

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

Name of Policy or practice	Malpractice policy and procedures for SQA Qualifications regulated by Ofqual and/or Qualifications Wales
New Policy or Revision	New
Name of Policy Owner	Head of Strategic Planning & Governance Malpractice & Complaints Manager (policy author)
Date Policy Owner Confirmed Completion	March 2023

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 2024	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
1. Actions taken to monitor the implementation of policy and the impact on equality groups (evidence and consultation).	Malpractice and Complaints Manager	Ongoing	
2. SQA will continue to monitor intelligence from appeals, enquiries and complaints related to centre malpractice procedures to identify any barriers related to Protected Characteristics, or care experience.	Malpractice and Complaints Manager	December 2024	Ongoing

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
<p>3. To further enable SQA to identify any barriers to full and fair participation in centre malpractice investigations arising from protected characteristics or care experience, SQA will explore options to introduce an online facility for investigation participants to provide feedback on their experience of the investigation.</p>	<p>Eliminate discrimination. Advance equality</p>	<p>Malpractice and Complaints Manager</p>	<p>31 March 2024</p>	
<p>4. Following introduction of this new facility, SQA will monitor feedback to identify any barriers and refinements that can be applied to processes to reduce those barriers.</p>	<p>Eliminate discrimination. Advance equality</p>	<p>Malpractice and Complaints Manager</p>	<p>31 March 2024</p>	

<p>5. SQA will explore options to provide guidance and/or training support for investigating officers and/or panel members to promote awareness of cognitive distortions (including implicit bias linked to protected characteristics) in the context of investigative decision making, to provide the best possible basis for fair decision making.</p>	<p>Eliminate discrimination. Advance equality</p>	<p>Malpractice and Complaints Manager</p>	<p>31 March 2024</p>	
<p>6. SQA will explore options to develop a checklist for investigating officers conducting SQA-led centre malpractice investigations to help to identify and take actions to address any barriers arising from protected characteristics or care experience that may affect witnesses' ability to participate fully and fairly in the investigation.</p>	<p>Eliminate discrimination. Advance equality</p>	<p>Malpractice and Complaints Manager</p>	<p>31 March 2024</p>	

7. SQA will explore options to provide disability awareness development for centre malpractice investigating officers in their first 6 months in post.	Eliminate discrimination. Advance equality	Malpractice and Complaints Manager	31 March 2024	
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Policy Aims

<p>What is the rationale for this policy or practice?</p>
<p>Ensuring fairness of assessment, which includes preventing and addressing malpractice in the design and delivery of our qualifications and assessments, is fundamental to our purpose, and is the cornerstone of the qualifications system on which learners depend.</p> <p>Where concerns of possible malpractice arise, they must be dealt with, by SQA and by others, sensitively, robustly, and above all fairly. These can be difficult situations for the individuals involved. SQA is always focused on maintaining the integrity of certification and ensuring fairness for those involved, particularly any candidates affected. All allegations of malpractice must be investigated consistently, fairly, and impartially.</p>
<p>What evidence is there to support the implementation or development of this policy or practice?</p>
<p>SQA is a non-departmental public body sponsored by the Scottish Government’s Learning Directorate. Our statutory functions are set out mainly in the Education (Scotland) Act 1996. These include:</p> <ul style="list-style-type: none"> • ‘to determine the entitlement of individuals to SQA qualifications and, where a person is so entitled, to award and record such a qualification;’ and • ‘to approve education and training establishments as being suitable for presenting persons for SQA qualifications’. <p>SQA is also required to give due regard to the following Ofqual and Qualifications Wales requirements and related guidance (general conditions of recognition):</p> <p>‘Preventing malpractice and maladministration.</p> <p>A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of qualifications which it makes available or proposes to make available.</p> <p>Dealing with malpractice and maladministration</p>

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery, or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –
(a) prevent that malpractice or maladministration from recurring, and
(b) take action against those responsible which is proportionate to the gravity and scope of the occurrence or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –
(a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
(b) may affect another awarding organisation, it must inform that awarding organisation’.

What are the aims of this policy or practice?

To set out arrangements that are adopted by SQA and expected by SQA to be implemented by approved centres, so that concerns of potential centre malpractice are handled in a fair and robust way to maintain the integrity of SQA qualifications and ensure compliance with the requirements of qualifications regulators.

