



## 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.

<b>Agreed Schedule Review Date</b>	By September 2024	<b>Additional Schedule Review Date</b>	By September 2023
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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.



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Required Actions	Owner	Date	Comment & Review
Actions taken to <b>monitor the implementation of policy and the impact on equality groups</b> (evidence and consultation)			<b>[ONGOING RECORD]</b>
Review and assess monthly establishment management information packs containing fundamental employment data on SQA employees	People Analytics, Governance & Systems Manager	Commencing monthly from October 2022	
Review on a quarterly basis of employment law, case law and legislative changes, and equalities updates (including reviewing EHRC website).	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from joint trade unions (Unite and Unison) through SQA's Joint engagement forum and Policy review group.	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from each of SQA's staff community network groups	HR Shared Services Manager	Commencing quarterly from January 2023	
Continue to review and assess on an annual basis SQA's engagement People survey	OD Manager	Commencing annually from October 2023	



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Review and assess on an annual basis all SQA employee lifecycle data	People Analytics, Governance & Systems Manager	Commencing annually from January 2024	
Continue to review and assess every 2 years SQA's equality mainstreaming report [next report due May 2023]	People Reward and Equalities Manager	Commencing every 2 years from May 2023	
Continue to review and assess every 2 years SQA's workforce equality monitoring report [next report due May 2023]	People Reward and Equalities Manager	Commencing every 2 years from May 2023	



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Identified Actions: General Equality Duty	Owner	Date	Comment & Review
It is recommended that there is specific signposting to both the <i>Attendance Management</i> policy and the <i>Transitioning</i> policy to ensure that managers have an understanding that medical appointments related to transitioning do not constitute an unauthorised absence.	Head of HR	By September 2024	[ONGOING RECORD]
There is a further recommendation that more explicit signposting to both the <i>Dignity at Work</i> policy and the <i>Grievance</i> policy and procedure to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.	Head of HR	By September 2024	
It is recommended that under Section 4.2 of the Policy that “ <i>Unlawful Discrimination and Harassment</i> ” is amended to be more overt and specific by stating “ <i>Discrimination, harassment or bullying related to a ‘relevant protected characteristic’</i> ”.	Head of HR	By September 2024	
There is a recommendation that equality data is collected from all those undergoing the disciplinary procedure and that this data is analysed when numbers are both meaningful and sufficient to protect anonymity.	Head of HR	By September 2024	
It is recommended that we provide all managers with Equality, Diversity & Inclusion training to ensure that they are aware of their role and responsibilities under the Equality Act and any considerations that should be taken into account throughout the disciplinary process.	Head of HR	By September 2024	
It is recommended that more explicit signposting to both the <i>Dignity at Work Policy</i> and the <i>Grievance Policy</i> and <i>Procedure</i> to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.	Head of HR	By September 2024	



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<b>Identified Actions: General Equality Duty</b>	<b>Owner</b>	<b>Date</b>	<b>Comment &amp; Review</b>
We have noted as an action point from this assessment for SQA to commence collection of data, by 'Protected Characteristic' for all employees subjected to any form of disciplinary action – including informal action.	Head of HR	By September 2024	
It is recommended that we provide all managers with Equality, Diversity & Inclusion training to ensure that they are aware of their role and responsibilities under the Equality Act and any considerations that should be taken into account throughout the disciplinary process.	Head of HR	By September 2024	
It is also recommended that consideration be given to providing investigating and hearing managers with Equality, Diversity and Inclusion training to avoid the risk of discrimination in the disciplinary process on the grounds of sex.	Head of HR	By September 2024	



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**Policy Aims**

<b>Name of Policy or Practice:</b>	Disciplinary Policy and Procedure
<b>New Policy or Revision ?</b>	Revision
<b>Name of Policy Owner:</b>	Head of Human Resources
<b>Date Policy Owner Confirmed Completion:</b>	25/02/2022

<b>What is the rationale for this policy or practice?</b>
<p>The aim of the SQA a disciplinary policy is to encourage colleagues to achieve and maintain appropriate standards of conduct in line with SQA's code of conduct and values of being trusted, progressive and enabling. The policy and accompanying procedure comply with the Advisory, Conciliation and Arbitration Service (ACAS) code of practice and meets all current relevant legislation.</p> <p>The policy outlines the 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. The policy is to ensure that issues of misconduct are managed and dealt with in a fair and consistent manner.</p>



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

Employers are legally obliged to have disciplinary procedures in place. It is the employer's responsibility to set and maintain standards of behaviour and performance within the organisation and to put in place disciplinary rules and procedures to help ensure that the standards are followed.

An effective disciplinary policy is key to good employment relations and to ensuring that individuals are treated fairly and consistently in cases where standards of behaviour fall below an acceptable level. (Employment Rights Act 1996)

The Chartered Institute of Personnel and Development (CIPD) state:

Difficulties may arise at various points in the employment relationship, and disciplinary and grievance procedures are there to ensure that these challenges are dealt with fairly and consistently. For this reason, employers need procedures that support both the employer's and employee's perspective. Employers should follow both their own procedures and the ACAS Code of Practice: Disciplinary and Grievance Procedures.

The written statement of employment particulars (under the Employment Rights Act 1996) must include reference to any disciplinary, dismissal or grievance procedures, although the actual procedures can be supplied elsewhere, such as in a staff handbook. The availability of proper, fair procedures is a central to unfair dismissal law.

ACAS states that a disciplinary procedure is a formal way for an employer to deal with an employee's unacceptable or improper behaviour. The ACAS Code of Practice: Disciplinary and Grievance Procedures, which this policy complies with, is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992. A failure to follow the Code does not make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases.



**What are the aims of this policy or practice?**

The following SQA policies are also related to the Disciplinary Policy & Procedure:

- Attendance management
- Addressing Financial Irregularity
- Code of Conduct
- Dignity at work
- Equality, Diversity and Inclusion (not yet published)
- Grievance
- Improving Performance
- Probation





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

One of the main reasons for having a disciplinary policy and procedure is to ensure that all employees are treated fairly and consistently throughout the disciplinary process. As such, particular attention must be paid to any protected characteristics, or potential protected characteristics, which may be apparent or could be relevant.

**Overall Identification of Equality Risks in this Policy:**

This Equality Impact Analysis has identified that SQA **does not currently collate or analyse performance management data** (e.g. warnings, disciplinaries, dismissals etc) by 'Protected Characteristic'. It is not possible therefore to either identify nor discount any risk of discrimination or disproportionality within SQA performance management related activities.

However, **the overall sample size of people being subjected to performance management action within SQA during the last two years is a total of four people** - all of whom received first stage informal action which was not formally recorded. Profiling information (e.g. Age, Sex etc) relating to this cohort was not captured and is therefore not available for reporting purposes.

