Orientation	

Gender Re-assignment (Gender identity and transgender)	
Marriage/Civil Partnership	
Pregnancy / Maternity	
Care experience (where relevant)	Scottish Prison Service – Young People in Custody report

Impact and Opportunities for Action

The impact that a policy or practice has on an equality group may be different and this requires to be recorded. The impact may not always be negative. Actions are taken to address any differential impact, and include actions to mitigate against any negative impact, to advance equality and to foster good relations between groups.

Each section contains questions for each equality group. These questions are here to support consideration; however, you can provide further detail. Focus initially on the equality groups that would be affected by this policy. If you do not consider that certain equality groups would be affected by this policy, you may leave these sections.

Protected Characteristic	General Equality Duty
Age	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The recent legal provision ends the automatic disclosure of convictions for offences accrued under the age of 18. Convictions in this range will not be disclosed until an initial assessment is performed by Disclosure Scotland and there will be the opportunity for independent review and with regard given to representations submitted by the applicant. The upper age limit of 18 was chosen in recognition of the fact that adolescence is a unique phase of life and offending during childhood is not always indicative of a person's character as an adult. This will allow people with offending in their past who now live law-abiding lives to move on.
	No action is required.
	Advance equality of opportunity
	It is not possible for under 16s to join the PVG Scheme and become subject to ongoing monitoring.
	No action required as it is extremely unlikely that any appointee would be under the age of 16.
	Foster good relations
	By implementing the policy, we can ensure the safeguarding of the Young People of Scotland undertaking our qualifications by ensuring that our appointees have been through the PVG process.
	No action required as this is good safeguarding practice.
Protected Characteristic	General Equality Duty
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

	<p>The application of the ADS policy may have an impact on appointees with a disability that has a negative digital impact if they are:</p> <ul style="list-style-type: none"> • people with dyslexia and dyspraxia. • blind or partially sighted people. • British Sign Language users. • people with low or no digital skills.
	SQA will uphold their process within the policy and ensure that paper copies are available and that where required support to complete the paper version is provided if required.
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of race. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – race does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.

	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Religion or Belief	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of religion or belief. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – religion or belief does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of sex. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required - sex does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.

	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of sexual orientation. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – sexual orientation does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Gender Re-assignment (Gender identity and transgender)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of gender reassignment. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – gender identity and transgender does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.

Protected Characteristic	General Equality Duty
Marriage/Civil Partnership	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of marriage/civil partnership. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – marriage/civil partnership does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.
Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The application of the ADS policy has a neutral impact on the protected characteristic of pregnancy/maternity. At the point of the application of the ADS policy the appointee has been leeted and selected for the role.
	No action required – pregnancy/maternity does not have a direct bearing on disclosure checks
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.

Considered by SQA	General Equality Duty
Care experience (where relevant)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is evidence from the Scottish Prison Service that Care Experienced Young People are 40% more likely to enter the prison system. However, the application of the ADS policy has a <i>neutral impact</i> on the protected characteristic of care experience. At the point of the application of the ADS policy the appointee has already been leeted and selected for the role.
	No action required – care experience does not have a direct bearing on disclosure checks and any criminal offence on the DBS records will ensure we do not appoint anyone who is barred from working with children or vulnerable adults.
	Advance equality of opportunity
	No evidence exists to support the view that there will be neither a negative nor positive impact as selection has already taken place.
	No action required to ensure that this policy supports advancing equality of opportunity between this equality group and others.
	Foster good relations
	No evidence exists to support the view that there will be neither a negative nor positive impact.
	No action required to ensure that this policy supports fostering good relations between this equality group and others.

Rationale

If you are proceeding with a decision that may have a negative impact and are not putting in place actions to mitigate against this, please explain how this is objectively justified.