SQA’s investigations into potential centre malpractice concerns are at centre level. They take place when SQA has reason to seek assurances about assessment and/or management practices within a school, college, or training provider. They involve:

- Initial assessment of available information relating to a concern,
- Correspondence with relevant individuals and organisations, including referrers and regulatory bodies with shared interest in prevention of malpractice.
- Gathering and analysis of evidence
 - This can be undertaken by an SQA team or by an investigation team within the centre, adopting the standards explained by SQA within *Standards for Devolved Investigation*
 - This can include review of records, often written,
 - This can include investigation meetings with individual members of the centre management team, non-promoted assessors or verifiers involved in the delivery of SQA qualifications and/or individual learners.
 - Such meetings can take place in person, over the phone or by video call.
 - They may be scheduled or unscheduled.
 - The gathering of evidence can also include provision of written information by witnesses rather than a conversation.
- Decision making by a panel of SQA officers with relevant experience and responsibility.

There are related processes that govern implementation of any required actions determined by the SQA panel, and the processes to appeal the judgements made by the panel. The scope of this assessment does not extend to these related processes.

The team that co-ordinates the handling of concerns of potential centre malpractice also has responsibility for complaints handling. There are robust arrangements in place for separation of duties to avoid any unfairness arising through conflict of interest. The team can apply learning from handling of complaints to handling of concerns of possible centre malpractice, and vice versa, and to make referrals from one process into the other where appropriate.

Intelligence from complaints and appeals of centre malpractice investigations.

The team is able to draw intelligence from any complaints or appeals relating to centre malpractice procedures to identify any barriers within those processes. No specific intelligence of this type has arisen during the last three years.

SQA's 'Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales' document provides centres with information on SQA's expectations when conducting devolved investigations which includes standards in practice to ensure the investigation process is fair and robust. There are additional requirements for any qualifications regulated by Ofqual or Qualification Wales; SQA awarding body is required to report concerns of potential centre malpractice and provide relevant information (with individual centre staff and learner data redacted unless there is a finding of centre staff malpractice) relating to our investigation and its outcome to the regulator.

It is important to note that for self-regulated qualifications and qualifications regulated by SQA Accreditation, SQA has a separate policy for which the revised Equality Impact Assessment is also being presented for approval.

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

SQA's Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales is applied to all centres and learners who are the subject of or who are engaged in a centre malpractice investigation for these qualifications. SQA's policy document is available on our website and describes the fair and transparent process that SQA applies during an investigation and describes the investigation process that centres are to adhere to when an investigation is devolved to a centre to undertake.

SQA has considered the impact of this policy on learners and centre staff with specific Protected Characteristics.

In undertaking an Equality Impact Assessment of the malpractice procedure, we aim to establish whether there is a perceived differential impact on these groups of learners and centre staff and consider what mitigating actions SQA may introduce.

Evidence, Consultation and Engagement

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

Internal evidence sources through previous appeals, enquiries, and complaints. Centre malpractice reports are issued annually.

The information is categorised by total number of concerns, qualification type, source of concerns, principal types of malpractice and the most frequent types of actions/measures mandated by SQA centre malpractice panels to safeguard the integrity of certification where SQA's malpractice panel has determined a finding of malpractice.

SQA has regular dialogue with centre representatives and learners through the course of a malpractice investigation. This feedback is reviewed and considered during the development of this policy.

Extensive secondary research completed November 2022-February 2023 to build the evidence base for this initial Equality Impact Assessment. Among other sources, this included review of:

London School of Economics and Political Science (2021), Equality Impact Assessment, Academic Misconduct Policy

University of Stirling (2021), Equality Impact Assessment, Academic Integrity Policy, and Academic Misconduct Procedure

College of Policing (2019), Obtaining Initial Accounts from Victims and Witnesses – Guidelines for First Responders

Cardiff and Vale University Health Board (2016), EqIA, Academic Malpractice and Fair Assessment in the Delivery of Credit Based Learning Procedure

This review reinforced the importance of understanding the perspectives of people with protected characteristics and/or care experience. The theoretical evidence on potential differential impact on individuals involved in investigations with particular protected characteristics and/or care experience, identified through secondary research, is set out below. SQA is acutely aware that we serve all members of the community, and we are keen to ensure that we understand any unnecessary barriers to fair participation in our centre malpractice investigation work.

What evidence about equality groups do you have to support this assessment?

Overall

SQA and centre-led investigations into concerns of potential centre malpractice are based on the collection and factual analysis of evidence in accordance with the principles of transparency and fairness.

