

# Equality Impact Assessment

## Summary

Name of Policy or practice	Flexible Working Policy		
New Policy or Revision	Revised		
Policy Owner (role)	Head of Human Resources		
Date Policy Owner Confirmed Completion	February 2024		
Agreed Schedule Review Date	February 2027	Additional review date (Action review date)	September 2026

## 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.

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
Actions taken to monitor the implementation of policy and the impact on equality groups (evidence and consultation)			[ONGOING RECORD]

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
<p>1. Sex</p> <p>Continue to promote the 'Happy to Talk Flexible' as our strapline for all job adverts both internal and external. Continue to communicate to who have colleagues 'lived experiences' of working flexibly and share the benefits and advantages through SQA's internal communications channels and media. Continue to promote flexible working to management as a beneficial and agile way of working and attaining good performance</p>	Foster good relations	HR Shared Services Manager	Ongoing	
<p>2. Sexual orientation</p> <p>Continue to promote through internal communication channels that all employees have the legal right to request flexible working - not just parents and carers</p>	Foster good relations	HR Shared Services Manager	Ongoing	

## Policy Aims

<p>What is the rationale for this policy or practice?</p> <p>This policy and accompanying procedure have been designed to aid both SQA employees and managers in understanding the application of flexible working in the workplace. This policy outlines the process SQA follows when an employee makes a request to work flexibly and sets out a range of flexible working options. The policy does not (of course) provide an automatic right for SQA employees to work flexibly if they request to do so.</p>
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All employees within SQA are offered flexible working as a default and a 'day one' right. This is an enhanced offer above the statutory right which requires employees to complete 26 weeks service before they are entitled to request to work flexibly. The legislation pertaining to statutory flexible working requests is part 8A of the *Employment Rights Act 1996*, the *Flexible Working Regulations 2014 (SI 2014/1398)* and the *Flexible Working (Amendment) Regulations 2023*

The stated aims of the policy are to deal with flexible working requests in a "reasonable manner" and notify the employee of its decision within a specified time frame (s.80G(1)(a) and (aa) of the *Employment Rights Act 1996*).

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

Evidence indicates that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing, improve performance and productivity, reduce sickness absence and improve employee engagement. (Source ONS working flexibly in the public sector and CIPD flexible working guidance.)

47% of SQA employees recently communicated a preference to travel to an office environment for meetings only and perform most other work from home for at least some of their working week.

While working from home is not a part of the Flexible Working Policy (this is covered in our Home-Based workers policy) it is indicative of a significant general shift in the way SQA employees view their working arrangements and why SQA can reasonably expect subsequent increased interest / applications from employees who wish to work more flexibly in the future.

The SQA currently employs 1036 people. A total of 27% (277) are working on existing flexible working contracts. While 73 % (742 people) do not. This also highlights the ongoing need in SQA for a policy to continue to establish and grow flexible working practices.

SQA has collected data on employees with caring responsibilities and this shows that 23.60% of employees identify as a carer and this information helps us to understand the different needs of individuals from a carers perspective to better support individuals' commitments and work-life balance.

#### National Flexible Working:

In 2018 (so pre pandemic) the *Office for National Statistics* reported that of all people who worked in the public sector, 42% said that they worked flexibly through alternative working patterns:

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

To help all employees understand what flexible working is at SQA and outline the policy and the process to follow. The policy ultimately aims to facilitate discussions between line managers and individuals while encouraging progressive consideration of requests for flexible working patterns that are mutually beneficial to both individuals and SQA.

The policy also aims to ensure SQA meets its statutory requirements on flexible working and foster good working relations. Since June 2014, all UK employees have had the right, by law, to request flexible hours, although carers and parents have had the right to request flexibility to care for dependants since 1996.

The policy itself is divided in two discrete sections:

Policy Structure:

- 1: Part A – Policy detail.
- 2: Part B – Procedures for SQA managers / employees to follow.

The following SQA policies are also related to the Flexible Working Policy.