**We therefore conclude:**

- (i) There is a non-existent data sample relating to the use of this policy in SQA.**
- (ii) It is impossible to draw any meaningful conclusions in respect of Equality Impact.**

We have noted as an action point from this assessment for SQA to commence collection of data, by 'Protected Characteristic' for all employees subjected to any form of disciplinary action – including informal action.



## Evidence, Consultation and Engagement

### What stakeholders have you engaged within the development of this policy or practice?

As this is an internal policy, the SQA has only consulted with internal groups. These include:

- ACE (Appreciate Culture and Ethnicity) Network.
- SQA Disability Network.
- MAC (Make A Change Group).
- Mental Health First Aiders Forum.
- SQA Rainbow Network.
- Women's Network.
- Parent & Carers Network.



**Evidence, Consultation and Engagement (continued)**

SQA also consulted with our recognised Trade Unions (Unite and Unison) in the development of this policy

**Evidence of Stakeholder Engagement:**

**Trade Union Consultation Review Group (PRG):**

Members of SQA Human Resources department and trade union representatives from *Unite the Union* and *Unison* meet weekly in SQA via the PRG. This group has been meeting weekly in SQA since July 2020. SQA's trade union representatives are also given statutory time off to attend relevant training, meetings and other information gathering activities as supported in our union framework agreement.

**Evidence of all meeting minutes, actions and consultation undertaken with the PRG group** (including Equality considerations in respect of all policies, activities, and functions) is detailed on a dedicated SQA shared resources site.

**Staff Network Consultations:**

In June 2021, we formed a dedicated *Equality Impact Assessment Project Group* (EIAPG) with the aim of reviewing, assessing, and providing feedback from staff on all SQA HR policies from Equality perspectives.

The EIAPG group consists of representatives from each of the SQA staff networks listed on the previous page of this document.

**Evidence, feedback, and actions from all EIAPG staff network consultations** are recorded on a dedicated SQA *Microsoft Teams* page which was specifically created with the aim of listing potential equality risks that exist in H.R. policies / activities, sharing resources, recording feedback, and scheduling future consultation meetings.



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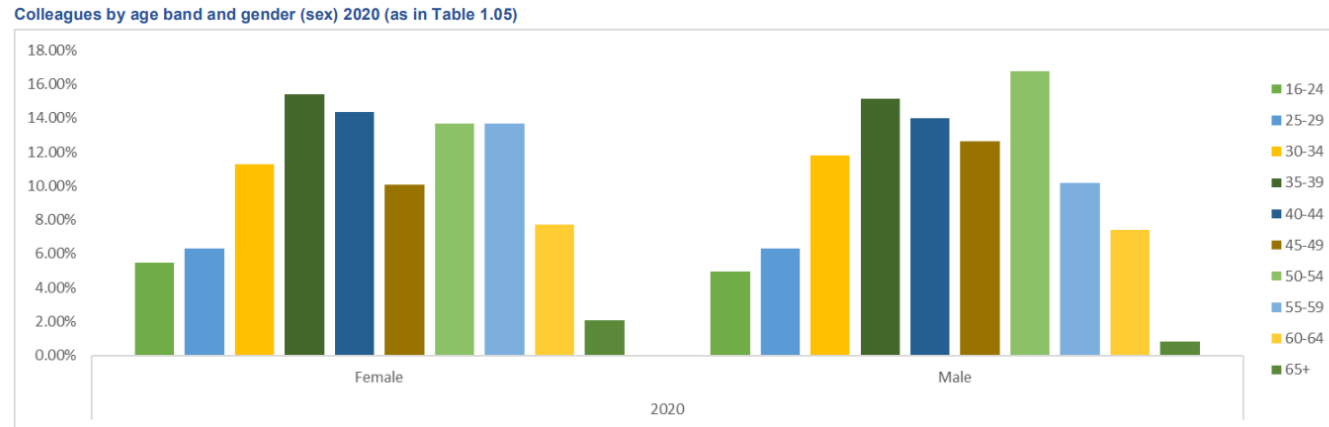
**What stakeholders have you engaged within the development of this policy or practice?**

The table below details the evidence of staff network consultation meetings.

Policy-Name	Review-Date	Women's Network	(ACE)	Disability-Network	Rainbow-Network
Redeployment	02/08/2021	Yes	Yes	Yes	Yes
Restructure	02/08/2021	Yes		Yes	
Standby-&-Call-Out	23/06/2021		Yes	Yes	Yes
Time-Recording	09/08/2021	Yes	Yes	Yes	Yes
Attendance-Management	16/08/2021	Yes		Yes	Yes
Childcare-Voucher	16/08/2021	Yes		Yes	Yes
Dignity-at-Work	10/08/2021	Yes	Yes	Yes	Yes
Disciplinary	01/06/2021	Yes	Yes	Yes	Yes
Equalities,-Diversity-&-Inclusion	23/08/2021	Yes	Yes	Yes	Yes
Fixed-Term-Workers	23/08/2021	Yes		Yes	Yes
Grievance	29/06/2021	Yes	Yes	Yes	Yes
Improving-Performance	07/09/2021	Yes	Yes	Yes	Yes
Probation	06/09/2021	Yes	Yes	Yes	Yes
Recruitment-&-Selection	06/05/2021	Yes	Yes	Yes	Yes
Secondment	13/09/2021	Yes	Yes	Yes	Yes
Whistleblowing	22/07/2021	Yes	Yes	Yes	Yes
Flexible-Working	18/11/2021	Yes		Yes	Yes
Flexitime	26/10/2021	Yes	Yes	Yes	Yes
Pay	09/12/2021	Yes	Yes	Yes	Yes
TOIL	16/12/2021	Yes	Yes	Yes	Yes
Code-of-Conduct	24/02/2022	Yes	Yes	Yes	Yes
Conflict-of-Interest	10/03/2022	Yes	Yes	Yes	Yes
Pensions-Discretion	29/03/2022	Yes		Yes	Yes
Redundancy	22/03/2022	Yes		Yes	Yes
Relocation	31/03/2022	Yes		Yes	Yes
Retirement	15/03/2022	Yes	Yes	Yes	Yes

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

**Age:**



The above table shows colleagues by age band and gender as of 2020. This table 1.05 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

The majority of SQA employees are in the mid-range age bandings. A total of 79% workers are aged between 30 – 59. Less than 2% of SQA employees are aged 60+ and the SQA has recently seen a decrease in younger (under 35) employees.

Comparisons between 2019 and 2020 data show that the greatest increase in the proportion of female colleagues is within the 60–64 age band - an increase of 12 colleagues.