	<p>The collection of evidence related to individuals' protected characteristics, where they are engaged in and subject to an investigation, may be recorded by employers, for example local authorities, during the course of any human resources investigation which may occur due to the initial concern raised or reported in respect of a centre.</p> <p>However, SQA's role is to establish the facts of what has occurred at centre level and consider whether the actions are in accordance with SQA's published requirements, often in relation to required conditions of assessment. The collection of evidence around individuals' protected characteristics or care experience may lead to questions of bias in the investigation procedure.</p>
Age	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation.</p> <p>Centre malpractice investigations may involve either young or mature learners. When there is a significant age difference between the investigating officer(s) and younger witnesses, it could create an intimidating atmosphere that may negatively impact on the witness's ability to respond to questions and how they are perceived. In terms of mature learners, there is also the potential for bias in the form of ageism.</p> <p>Supporting evidence:</p> <p>"Globally, one in two people are ageist against older people. In Europe, one in three reports having been a target of ageism, and younger people report more perceived age discrimination than other age groups". <i>Global Report on Ageism, World Health Organisation (2021)</i></p>
Disability	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation.</p> <p>People with disabilities may face significant barriers that can make it difficult for them to participate fully in an investigation. For example, a deaf person may require a sign language interpreter or assistive technology to effectively communicate, whilst someone with a physical disability may experience discomfort or pain during prolonged interviews. People with learning difficulties may struggle with reading their statements back or understanding complex questions, and they may require additional support to ensure that they can provide accurate information. Any investigation, by its nature, can affect participants' mental health. It is also important to note that not all disabilities are visible.</p> <p>Supporting evidence:</p>

	<p>“Students should have access to support services to assist them in accessing and navigating processes [...] In some cases it may be reasonable to make adjustments”. Supporting Disabled Students When Things go Wrong, Office of the Independent Adjudicator for Higher Education (accessed 15 March 2023)</p> <p>“Translators play a vital role in helping people access justice. These services should always be available for those who are Deaf or have a hearing impairment, and available under certain circumstances for those who cannot understand English.” <i>Is Britain Fairer? Equality and Human Rights Commission (2018)</i></p> <p>"Research has shown that there are a number of factors that contribute to workplace stress [...] Should the stressors continue, the employee is at significant risk of developing physiological and psychological disorders." <i>Thomas W. Colligan MSW & Eileen M. Higgins, Journal of Workplace Behavioural Health (2008)</i></p>
Race	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation. Cultural differences may contribute to misunderstandings, for example the use or prevalence of particular surnames within specific ethnic minority cultures may appear anomalous. Expression and word choice that is perceived to represent a microaggression, whether intentional or unintentional, could also affect how an individual responds during interview and could lead to a lack of clarity or coherence in their statements.</p> <p>While language is not a characteristic protected in the Equality Act, there can be a relationship through nation of origin between language and the protected characteristic of race.</p> <p>While SQA assessments are completed in English and therefore require sufficient proficiency, language barriers may still present challenges during an investigation, particularly for individuals whose first language is not English. This may make it difficult for them to fully comprehend the nature of the allegations or provide accurate and detailed responses to questions.</p> <p>Supporting evidence:</p> <p>“65.4% of students who observe and students who are targeted by microaggressions report negative academic impacts” <i>Manuel Cardoza, Isabel Gallic and Rita Thorsen, The Impacts of Racial Microaggressions in Learning Environments (2017)</i></p> <p>“Translators play a vital role in helping people access justice. These services should always be available for those who are Deaf or have a hearing impairment, and available under certain circumstances for those who cannot understand English” <i>Is Britain Fairer? Equality and Human Rights Commission (2018)</i></p>
Religion or Belief	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation. Individuals may be impacted by a failure to make suitable accommodations which allow them to practice their religion and participate in a centre malpractice investigation for example, prayer breaks or fasting.</p>