[Attendance Management policy](#)

[Equality Diversity and Inclusion policy](#)

[Maternity Leave policy](#)

[Paternity Leave policy](#)

[Adoption Leave policy](#)

[Shared Parental Leave policy](#)

[Home Based Workers policy](#)

[Information Security Policy](#)

[Restructure Policy](#)

[Hybrid-working-guidance](#)

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

The SQA acknowledges that people who share / do not share, certain 'Protected Characteristics may on balance:

- Have different reasons for requiring working different work patterns.
- Feel less comfortable sharing the background for their request with a male or female.

Offering flexible employment options such as part-time, flexible start and finish times, compressed hours and remote working ultimately means we have access to a wider talent pool of candidates who may not have otherwise been able to apply for work with us.

Having more quality roles with flexibility will help more talented people put their skills to use rather than become trapped below their skill level in low-paid part-time or flexible jobs due to the lack of flexibility in better quality jobs.

Flexible working could have a positive / negative impact on earnings, gender pay discrepancies, career progression and job mobility for women with family responsibilities. It can also help older workers, carers, and people with disabilities.

In summary, we acknowledge that some employees with certain 'Protected Characteristics' are on balance, more likely to request flexible working. This may be a particularity relevant consideration in respect of Disability, Age, and Sex.

## Evidence, Consultation and Engagement

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

This policy has been developed in consultation with SQA's recognised Trades Unions, Unite and Unison, who represent all staff throughout the organisation.

In addition, as this is an internal policy, SQA has only consulted with internal groups. These include:

- ACE (Appreciate Culture and Ethnicity) Network.
- SQA Disability Network.
- SQA Rainbow Network.
- Women's Network.

Evidence of Stakeholder Engagement:

Trade Union Consultation Review Group (Policy Review Group):

Members of SQA Human Resources department and trade union representatives from *Unite the Union* and *Unison* meet weekly in SQA via the PRG. 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.

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

Age

**Table 1.1: Age**

Age bracket	2019 no	2019 %	2020 no	2020 %	2021 no	2021 %	2022 no	2022 %	Variance no	Variance %
16-24	59	6.32%	50	5.27%	49	4.93%	36	3.47%	-23	-2.85%
25-29	65	6.97%	60	6.32%	73	7.35%	105	10.14%	40	3.17%
30-34	123	13.18%	109	11.49%	96	9.67%	95	9.17%	-28	-4.01%
35-39	131	14.04%	145	15.28%	146	14.70%	144	13.90%	13	-0.14%
40-44	129	13.83%	135	14.23%	146	14.70%	150	14.48%	21	0.65%
45-49	116	12.43%	105	11.06%	113	11.38%	124	11.97%	8	-0.46%
50-54	125	13.40%	141	14.86%	131	13.19%	126	12.16%	1	-1.24%
55-59	119	12.75%	117	12.33%	122	12.29%	122	11.78%	3	-0.98%
60-64	53	5.68%	72	7.59%	81	8.16%	102	9.85%	49	4.16%
65+	13	1.39%	15	1.58%	36	3.63%	32	3.09%	19	1.70%
<b>Total</b>	<b>933</b>	<b>100.00%</b>	<b>949</b>	<b>100.00%</b>	<b>993</b>	<b>100.00%</b>	<b>1036</b>	<b>100.00%</b>	<b>103</b>	<b>11.04%</b>

Table 1.1 shows the age profile of the organisation from 2019 to 2022

Source: SQA Workforce Equality Monitoring Report 2021-23

[Equalities: SQA workforce monitoring report 2021-23](#)

Disability

**Table 3.1: Disability**

Disability	2019 number	2019 %	2020 number	2020 %	2021 number	2021 %	2022 number	2022 %	Variance number	Variance %
No	417	44.69%	651	68.60%	683	68.78%	697	67.28%	280	22.59%
Not Specified	444	47.59%	152	16.02%	152	15.31%	184	17.76%	-260	-29.83%
Prefer not to say	21	2.25%	68	7.17%	76	7.65%	72	6.95%	51	4.70%
Yes	51	5.47%	78	8.22%	82	8.26%	83	8.01%	32	2.54%
<b>Total</b>	<b>933</b>	<b>100.00%</b>	<b>949</b>	<b>100.00%</b>	<b>993</b>	<b>100.00%</b>	<b>1036</b>	<b>100.00%</b>	<b>103</b>	<b>0.00%</b>