The 30–34 age band saw the largest reduction of female colleagues – a total of seven people. Over the same period, there was an increase in the proportion of male colleagues within the 50-54 age band - an overall increase of nine people. The largest decline in the proportion of male colleagues was in the 30-34 age band, with seven fewer people. The largest decrease was seen in the 30–34 age band for both male and female colleagues - with an overall reduction of 14 people.

Source: SQA Workforce Equality Monitoring Report 2019 – 2021



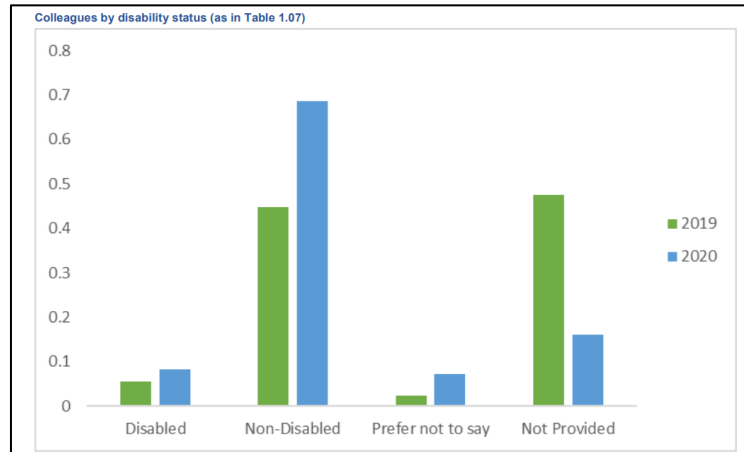
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Currently, no equality data on Age is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

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

**Disability**

**A total of 8.2% of SQA employees declared a disability last year.** Declaration rates have significantly improved from a total response rate under the *Not Disclosed / Prefer not to say* category of 49.9% in 2019 (roughly half of employees) to a much reduced 23.1 % in 2020.



The above table shows colleagues by Disability status. This table 1.07 available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

The highest proportion of colleagues who have declared a disability (53%) falls within the lowest age bands (16 – 44) and second highest (47%) within the upper age bands (45–64)



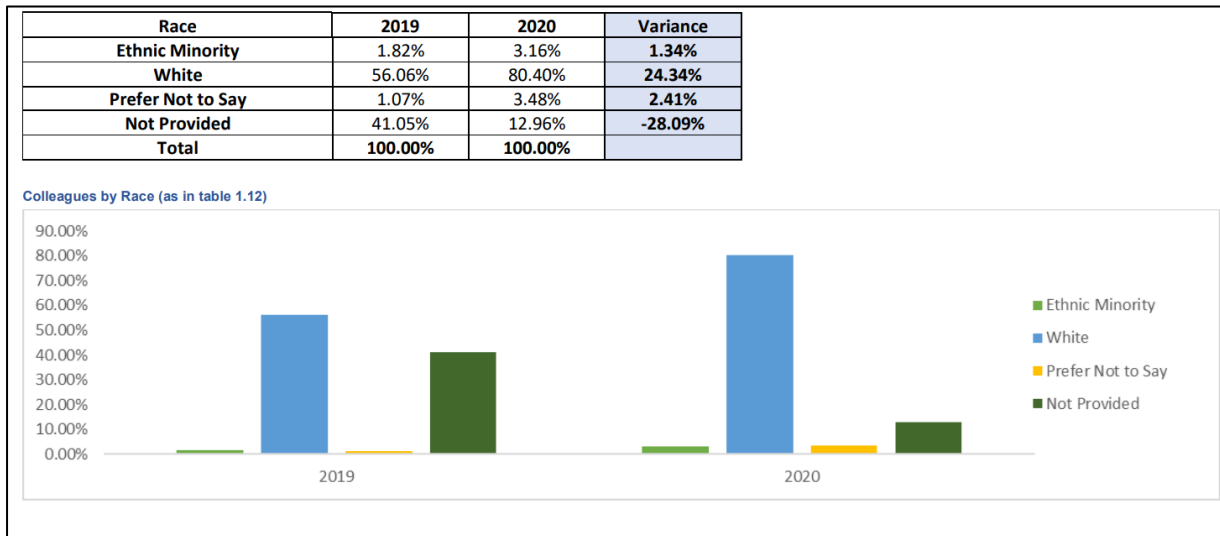
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A total of 55% of disabled employees are female and 45% are male. 63% of colleagues who have declared a disability are within the grade range 06 to Head of Service. Head of Service has the largest **percentage** of colleagues declaring a disability (13%) whereas Grade 6 has the largest overall **number** of colleagues declaring a disability at 23%.

Currently, no equality data on Disability is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

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

**Race  
Ethnicity**



The above table shows colleagues by Race. This table 1.12 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)



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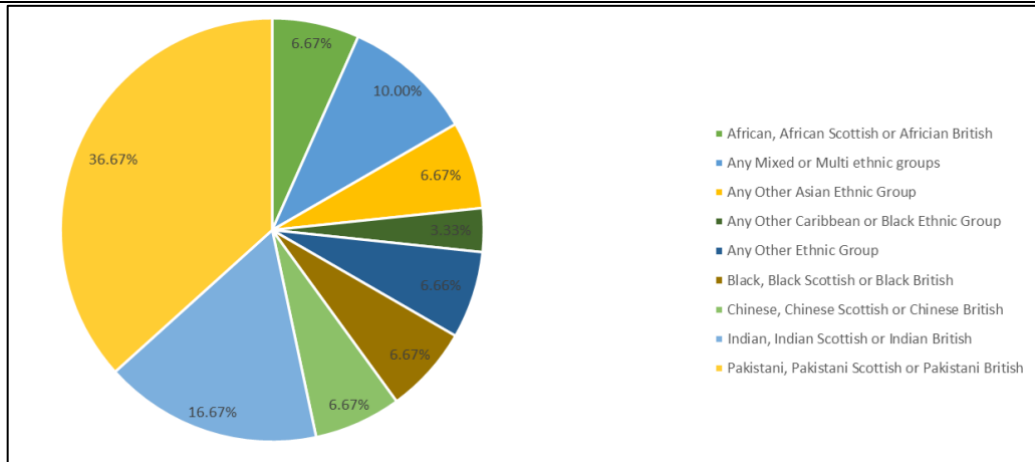
Currently only 3% of SQA employees declared themselves as Minority Ethnicity against a national (Scotland) average of 5%.

A further breakdown of ethnicity (overleaf) indicates that *Chinese, Indian* and *Mixed Ethnicity* groups are currently the predominant minority ethnicities in the SQA.