	<p>Cultural differences may contribute to misunderstandings, for example the use or prevalence of particular surnames within specific religious communities may appear anomalous to analysts from outside that community, raising unfounded concerns of potential malpractice.</p> <p>Supporting evidence:</p> <p>These observations are based on anecdotal evidence from the third-party sources and EqIAs reviewed.</p>
Sex	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation. The power dynamics of a single-sex investigation team might impact how a witness responds to questioning.</p> <p>Supporting evidence:</p> <p>“Strong gender stereotypes persist in British society and continue to hold women back.” <i>Is Britain Fairer? Equality and Human Rights Commission (EHRC) (2018)</i></p> <p>“Speech, comportment, and values inherent to gender and other social, structural, and contextual factors, such as age, socioeconomic positioning, and ethnicity, all influence the direction, flow, and content of interviews, informing how we might interpret the information collected in the process.” <i>Manderson L, Bennett E, Andajani-Sutjahjo S. The social dynamics of the interview: age, class, and gender (2006)</i></p> <p>“A myriad of factors influences the research interview and the continual negotiation of power within this, including the social identities of the researcher and participant and their experiences (shaped by these identity positions) prior to and during the interview.” <i>Vähäsantanen, Katja and Saarinen, Jaana, The power dance in the research interview: Manifesting power and powerlessness (2013)</i></p>
Sexual Orientation	<p>Stereotypes or assumptions based on a person’s actual or perceived sexual orientation may impact how individuals respond to questioning and/or are perceived or evaluated, and impact decision making linked to the investigation.</p> <p>Supporting evidence:</p> <p>“One in eight LGBT[+] people (12 per cent) accessing [public] services in the last year have been discriminated against because of their sexual orientation and/or gender identity”. <i>LGBT In Britain, Stonewall and YouGov (2017)</i></p>

	<p>“A quarter (25%) of LGBT respondents said they had personally experienced discrimination or ‘less good treatment’ in one or more services, including public, commercial, and voluntary services”. <i>The Scottish LGBT Equality Report, Equality Network (2015)</i></p>
<p>Gender Re-assignment (Gender identity and transgender)</p>	<p>Stereotypes or assumptions may impact how individuals are perceived or evaluated, and impact decision making linked to the investigation.</p> <p>Potential barriers that people who share this protected characteristic might encounter include transphobia, a lack of knowledge and understanding and/or the use of inappropriate language for example, deadnaming. Recognising and respecting individuals' gender identities is crucial, and any information about a person's gender identity must be kept confidential and not disclosed to a third party without their consent.</p> <p>Supporting evidence:</p> <p>“One in eight LGBT[+] people (12 per cent) accessing [public] services in the last year have been discriminated against because of their sexual orientation and/or gender identity”. <i>LGBT In Britain, Stonewall and YouGov (2017)</i></p> <p>“A quarter (25%) of LGBT respondents said they had personally experienced discrimination or ‘less good treatment’ in one or more services, including public, commercial, and voluntary services”. <i>The Scottish LGBT Equality Report, Equality Network (2015)</i></p>
<p>Marriage/Civil Partnership</p>	<p>No evidence.</p>
<p>Pregnancy/ Maternity</p>	<p>A pregnant person may encounter several barriers during a centre malpractice investigation. Firstly, physical discomfort and fatigue may make it challenging for them to participate in prolonged interviews. Attending medical appointments and maternity leave may also need to be taken into consideration, when scheduling interviews.</p> <p>Supporting evidence:</p> <p>“It is common to feel tired, or even exhausted, during pregnancy, especially in the first 12 weeks. Common Symptoms in Pregnancy, <i>National Health Service (NHS), Health A to Z (accessed 15 March 2023)</i></p> <p>“Routine antenatal care includes:</p> <ul style="list-style-type: none"> • 10 antenatal appointments for nulliparous women or 7 antenatal appointments for parous women. • 2 ultrasound scans — a ‘dating scan’ (between 11+2 weeks and 14+1 weeks) and a ‘fetal anomaly scan’ (between 18+0 weeks and 20+6 weeks)”.

	<i>Antenatal Care – Uncomplicated Pregnancy: Summary</i> , National Institute for Health and Care Excellence (NICE) (accessed 15 March 2023)
Care experience (where relevant)	Whilst no evidence of any potential barriers was identified as part of this review, SQA is a proud corporate parent and acutely aware of the unique challenges that care experienced people face. Our approach is, as with all learners, to protect the learner wherever possible and minimise any disadvantage/distress.