Source: SQA Workforce Equality Monitoring Report 2021-23  
[Equalities: SQA workforce monitoring report 2021-23](#)

Table 3.1 shows the composition of the disability self-reporting categories for the period from 2019 to 2022.

Of those staff who have declared a disability, females made up 58.54% (2021) and 53.01% (2022) of the population, and males 41.46% (2021) and 46.99% (2022). Due to the low number of staff declaring a disability within SQA we are unable to publish further intersectional data in relation to disability and other protected characteristics.

Race

**Table 7.1: Race**

<b>Ethnicity</b>	<b>2019 number</b>	<b>2019%</b>	<b>2020 number</b>	<b>2020%</b>	<b>2021 number</b>	<b>2021%</b>	<b>2022 number</b>	<b>2022%</b>
African, Scottish African or British African	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	<5	<0.48%
Asian, Scottish Asian or British Asian	13	1.39%	20	2.11%	24	2.42%	25	2.41%
Caribbean or Black	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Mixed or multiple ethnic group	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Not specified	383	41.05%	123	12.96%	101	10.17%	122	11.78%
Other ethnic group	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Prefer not to say	10	1.07%	33	3.48%	34	3.42%	30	2.90%
White	523	56.06%	763	80.40%	825	83.08%	849	81.95%



Source: SQA Workforce Equality Monitoring Report 2021-23

[Equalities: SQA workforce monitoring report 2021-23](#)

Table 7.1 shows the ethnic minority background of staff within the organisation for the period from 2019 to 2022

Just under 3.50% staff declared they were from an ethnic minority background in both 2021 (3.32%) and 2022 (3.38%). However, it is encouraging to note that the percentage of staff declaring they are from an ethnic minority background has increased overall by 3.97% between 2019 and 2022. The percentage of staff within each ethnic minority category has remained relatively stable over the last three years.

Religion or Belief

**Table 8.1: Religion or belief**

Religion or belief	2019 number	2019%	2020 number	2020%	2021 number	2021%	2022 number	2022%
Another religion or body	< 5	< 0.54%	< 5	< 0.53%	6	0.60%	6	0.58%
Buddhist	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Church of Scotland	91	9.75%	122	12.86%	127	12.79%	125	12.07%
Hindu	< 5	< 0.54%	< 5	< 0.53%	7	0.70%	8	0.77%
Jewish	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Muslim	7	0.75%	11	1.16%	10	1.01%	11	1.06%
None	286	30.65%	421	44.36%	462	46.53%	489	47.20%
Not specified	405	43.41%	126	13.28%	102	10.27%	123	11.87%
Other Christian	26	2.79%	43	4.53%	44	4.43%	44	4.25%
Prefer not to say	35	3.75%	98	10.33%	103	10.37%	103	9.94%
Roman Catholic	76	8.15%	118	12.43%	129	12.99%	123	11.87%
Sikh	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%

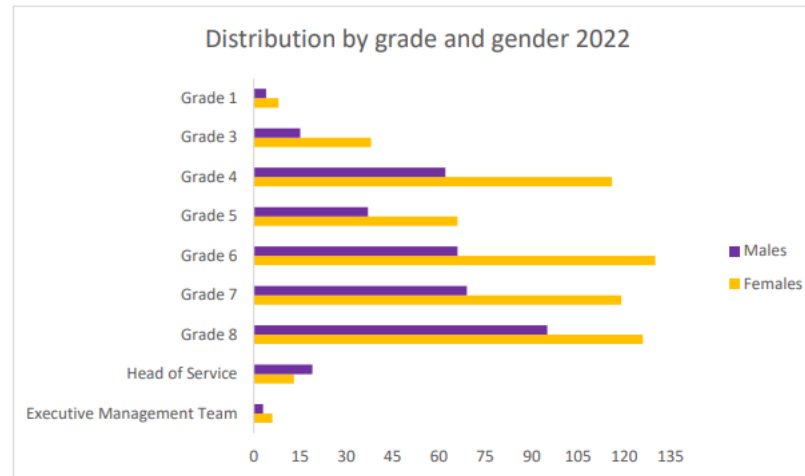
Table 8.1 shows the religion, belief, or non-belief status of staff within the organisation for the period from 2019 to 2022.