Source: SQA Workforce Equality Monitoring Report 2019 – 2021

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

**Race  
Ethnicity  
(continued)**







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Table 1.15 Race: Colleagues by black and minority ethnicities

Black and Minority Ethnicities	2019	2020	Variance
African, African Scottish or African British	5.88%	6.67%	0.78%
Any Mixed or Multi ethnic groups	11.76%	10.00%	-1.76%
Any Other Asian Ethnic Group	5.88%	6.67%	0.78%
Any Other Caribbean or Black Ethnic Group		3.33%	3.33%
Any Other Ethnic Group		6.66%	6.66%
Black, Black Scottish or Black British	5.88%	6.67%	0.78%
Chinese, Chinese Scottish or Chinese British	11.76%	6.67%	-5.10%
Indian, Indian Scottish or Indian British	17.65%	16.67%	-0.98%
Pakistani, Pakistani Scottish or Pakistani British	41.18%	36.67%	-4.51%
Total	100.00%	100.00%	

The above tables show colleagues by Race. This table 1.15 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

Currently, no equality data on Race/Ethnicity is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

**What evidence about equality groups do you have to support this assessment? (continued)**

**Religion or Belief**

Religion or Belief	2019	2020	Variance
Christian	20.69%	29.82%	9.13%
Non-Christian	11.47%	17.28%	5.81%
None	20.69%	29.29%	8.61%
Prefer not to say	3.75%	10.33%	6.58%
Not Provided	43.41%	13.28%	-30.13%
Total	100.00%	100.00%	

The above table shows colleagues who have declared their Religion or Belief. This table 1.16 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)



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An improved declaration rate was also shown for this characteristic in 2020. *Christian* and *No Religion* account for nearly 60% of all responses.

Currently, no equality data on Religion/Belief is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

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

**Sex**

Grade	Gender (Sex)					
	Female			Male		
	2019	2020	Variance	2019	2020	Variance
<b>1</b>	83.33%	66.67%	<b>-16.67%</b>	16.67%	33.33%	<b>16.67%</b>
<b>3</b>	65.15%	65.00%	<b>-0.15%</b>	34.85%	35.00%	<b>0.15%</b>
<b>4</b>	63.28%	64.71%	<b>1.43%</b>	36.72%	35.29%	<b>-1.43%</b>
<b>5</b>	58.02%	61.54%	<b>3.51%</b>	41.98%	38.46%	<b>-3.51%</b>
<b>6</b>	69.90%	69.90%		30.10%	30.10%	
<b>7</b>	59.76%	57.89%	<b>-1.86%</b>	40.24%	42.11%	<b>1.86%</b>
<b>8</b>	53.54%	56.34%	<b>2.80%</b>	46.46%	43.66%	<b>-2.80%</b>
<b>HOS</b>	39.39%	40.00%	<b>0.61%</b>	60.61%	60.00%	<b>-0.61%</b>
<b>EMT</b>	57.14%	42.86%		57.14%	42.86%	
<b>Total</b>	<b>61.20%</b>	<b>61.64%</b>	<b>0.44%</b>	<b>38.80%</b>	<b>38.36%</b>	<b>-0.44%</b>

The above table shows colleagues by sex and grade. This table 1.02 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

A greater number of SQA employees overall are female - 62% female versus 38% male. A 60% representation of females across most grades is evident with a decrease to circa 40% for more senior grades.



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Currently, no equality data on Sex is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

**What evidence about equality groups do you have to support this assessment? (continued)**

**Sexual Orientation**

Sexual Orientation	2019	2020	Variance
Bisexual	0.96%	1.26%	0.30%
Gay man	1.39%	2.11%	0.71%
Gay woman / Lesbian	0.96%	1.05%	0.09%
Heterosexual/straight	46.20%	70.60%	24.41%
In another way	0.11%	0.21%	0.10%
Not sure	0.11%	0.11%	0.00%
Prefer not to say	2.79%	8.01%	5.22%
Not Provided	47.48%	16.65%	-30.83%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	

The above table shows colleagues by sexual orientation. This table is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

Source: SQA Workforce Equality Monitoring Report 2019 – 2021

Currently, no equality data on Sexual Orientation is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.



<b>What evidence about equality groups do you have to support this assessment? (continued)</b>	
<b>Gender Re-assignment (Gender identity and transgender)</b>	<p>No equality profiling data is currently captured by the SQA.</p> <p>One of the recommendations from this Equality Impact Assessment is that the <u>SQA adds <i>Gender Identity</i> (i.e. people who identify as more than one gender or none) to all future Equality Monitoring reporting.</u></p>
<b>Marriage/Civil Partnership</b>	<p>No equality profiling data is currently captured by the SQA.</p> <p>Currently, no equality data on Marriage/Civil Partnership is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. <u>It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.</u></p>



**What evidence about equality groups do you have to support this assessment? (continued)**

**Pregnancy /  
Maternity**

	Colleagues		
Pregnancy Status	2019	2020	Variance
Not Pregnant	98.25%	98.95%	0.70%
Pregnant	1.75%	1.05%	-0.70%
Total	100.00%	100.00%	

The above table shows colleagues by pregnancy status. This table 1.20 is available to view on SQA workforce equality monitoring report 2019-2020 [https://www.sqa.org.uk/sqa/files\\_ccc/workforce-equality-monitoring-report-2019-2021.pdf](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)

Currently, no equality data on Pregnancy/Maternity is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. It is a recommendation of this EQIA that equality data is collected and then analysed for this characteristic in the future.

**What evidence about equality groups do you have to support this assessment? (continued)**

<p><b>Care experience (where relevant)</b></p>	<p>Human Resources currently have no data for SQA that shows how many colleagues are Care Experienced.</p> <p>Nationally <b>Who Cares? Scotland</b> say:</p> <p><b>Education</b></p> <p>In 2019/20 64% of all school leavers had 1 or more qualification at SCQF level 6 or better, whereas only 14% of school leavers looked after within the last year had qualifications of that level.</p> <p>Care Experienced children are less likely to be in positive destinations nine months after leaving school. Figures from 2019-20 show that 75% of school leavers looked after within the last year were in positive destinations. This is compared to 92% of all schools' leavers.</p> <p>At all levels, Care Experienced students have lower rates of completing courses compared to all students at university and college. Between Care Experienced students and non-Care Experienced students, there is a difference of 5.3% for retention at university, and the largest gap is in successful completion of full-time further education courses at college where the gap is 15.6% (<a href="#">SFC, 2019</a>).</p> <p><b>Unemployment</b></p> <p>9 months after leaving school, 22% of school leavers looked after within the last year people were classed as unemployed, compared to 7% of their non-Care Experienced peers (<a href="#">Scottish Government, 2021</a>).</p> <p><b>Criminalisation</b></p> <p>In a Scottish Prison Service survey carried out in 2019, 1/4 of the adult prison population indicated that during their up-bringing they had been in care (25%) (<a href="#">Scottish Prison Service, 2020</a>).</p> <p>Around 40% of young people in custody report that they have been in care (<a href="#">Scottish Prison Service, 2021</a>).</p>
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<p><b>Care experience (where relevant)</b></p>	<p><b>Health</b></p> <p>In a study conducted in 2002, among young people aged 5–17 years who were looked after by local authorities in Scotland, 45% were assessed as having a mental health issue (<a href="#">Office for National Statistics, 2004</a>).</p> <p><b>Homelessness</b></p> <p>Practitioners estimate that between 30-50% of individuals who are homeless could be Care Experienced.</p> <p>Currently, no equality data on Care Experience is collected from those who have undergone the disciplinary procedure at SQA, and in addition these numbers are too low to allow any data analysis. <u>It is a recommendation of this EQIA that equality data is collected and then analysed when numbers are sufficient.</u></p>
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### **Impact and Opportunities for Action**

The impact that a policy or practice has on an equality group may be different and needs 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.