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 Age	General Equality Duty
	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualifications Wales applies to all equality groups as any investigation into concerns reported does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic.
	The policy is available from SQA's website for referrers, centres, learners, and parents/guardians to refer to. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers.
	Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias. In these circumstances, centres have access to their own employment and learner records to identify any staff members and/or primarily learners for whom it would be appropriate, due to their age, to involve a companion or representative in the gathering of any evidence.
	Advance equality of opportunity
	This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group, this will be considered.
Foster good relations	

	<p>This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to foster good relations between this particular equality group and others this will be considered.</p>
Protected Characteristic	General Equality Duty
Disability	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>SQA acknowledges that disabled learners and/or those with additional support needs may be involved in referrals to the Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualifications Wales due to potential issues with centres failing to adhere to assessment arrangements, however SQA does not collect any specific data to determine whether disabled learners are more impacted by the documented Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales than those in other equality groups.</p> <p>The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualifications Wales applies to all equality groups as any investigation into concerns reported does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic.</p> <p>The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers.</p> <p>Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias. In these circumstances, centres have access to their own employment and learner records to identify any staff members and/or learners who may be affected by a disability, for whom a reasonable adjustment may be required.</p> <p>SQA has identified an opportunity within the Standards for Devolved Investigations to introduce a prompt for investigating officers within SQA and centres to check with witnesses whether any adjustments are required to enable the witness to participate fully and fairly in the investigation process. This document has been amended to introduce this prompt and will be applied to new investigations initiated from 1 April 2023. See action reference 6.</p>

	<p>Further, SQA will explore options to provide disability awareness development for centre malpractice investigating officers in their first 6 months in post. See action reference 7.</p>
	Advance equality of opportunity
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Protected Characteristic	General Equality Duty
Race	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>
	<p>While language is not a characteristic protected in the Equality Act, there can be a relationship through nation of origin between language and race.</p> <p>SQA acknowledges that centre staff and learners from ethnic minority groups may be affected by SQA's Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales due to potential issues with centres failing to adhere to SQA requirements in relation to the delivery and assessment of National Qualification, Higher National and Vocational Qualifications. The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic.</p> <p>The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers.</p>

	<p>Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias. In these circumstances, centres have access to their own employment and learner records to identify any staff members and/or learners who may be affected by a support need related to race, and for whom extra support for example in relation to language may be appropriate.</p>
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Protected Characteristic	General Equality Duty
Religion or Belief	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>
	<p>SQA acknowledges that centre staff and learners within this equality group may have certain religious commitments which should be considered in the arrangements of any investigation. The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers.</p>
	<p>Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias. In these circumstances, centres have access to their own employment and learner records to identify any staff members and/or learners who may be affected by a support need</p>

	related to religion and belief, and for whom extra support for example in relation to timing of investigation interviews to accommodate religious observance may be appropriate.
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Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
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Protected Characteristic	General Equality Duty
Sexual Orientation	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers. Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias.</p>
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Protected Characteristic	General Equality Duty
Gender Re-assignment	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>

(Gender identity and transgender)	The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers. Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias.
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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 Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers. Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias.

	Advance equality of opportunity
	This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.
	Foster good relations
	This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to foster good relations between this particular equality group and others this will be considered.
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 Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process, and that centre staff involved in the investigation have the right to respond to the allegations made, the right to be accompanied at any meetings and an opportunity to correct any factual inaccuracies in notes of investigation meetings with SQA investigating officers. Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance ('SQA Standards for Devolved Investigations') to ensure their investigations are conducted in a robust and equitable manner, free from bias.
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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
	<p>SQA acknowledges that care experienced learners may be affected by SQA’s Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales where a finding of malpractice has been identified due to a centre’s failure to accurately assess learners and collate evidence to demonstrate they have met the assessment conditions for a particular qualification. However, SQA does not collect any specific data to determine whether care experienced learners of ethnic minority groups are more impacted by the documented Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales than those in other equality groups. The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales applies to all equality groups as any investigation into concerns reported is conducted at centre, and not individual, level and does not intend to unlawfully discriminate against referrers, learners, or centre staff with any particular Protected Characteristic. The document communicates the necessity for a fair and transparent process.</p> <p>Where the centres are asked by SQA to undertake a devolved investigation into concerns reported, centres are directed to use SQA guidance (‘SQA Standards for Devolved Investigations’) to ensure their investigations are conducted in a robust and equitable manner, free from bias. In these circumstances, centres have access to their own employment and learner records to identify any staff members and/or learners who may be affected by care experience, and for whom a companion or other extra support may be appropriate.</p>
	Advance equality of opportunity
	<p>This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to advance equality of opportunity for this particular equality group this will be considered.</p>
	Foster good relations
	<p>This policy outlines the internal and external administrative processes for an SQA centre malpractice investigation. Embedded within the investigation process are the principles of transparency and fairness. Where an opportunity may exist in the future to foster good relations between this particular equality group and others this will be considered.</p>

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.