Source: SQA Workforce Equality Monitoring Report 2021-23  
[Equalities: SQA workforce monitoring report 2021-23](#)

Sex

### Gender

#### Distribution by grade and gender of SQA grade 1 – EMT



Source: SQA Summary of Equal Pay Audit 2023  
[Scottish Qualifications Authority \(sqa.org.uk\)](https://www.sqa.org.uk)

The majority of the 2.9 million lone-parent families in 2022 were headed by a lone mother (2.5 million, 84%)

Source: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2022>

59% of unpaid carers are women (Census 2021). Women are more likely to become carers and to provide more hours of unpaid care than men. More women than men provide high intensity care at ages when they would expect to be in paid work (Petrillo and Bennett, 2022)

Source: Carers UK

There are 1.25 million sandwich carers in the UK. These are people caring for an older relative as well as bringing up a family. 68% (850,743) are women.

Source: <https://www.ageuk.org.uk/our-impact/campaigning/care-in-crisis/breaking-point-report/>

Sexual Orientation

**Table 10.1: Sexual orientation**

Sexual Orientation	2019 number	2019%	2020 number	2020%	2021 number	2021%	2022 number	2022%
Bisexual	9	0.96%	12	1.26%	15	1.51%	16	1.54%
Gay man	13	1.39%	20	2.11%	21	2.11%	23	2.22%
Gay woman / lesbian	9	0.96%	10	1.05%	12	1.21%	12	1.16%
Heterosexual / straight	431	46.20%	670	70.60%	700	70.49%	702	67.76%
In another way	< 5	< 0.54%	< 5	< 0.53%	< 5	< 0.50%	< 5	< 0.48%
Not specified	< 5	< 0.54%	< 5	< 0.53%	156	15.71%	189	18.24%
Not sure	26	2.79%	76	8.01%	< 5	< 0.50%	< 5	< 0.48%
Prefer not to say	443	47.48%	158	16.65%	84	8.46%	88	8.49%

Table 10.1 shows the composition of staff sexual orientation within the organisation for the period 2019 to 2022.

Source: SQA Workforce Equality Monitoring Report 2021-23

[Equalities: SQA workforce monitoring report 2021-23](#)

Gender Re-assignment  
(Gender identity and transgender)

Due to the low number of staff reporting as transgender or describing their gender identity 'in another way', we are unable to publish further data in relation to gender reassignment or gender identity. This data is, however, monitored internally

Marriage/Civil Partnership

**Table 5.1: Relationship status**

Relationship status	2019 number	2019 %	2020 number	2020 %	2021 number	2021 %	2022 number	2022 %
Civil Partnership	7	0.75%	7	0.74%	8	0.81%	9	0.87%
Co-habiting/in a relationship	80	8.57%	112	11.80%	122	12.29%	122	11.78%
Divorced/Dissolved Civil Partnership	14	1.50%	16	1.69%	17	1.71%	19	1.83%
Married	265	28.40%	370	38.99%	425	42.80%	416	40.15%
Married/Civil Partnership	8	0.86%	12	1.26%	14	1.41%	16	1.54%
Not Specified	407	43.62%	179	18.86%	102	10.27%	127	12.26%
Other	< 5	< 0.54%	< 5	< 0.53%	7	0.70%	9	0.87%
Prefer not to say	18	1.93%	49	5.16%	55	5.54%	59	5.69%
Separated	6	0.64%	12	1.26%	12	1.21%	13	1.25%
Single	122	13.08%	183	19.28%	224	22.56%	239	23.07%
Widowed/surviving partner from Civil Partnership	< 5	< 0.54%	6	0.63%	7	0.70%	7	0.68%

Table 5.1 shows the marriage and civil partnership status of staff within the organisation for the period from 2019 to 2022.