### **Use of the term Discrimination:**

Please note that for the purposes of this document we have used the term Discrimination as a generic descriptor which considers six discrete elements:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation
- Discrimination by perception
- Associative discrimination





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Protected Characteristic	General Equality Duty
Age	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010.</p> <hr/> <p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference <i>Age</i> whatsoever. So, in theory, the policy should have an entirely neutral impact on employees – irrespective of their <i>Age</i>.</p> <p><b>There is, however, considerable national evidence to indicate a causal link between employee <i>Age</i> and performance</b> meaning that some workers may, on balance be at a greater risk of being the subject of disciplinary action than others.</p> <p>Research: Age related performance factors:</p> <p><b>Research: Age Related Performance Factors:</b></p> <p>Dr Katerina Lisenkova stated in Productivity Insights Network, PIN – 06 Evidence Review Demographic Ageing and Productivity:</p> <p><i>Workers’ productivity is determined by individual characteristics and by the characteristics of the company. Of individual characteristics the most important are physical ability (strength, dexterity, and endurance), cognitive ability (memory, spatial orientation, inductive reasoning, vocabulary size, etc.), education and experience. All of the individual characteristics depend on age. There is a large body of research in psychology and medicine that show that physical and cognitive abilities start declining at a relatively young age. Most cognitive abilities reach maximum level in the 20s and early 30s (Avolio and Waldman, 1994) and decline considerably by the age of 50 (Verhaegen and Salthouse, 1997). At the same time education and experience increase with age (in the case of education not in a cross-section) and can help overcome negative effects of declining abilities. In addition, the match between the worker’s abilities and the type of work that s/he performs can improve with age. The relative importance of abilities and experience is different in different professions and at different periods of time. There are several papers proposing a categorisation of professions according to whether age increases or decreases productivity (e.g., Warr, 1994; Venn, 2008).</i></p>



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	<p><i>Among professions where productivity increases with age are, for example lawyers, professors, managers, and medical doctors. Workers with basic jobs, especially jobs that require physical exertion such as factory workers or workers in the construction sector, are likely to become less productive as they age.</i></p> <p>Art Markman Ph.D. wrote an article in Psychology Today 1 Sept 2015 called ‘How Do People’s Values Change as They Get Older?’ He states:</p> <p><i>People were more interested in Promotion (power and success) when they were younger and older than in the middle. The idea is that in early and middle adulthood, people are focused on children and family and so success broadly may be less of a concern than it is early in life or later, when child-raising responsibilities have been completed.</i></p> <p>Whilst we accept that the current data sample in SQA of just four people could be statistically insignificant, overall risks of Age discrimination cannot be accurately identified, eliminated nor wholly discounted as the Authority does not currently collect <i>any</i> related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>
<p><b>Age (continued)</b></p>	<p style="text-align: center;">Advance equality of opportunity</p> <p>Whilst this policy does not explicitly reference Age, all SQA employees are entitled to use, access, and be subject to the Disciplinary Policy.</p> <p>The policy does make an explicit reference to Equality. It states:</p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</i></p>



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	<p style="text-align: center;"><b>Foster good relations</b></p> <p>The disciplinary policy and procedure does not currently foster good relations between people who share / do not share 'Protected Characteristics'. As the policy could generally be regarded as a reactive (not proactive) policy and used by exception in often negative circumstances, we make no further recommendations in this area as part of this assessment.</p>
<p><b>Protected Characteristic</b></p>	<p><b>General Equality Duty</b></p>
<p><b>Disability</b></p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference <i>Disability</i> whatsoever. So, in theory, the policy should have an entirely neutral impact on employees – irrespective of whether they have a Disability or not.</p> <p><b>However, once again, there is however, considerable national evidence to indicate a causal link between employee performance and <i>Disability</i></b> meaning that employees who are disabled, may, on balance be at a greater risk of being the subject of disciplinary action than non-disabled employees.</p> <p>Currently 8% of SQA employees have disclosed that they have a disability and whilst all employees are entitled to use, access and of course be subject to the <i>Disciplinary</i> policy. It is unclear if the policy promotes/advances the same chances to employees of all disabilities due to the lack of equality data on disciplinary cases by disability. Employees with a disability may face prejudicial assumptions and therefore consideration should be given to providing all managers and staff with Equality, Diversity, and Inclusion training.</p> <p>External data from the Fair Treatment at Work Survey (EHRC) showed that: <i>Around one in four disabled people in the UK said they had experienced some form of unfair treatment (27 per cent), compared with 17 per cent for non-disabled people. The main reasons given by disabled people for unfair treatment at work were the attitudes or personalities of other people (52 per cent) or relationships at work (43 per cent); 30 per cent said that the unfair treatment they had experienced was because of their disability or condition.</i></p>



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Table 2.2 Percentage of employees by indicated disability who were disciplined 1,3,4,5

	% Of total headcount in group	% Disciplined in group	% Of group disciplined
Disability	3	4	5
Disabled	7	12	1.4
Non-disabled	93	88	0.8

Source: All data sourced from DWPs HR Database 1 April 2015 to 31 March 2016

As previously stated, whilst the current data sample in SQA is very small indeed, overall risks of *Disability* discrimination cannot be accurately identified, eliminated nor wholly discounted as the Authority does not currently collect *any* related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:

**Neutral impacts recorded** (in respect of the policy itself) **potentially negative impacts recorded** (in the actual application of this policy).