SQA's process for handling concerns of possible centre malpractice is an important part of ensuring the fairness and safeguarding the integrity of SQA qualifications. While this process has been designed and continues to be implemented sensitively in a way that seeks to minimise any unnecessary negative impact on referrers, centre staff and/or learners with Protected Characteristics, SQA acknowledges that those affected by the process can find it stressful. Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualifications Wales sets out the arrangements for handling concerns of possible centre malpractice with a view to supporting individuals involved to understand what they can expect. This includes an ability for individuals involved in investigation interviews to be accompanied during the meeting and to have the opportunity to confirm the accuracy of any note of the meeting. In any investigation meeting, the process and expected next steps will be explained.

The process relies heavily on written communication to ensure that decision making can be fair and based on agreed records. Primarily communications are between SQA officers and professional assessors, verifiers and/or managers working within a school, college, or training provider environment where written communication skills are central to the role requirement. SQA acknowledges however that this may present barriers for some referrers, centre staff and/or learners for example those affected by dyslexia. SQA has reviewed its Standards for Devolved Investigations to prompt investigating officers to ask witnesses if there are any adjustments that are required in order that the witness can fully and fairly participate in the investigation.

At present, SQA provides information and guidance to centres in the form of the 'Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualifications Wales' guidance document and 'Standards for Devolved Investigations.' This aims to ensure these are conducted in a robust, impartial, and equitable manner, free from bias, as much possible to enable the gathering of the best quality evidence to inform decision making.

Additionally, SQA intends to complete actions 5-7 that include exploring options:

- **(5) to provide guidance and/or training support for investigating officers and/or panel members to promote awareness of cognitive distortions (including implicit bias linked to protected characteristics) in the context of investigative decision making, to provide the best possible basis for fair decision making,**
- **(6) to develop a checklist for officers conducting SQA-led centre malpractice investigations to help to identify and take actions to address any barriers arising from protected characteristics or care experience that may affect witnesses' ability to participate fully and fairly in the investigation, and**
- **(7) to provide disability awareness development for centre malpractice investigating officers in their first 6 months in post.**

SQA's process for handling concerns of possible centre malpractice is an important part of ensuring the fairness and safeguarding the integrity of SQA qualifications, in line with the statutory duties set out in the Education (Scotland) Act 1996¹.

These include:

'Quality assurance.

SQA may, in respect of education and training establishments which offer persons the opportunity to obtain SQA qualifications, make such arrangements as it considers appropriate to satisfy itself as to —

(a) the quality of the procedures used by such establishments for assessing the standards of attainment of such persons (and, in particular, such persons having additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004) in relation to SQA qualifications.

(b) the quality of the internal arrangements adopted by such establishments for monitoring and controlling the effectiveness of such procedures; and

(c) the suitability of such establishments for presenting persons for SQA qualifications.'

This process has been designed and continues to be implemented sensitively in a way that seeks to minimise any unnecessary negative impact on referrers, centre staff and/or learners with Protected Characteristics. SQA is currently not aware that the Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales has any disproportionate negative impact on referrers, centre staff or learners who fall within any group having Protected Characteristics. Investigation of concerns of possible centre malpractice involves multiple daily interactions with Heads of Centre, practitioners, learners, and other referrers. It operates in an environment in which SQA requirements, decisions and actions are continuously scrutinised by individuals involved.

To ensure fairness for those affected, SQA offers robust appeals and complaints procedures. SQA will continue to monitor intelligence from appeals, centre malpractice related enquiries and complaints to identify any barriers related to Protected Characteristics. The nature of this confidential process, involving investigation of concerns of possible malpractice, indicates that specific additional consultation with those affected is not appropriate. However, to further enable SQA to identify any barriers to full and fair participation in centre malpractice investigations arising from protected characteristics or care experience, SQA will explore options to introduce an online facility for investigation participants to provide feedback on their experience of the investigation and monitor responses (actions 3 and 4).

The Malpractice Policy and procedures for SQA Qualifications regulated by Ofqual and Qualification Wales will be monitored regularly based on feedback from affected referrers, centres, and learners to determine whether improvements can and should be made to the process. A

¹ <https://www.legislation.gov.uk/ukpga/1996/43/contents>

centre malpractice annual report is considered by SQA's Code of Practice Governance Group and Qualifications Committee. The report is published on SQA's website.