Source: SQA Workforce Equality Monitoring Report 2021-23

[Equalities: SQA workforce monitoring report 2021-23](#)

Pregnancy / Maternity

**Table 6.1: Pregnancy and maternity**

Pregnancy and maternity	2019 number	2019 %	2020 number	2020 %	2021 number	2021 %	2022 number	2022 %
Contract ended as planned					1	3.33%		0.00%
Due to return to work					0	0.00%	11	40.00%
Resigned					0	0.00%	1	4.00%
Returned to work	20	100.00%	10	100.00%	29	96.67%	14	56.00%
Total	20	100.00%	10	100.00%	30	100.00%	26	100.00%

	<p>Table 6.1 details the number of staff who have taken maternity leave, whether they are still on maternity leave (due to return to work), have returned to work following maternity leave, resigned following maternity leave, or their fixed-term contract ended (contract ended as planned).</p> <p>Source: SQA Workforce Equality Monitoring Report 2021-23  <a href="#">Equalities: SQA workforce monitoring report 2021-23</a></p>
Care experience (where relevant)	SQA does not currently collect Care Experience data

## Impact and Opportunities for Action

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

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

Protected Characteristic	General Equality Duty
Age	<p data-bbox="517 608 2029 639">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="517 683 2029 751">SQA considers that this policy, on balance, will have a perceived positive impact on employees of all ages as the policy aims to ensure a consistent process for all when requesting flexible working and is potentially open to employees of all ages.</p> <p data-bbox="517 794 2029 967">Refusal of flexible working requests are business (not people or age) orientated. SQA's age profile over 2021/23 shows that 33% of employees are aged 50+. The majority of SQA employees are in the mid-range age bandings. A total of 79% workers are aged between 30 – 59, indicating a probable continued trend towards employment of people in the 50+ age range. ONS research (2019) shows that the majority (66%) of people with carer responsibilities will also be aged 50+. <a href="https://www.ons.gov.uk/peopleinwork/workinghoursandflexibility/articles/livinglonger-2019">Living longer - Office for National Statistics (ons.gov.uk)</a></p> <p data-bbox="517 1010 2029 1182">SQA do not ask for the specific reason for applying for flexible working, however the statutory right to request flexible working was initially introduced in 1996 specifically to care for dependants and has become a day one right in the updated legislation in the Employment Relations (Flexible Working) Act 2023. It is therefore reasonable to accept that flexible working is widely considered to be a supportive measure for employees with carer responsibilities, who are more likely to be older rather than younger employees.</p> <p data-bbox="517 1225 2029 1396">In addition we know from ACAS research <a href="https://www.acas.org.uk/resources/articles/flexible-working-implications">Flexibility in the workplace: implications of flexible work arrangements for individuals, teams and organisations   Acas</a> that: 'Employees benefit from FWAs (particularly time flexibility) through improved health and wellbeing. Employers see improved organisational productivity and retention.'</p>

There is very clear evidence nationally to indicate that greater levels of sickness absence occur in older workers. For example, employees in the age range 60+ have an absence rate that is 113% higher than people aged 25 – 34.

(See table below:)

Age Range:	Average Sickness Absence:
16 – 24	1.8
25 – 34	1.5
35 – 49	2.0
50 -64	2.9
65 +	3.2

Source ONS

Flexible working arrangements are therefore likely to have a positive impact on older employee's health and wellbeing.

Risks of Discrimination – Direct and Indirect:

The SQA does not currently capture or analyse flexible working requests and refusal rates by the *age* of its employees. It is not therefore possible, to fully establish if any disproportionate trends or risks of discrimination exist within the SQA in the use or application of this policy. The policy also does not currently list any *age*-related adjustments or make reference to any *age*-related adjustments.