**Disability**



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Protected Characteristic	General Equality Duty
Disability (continued)	<p style="text-align: center;">Advance equality of opportunity</p> <p>All SQA employees are entitled to use, access and be subjected to the Disciplinary <i>Policy</i>.</p> <p>The policy does state in section 5.2 - Reasonable adjustments:</p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</i></p> <p>Section 4.1 of the policy also provides examples of behaviour that SQA will view as misconduct, and which may result in disciplinary action being taken against an employee. The list is not exhaustive but could be taken subjectively.</p> <p>Consideration may need to be made as to what a person with a neurodiverse disability considers to be obscene, offensive, or reasonable. <u>It is recommended that we provide all managers with Equality, Diversity &amp; Inclusion training to ensure that they are aware of their role and responsibilities under the Equality Act and any considerations that should be taken into account throughout the disciplinary process.</u></p> <p>The policy expressly states:</p> <p><i>If anyone has a disability they must “advise of any special requirements e.g., disability, etc”.</i></p> <p>Section 5.2.1 of the policy also provides for anyone with a health condition which may be considered a disability and also states:</p> <p><i>Reasonable adjustments will be made to the process following advice from Occupational Health provider.</i></p>



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Foster good relations	
<b>Disability (continued)</b>	<p>There is no evidence to indicate that this policy fosters good relations between employees according to disability. Outcomes of the policy should continue to be monitored for any trends that suggests employees may be disadvantaged directly or indirectly because of their disability.</p>



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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><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference <i>Race / Ethnicity</i> whatsoever. So, in theory, the policy should have an entirely neutral impact on employees – irrespective of <i>Nationality, Citizenship or Ethnic Origin (Race)</i>.</p> <p><b>However, once again, there is evidence to indicate a causal link between employee performance and <i>Ethnicity</i> meaning</b> that some employees may, on balance be at a greater risk of being the subject of disciplinary action than others.</p> <p>Examples of external research includes:</p> <ul style="list-style-type: none"> <li>• <i>BME people are faced with a distinct lack of role models, they are more likely to perceive the workplace as hostile, they are less likely to apply for and be given promotions and they are more likely to be disciplined or judged harshly. (Race in the workplace: The McGregor-Smith review)</i></li> <li>• <i>BME staff were 1.16 times more likely to enter the formal disciplinary process compared to white staff. This is an improvement on 2019 (1.22) and a significant improvement from 2017 when it was 1.37. (Workforce Race Equality Standard 2020 report)</i></li> </ul> <p>Overall risks of <i>Race</i> discrimination cannot currently be accurately identified, eliminated nor wholly discounted in SQA as the Authority does not currently collect <i>any</i> related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>



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<b>Race</b>	Advance equality of opportunity
	<p>All SQA employees regardless of race/ethnicity are entitled to use, access and be subject to the <i>Disciplinary Policy</i>.</p> <p>The policy does state in section 5.2 Reasonable adjustments:</p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</i></p>
<b>Race</b>	Foster good relations
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of different Race or Ethnicity. No further recommendations are made in respect of this at this stage.</p>





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
	<p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure should in theory, have an entirely neutral impact on employees – irrespective of their Religion or Philosophical Belief System.</p> <p>This policy applies to all - regardless of religion and belief, there is no evidence to suggest that this policy affects employees differently or less favourably, on the grounds of their Religion or Belief.</p> <p>Again, consideration should be taken into the subjective language around what is considered misconduct, the list is not exhaustive but could be taken subjectively and may have cultural differences as to what is considered obscene, offensive, or reasonable. The numbers of SQA employees taken through disciplinary action are low and insignificant data source so unable to quantify any evidence, <u>however again it is recommended that we provide all managers with Equality, Diversity &amp; Inclusion training to ensure that they are aware of their role and responsibilities under the Equality Act and any considerations that should be taken into account throughout the disciplinary process.</u></p> <p>Overall risks of discrimination cannot currently be accurately identified, eliminated nor wholly discounted in SQA as the Authority does not currently collect <i>any</i> related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>



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Advance equality of opportunity	
<b>Religion or Belief</b>	<p>All SQA employees regardless of religion or belief are entitled to use, access and be subject to <i>the Disciplinary Policy</i>.</p> <p>There is no evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their Religion or Belief.</p> <p>The policy does state in section 5.2 Reasonable adjustments:</p> <p>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</p>
	Foster good relations
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of different Religion or Beliefs. No further recommendations are made in respect of this at this stage.</p>



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Protected Characteristic	General Equality Duty																
Sex	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010 (continued)</p> <p>A greater number of SQA employees overall are female - 62% female versus 38% male.</p> <p>Table 1.01 Colleagues by gender</p> <table border="1" data-bbox="465 568 1016 718"> <thead> <tr> <th>Gender (Sex)</th> <th>2019</th> <th>2020</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>61.20%</td> <td>61.64%</td> <td>0.44%</td> </tr> <tr> <td>Male</td> <td>38.80%</td> <td>38.36%</td> <td>-0.44%</td> </tr> <tr> <td>Total</td> <td>100.00%</td> <td>100.00%</td> <td></td> </tr> </tbody> </table> <p>The above table shows colleagues by gender. This table 1.01 is available to view on SQA workforce equality monitoring report 2019-2020 <a href="https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf">https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf</a></p> <p>CIPD report that women are significantly more likely than men to report they have experienced both <i>bullying</i> and <i>sexual harassment</i> in the workplace (17% versus 13% and 7% versus 2%, respectively). The <i>Disciplinary Policy</i> differentiates between examples of misconduct and gross misconduct and states that <i>bullying and harassment</i> and <i>unlawful discrimination or harassment</i> are examples of gross misconduct which is considered to be misconduct that “is so serious or has such serious consequences, that it is likely to result in dismissal (even for a first act of misconduct)”. If applied correctly, the policy should ensure that allegations of <i>bullying</i> and <i>harassment on the grounds of sex</i> are treated seriously, and those behaviours are not tolerated at SQA. However, it is recommended to align with the <i>Dignity at Work Policy</i> that under Section 4.2 of the Policy, <i>Sexual Harassment</i> is specifically listed as an example of gross misconduct and that <u>“Unlawful Discrimination and Harassment”</u> is amended to be more overt and specific by stating <u>“Discrimination, harassment or bullying related to a ‘relevant protected characteristic’”</u>. This is for anyone reading the policy that isn’t aware of what constitutes unlawful discrimination.</p>	Gender (Sex)	2019	2020	Variance	Female	61.20%	61.64%	0.44%	Male	38.80%	38.36%	-0.44%	Total	100.00%	100.00%	
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Total	100.00%	100.00%															



Equality Impact Assessment - Disciplinary Policy Ver 1.0

<p><b>Sex</b></p>	<p><u>It is also recommended that consideration be given to providing investigating and hearing managers with Equality, Diversity, and Inclusion training to avoid the risk of discrimination in the disciplinary process on the grounds of sex.</u></p> <p><u>There is a further recommendation that more explicit signposting to both the Dignity at Work Policy and the Grievance Policy and Procedure to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.</u></p> <p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference Sex whatsoever so in theory, the policy should have an entirely neutral impact on employees – irrespective of their Sex.</p> <p>We do however consider that on balance, women may be more likely to take time off for caring responsibilities which may indirectly affect performance. Also, the Menopause is of material consideration – ultimately meaning that female employees may be at a marginally greater risk of being the subject of disciplinary action (relating to attendance) than male employees.</p> <p>Once again, discrimination cannot currently be accurately identified, eliminated nor wholly discounted in respect of this policy as SQA does not currently collect <i>any</i> related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>
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Equality Impact Assessment - Disciplinary Policy Ver 1.0

<b>Sex</b>	<p style="text-align: center;">Advance equality of opportunity</p> <p>All SQA employees are entitled to use, access and be subject to <i>the Disciplinary Policy</i>. This includes employees of both sexes. However, because there is no <i>Sex</i> related profiling data available relating to <i>Disciplinary</i> rates in SQA, it is not possible to conclude if this policy does effectively advance equality of opportunity between Men and Women.</p> <p>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</p>
<b>Sex</b>	<p style="text-align: center;">Foster good relations</p> <p>There is no evidence to indicate that this policy currently fosters good relations between employees of different sexes. No further recommendations are made in respect of this at this stage.</p>



Equality Impact Assessment - Disciplinary Policy Ver 1.0

Protected Characteristic	General Equality Duty																																								
<b>Sexual Orientation</b>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>The law states that you shouldn't be discriminated against because of your <i>Sexual Orientation</i> or 'perceived' <i>Sexual Orientation</i>. This includes orientation towards someone of the same sex (lesbian/ gay), opposite sex (heterosexual) or both (bisexual). Due to the insignificant data sample of people being subject to this policy at SQA, it is not possible to draw meaningful conclusions in respect of Equality Impact.</p> <p>CIPD research on inclusion at work found that LGB+ employees are more likely to experience workplace conflict and harassment than their heterosexual counterparts. SQA's Equality Data shows that although most staff identify as heterosexual, there are a number who do not:</p> <table border="1" data-bbox="465 874 1384 1214"> <thead> <tr> <th>Sexual Orientation</th> <th>2019</th> <th>2020</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Bisexual</td> <td>0.96%</td> <td>1.26%</td> <td>0.30%</td> </tr> <tr> <td>Gay man</td> <td>1.39%</td> <td>2.11%</td> <td>0.71%</td> </tr> <tr> <td>Gay woman / Lesbian</td> <td>0.96%</td> <td>1.05%</td> <td>0.09%</td> </tr> <tr> <td>Heterosexual/straight</td> <td>46.20%</td> <td>70.60%</td> <td>24.41%</td> </tr> <tr> <td>In another way</td> <td>0.11%</td> <td>0.21%</td> <td>0.10%</td> </tr> <tr> <td>Not sure</td> <td>0.11%</td> <td>0.11%</td> <td>0.00%</td> </tr> <tr> <td>Prefer not to say</td> <td>2.79%</td> <td>8.01%</td> <td>5.22%</td> </tr> <tr> <td>Not Provided</td> <td>47.48%</td> <td>16.65%</td> <td>-30.83%</td> </tr> <tr> <td><b>Total</b></td> <td><b>100.00%</b></td> <td><b>100.00%</b></td> <td></td> </tr> </tbody> </table> <p>The above table shows colleagues by sexual orientation. This table is available to view on SQA workforce equality monitoring report 2019-2020 <a href="https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf">https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf</a></p>	Sexual Orientation	2019	2020	Variance	Bisexual	0.96%	1.26%	0.30%	Gay man	1.39%	2.11%	0.71%	Gay woman / Lesbian	0.96%	1.05%	0.09%	Heterosexual/straight	46.20%	70.60%	24.41%	In another way	0.11%	0.21%	0.10%	Not sure	0.11%	0.11%	0.00%	Prefer not to say	2.79%	8.01%	5.22%	Not Provided	47.48%	16.65%	-30.83%	<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	
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Equality Impact Assessment - Disciplinary Policy Ver 1.0

<p><b>Sexual Orientation</b></p>	<p>The <i>Disciplinary Policy</i> reinforces SQA's commitment to <i>Equality, Diversity and Inclusion</i> and the expected standards of conduct and behaviour and sets out what action will be taken if those standards of conduct are breached. This is positive in terms of reinforcing SQA's zero-tolerance approach to discrimination on the grounds of <i>Sexual Orientation</i>.</p> <p>The Policy differentiates between examples of misconduct and gross misconduct and states that <i>bullying and harassment</i> and <i>unlawful discrimination or harassment</i> are examples of gross misconduct which they consider to be misconduct that <i>"is so serious or has such serious consequences, that it is likely to result in dismissal (even for a first act of misconduct)"</i>.</p> <p>Therefore, if applied fairly and correctly, the policy should ensure that allegations of discrimination, bullying and harassment on the grounds of <i>Sexual Orientation</i> are treated seriously, and those behaviours are not tolerated at SQA.</p> <p>However, <u>it is recommended that under Section 4.2 of the Policy that "Unlawful Discrimination and Harassment" is amended to be more overt and specific by stating "Discrimination, harassment or bullying related to a 'relevant protected characteristic'"</u>. This is for anyone reading the policy that isn't aware of what constitutes 'unlawful discrimination'.</p> <p><u>It is recommended that consideration be given to providing investigating and hearing managers with Equality, Diversity, and Inclusion training to avoid the risk of discrimination in the disciplinary process on the grounds of <i>Sexual Orientation</i>.</u></p> <p><u>There is a further recommendation that more explicit signposting to both the Dignity at Work Policy and the Grievance Policy and Procedure to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.</u></p> <p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference <i>Sexual Orientation</i> <i>whosoever</i> so in theory, the policy should have an entirely neutral impact on employees – irrespective of this 'Protected Characteristic'.</p> <p>Given the high numbers of mental health absences nationally within the LGBTI+ community, we consider that this may, in turn, have an impact on performance at work. As per the other characteristics listed in this assessment, due to an absence of data, we conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>
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<b>Sexual Orientation</b>	<p style="text-align: center;">Advance equality of opportunity</p> <p>All SQA employees are entitled to use, access and be subject to the <i>Disciplinary Policy</i> and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their <i>Sexual Orientation</i>.</p> <p>The policy does state:</p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</i></p>
	<p style="text-align: center;">Foster good relations</p>
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of different sexual orientations.</p> <p>No further recommendations are made in respect of this at this stage.</p>





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Protected Characteristic	General Equality Duty
<p><b>Gender Identity.</b></p> <p><b>This includes:</b></p> <p><b>Gender Re-assignment</b></p> <p><b>Non Binary</b></p> <p><b>Gender Fluid</b></p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>An evidence review commissioned by the Government Equalities Office, published by the National Institute of Economic and Social Research in July 2016 stated that many trans people (up to 50% of respondents) experienced harassment and bullying at work. They reported extremely poor service from HR departments, lack of understanding of trans issues by managers and little support when they faced discrimination and harassment</p> <p>Unauthorised absence is specifically mentioned in the Disciplinary Policy as an example of misconduct. <u>It is a recommendation of this EQIA that there is specific signposting to both the Attendance Management Policy and the Transitioning Policy to ensure that managers have an understanding that medical appointments related to transitioning do not constitute an unauthorised absence</u></p> <p><u>It is recommended that we provide all managers with Equality, Diversity &amp; Inclusion training to ensure that they are aware of their role and responsibilities under the Equality Act and any considerations that should be taken into account throughout the disciplinary process. There is a further recommendation that more explicit signposting to both the Dignity at Work Policy and the Grievance Policy and Procedure to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.</u></p> <p><b>Risks of Discrimination</b></p> <p>The disciplinary policy itself and associated procedure does not reference <i>Sexual Orientation whosoever</i> so in theory, the policy should have an entirely neutral impact on employees – irrespective of this ‘Protected Characteristic’.</p> <p>Given the high numbers of mental health absences nationally within the LGBTI+ community, we consider that this may, in turn, have an impact on performance at work. As per the other characteristics listed in this assessment, due to an absence of data, we conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>



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<b>Gender Identity.</b>  <b>This includes:</b>  <b>Gender Re-assignment</b>  <b>Non-Binary</b>  <b>Gender Fluid</b>  <b>(continued)</b>	<b>Advance equality of opportunity</b>
	<p>All SQA employees regardless of religion or belief are entitled to use, access and be subject to <i>the Disciplinary Policy</i>.</p> <p>There is no evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their Gender Identity</p> <p>The policy does state in section 5.2 Reasonable adjustments:</p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</i></p> <p>See also the separate SQA policy <i>Transition at Work</i>.</p>
	<b>Foster good relations</b>
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees. No further recommendations are made in respect of this at this stage.</p>



Equality Impact Assessment - Disciplinary Policy Ver 1.0

Protected Characteristic	General Equality Duty
<b>Marriage/Civil Partnership</b>	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>We can identify <b>no reasonable risks</b> or evidence to indicate how or why this policy could disproportionately impact a person on the grounds of this 'Protected Characteristic'.</p> <p><b>Neutral Equality related impact is therefore recorded in this area.</b></p>
	Advance equality of opportunity
	<p>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a protected characteristic at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.</p>
	Foster good relations
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of differing marital status. No further recommendations are made in respect of this at this stage.</p>



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Protected Characteristic	General Equality Duty
Pregnancy / Maternity	<p data-bbox="488 320 2029 384">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 456 824 488"><b>Risks of Discrimination:</b></p> <p data-bbox="488 536 1984 600">The disciplinary policy itself and associated procedure does not reference <i>Pregnancy and Maternity</i> whatsoever so in theory, the policy should have an entirely neutral impact on employees – irrespective of their <i>Pregnancy and Maternity</i> status.</p> <p data-bbox="488 647 1962 759"><b>There is, however, considerable national evidence to indicate a causal link between <i>Pregnancy</i> and performance</b> meaning that some workers may, on balance be at a greater risk of being the subject of disciplinary action than others. (Please see below.)</p> <p data-bbox="488 807 2029 951"><i>The Equality and Human Rights Commission</i> conducted a formal investigation into pregnancy discrimination in 2015. Their final report found that 54,000 women a year are forced out of their job because of pregnancy discrimination, one in five mothers experienced harassment and negative comments because of their pregnancy and 10% of mothers were discouraged from taking time off for their antenatal care.</p> <p data-bbox="488 999 2007 1062">The main areas of unfair treatment during pregnancy were found to be denial of a pay increase, refusal of promotion, having to take lower-paid work, being excluded from training and refusal of time off for ante-natal care.</p> <p data-bbox="488 1110 2029 1270">Women involved in the in-depth interviews experienced a wide range of negative treatment at work, ranging from more subtle changes in the attitudes of their colleagues and employers, to unfair selection for redundancy, dismissal, denial of promotion opportunities and sexual and verbal harassment. Many also reported enforced changes to their job during pregnancy.</p> <p data-bbox="488 1318 2029 1350">The report is available at: <a href="http://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-">www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-</a></p>



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<b>Pregnancy / Maternity</b>	<p>Once again, discrimination cannot currently be accurately identified, eliminated nor wholly discounted in respect of this policy as SQA does not currently collect <i>any</i> related profiling data relating to formal or informal disciplinary action. We therefore ultimately conclude:</p> <p><b>Neutral impacts recorded</b> (in respect of the policy itself) <b>potentially negative impacts recorded</b> (in the actual application of this policy).</p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>Please see separate Pregnancy and Maternity policy (and associated EqIA) for details of this.</p>
	<p style="text-align: center;">Foster good relations</p>
	<p>5.2.1 Health and well-being considerations It may be appropriate for us, with your agreement, to seek guidance from Occupational health or a medical professional as to how the disciplinary process can proceed fairly. If there are clear and repeated signs of distress from you at any stage of the Disciplinary procedure for example, we will encourage you to use our employee assistance programme or consider suggesting that you seek specific advice from your GP. If you have an existing health condition which may be considered a disability, we will make appropriate reasonable adjustments to the process following advice from our Occupational Health provider. Any reasonable adjustments will never negatively impact on the investigative and/or decision-making process outlined in this policy and procedure</p> <p>Currently it states in the policy if you have ‘an existing health condition which may be considered a disability, we will make appropriate adjustments. A consideration would be to adjust the wording to include adjustments to be made for all protected characteristics to be consistent with section 5.2 reasonable adjustments.</p>



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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>Based on data from <i>whocarescotland.org</i> 25% of the adult prison population has been brought up in care and further to this 40% of young people in custody have been in care. This data shows there is a higher possibility employees at SQA with Care experience may have a criminal conviction. However due to section 2.3 (listed below) SQA states that they will consider if the conviction 'is relevant to your employment.' therefore this policy does not impact directly / indirectly on people who have care experience and therefore make no further recommendations in this area.</p>
	<p><b>2.3 Disciplinary Policy</b></p>
	<p>A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.</p>
	<p><u>There is a recommendation that more explicit signposting to both the Dignity at Work Policy and the Grievance Policy and Procedure to ensure that employees and Line Managers have increased awareness of their rights and responsibilities.</u></p>
	<p>Advance equality of opportunity</p>
	<p>All SQA employees must familiarise themselves with the content of Disciplinary policy and act in accordance with it. There is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of care experience.</p>
<p>Foster Good Relations</p>	
<p>Whilst this policy does not explicitly reference care experience there is little evidence to indicate that this policy does not foster good relations between employees of upbringings.</p>	
<p>No further recommendations are made in respect of this in relation to this policy.</p>	