It is therefore recommended that the SQA captures and analyses *age* data relating to flexible working activities (e.g. applications, refusals acceptances etc) and subsequent actions are taken because of the findings of this analysis.

This is recommended with the specific aim of identifying any disproportionality, risks of discrimination and any actions required to eliminate or mitigate any adverse impact this policy may have on employees of different ages. We conclude this may be particularly relevant in respect of older workers.



	<b>Advance equality of opportunity</b>
	<p>While all SQA employees are entitled to use, access, and of course, be subjected to the Flexible Working Policy, whether or not the policy actually promotes / advances the ‘same chance’ to employees of all <i>ages</i> remains unclear. This is again, due to a lack of accurate monitoring of flexible working requests by <i>age</i> in SQA.</p> <p>Advancing Equality of Opportunity (same chance) may sometimes require organisations to do slightly different things to meet the different needs of people.</p>
	<b>Foster good relations</b>
	<p>Fostering good relations involves tackling prejudice and promoting understanding between people who share, or may not share, a protected characteristic.</p> <p>This policy does not explicitly reference <i>age</i>. It does not, for example, provide any guidance to managers in respect of considering age-related adjustments or age-related reasons for requesting flexible working. Also, there is no central source for tracking refusals or failed flexible working requests.</p> <p>For these reasons, there is little evidence to indicate that this policy actually fosters good relations between employees of different age groups.</p>
Protected Characteristic	<b>General Equality Duty</b>
Disability	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>SQA considers that this policy will, on balance, have an overall perceived positive impact on employees who declare a disability as the policy is designed to ensure a consistent process is taken for all employees when requesting flexible working. Flexible working decisions are technically irrespective of disability status although SQA would of course, consider this to be a material factor when making decisions about flexible working requests.</p>



We know that 8.01% of SQA employees have declared a disability. We do not however capture data to show how many of this cohort have requested flexible working, are working flexibly or have been refused a flexible working request.

We do however know that nationally, 32% of employees with a *disability* work part-time versus 23% who do not have a *disability*. As reduction of hours are a stated option in our Flexible Working Policy, we conclude this as a positive indicator to encourage employees who have, or who develop a disability, to apply for flexible working.

It is important to acknowledge however that flexible working is not just restricted to working hours, location and general arrangements as suggested in the policy (section 5.1 and Appendix 4.1). There is a minor risk that SQA may be indirectly discriminating against employees who have a disability by not directly referring to flexible working and the ‘kind of support and equipment will you need to work flexibly’ mentioned here [Flexible and part-time working | Disability charity Scope UK](#).

TUC research [Disabled Workers’ access to flexible working as a reasonable adjustment | TUC](#) in 2021 showed that:

‘There is a significant demand among disabled workers for flexible working. In terms of location, despite the challenges that some workers experienced during the pandemic, nearly all disabled workers (94 per cent) who had worked from home during the pandemic wanted to continue doing so in some form, either completely remotely or a hybrid working arrangement after the pandemic. Across all disabled workers, including those who had not worked from home during the pandemic, this figure is 75 per cent. In addition, over two thirds of disabled workers (68 per cent) wanted some form of hours-based flexibility such as flexi-time, compressed hours or part-time working.

Risks of Discrimination – Direct and Indirect:

The SQA does not currently capture or analyse flexible working requests and refusal rates by *disability* of its employees. It is not therefore possible, to fully establish if any disproportionate trends or risks of discrimination exist within the SQA in the use or application of this policy. The policy also does not currently list any specific disability related adjustments or make reference to any disability related adjustments.

Advance equality of opportunity

	<p>While all SQA employees are entitled to use, access, and of course, be subjected to the Flexible Working Policy, whether or not the policy actually promotes / advances the ‘same chance’ to employees with disabilities remains unclear. This is due to a lack of accurate monitoring of flexible working requests by disability in SQA.</p> <p>Advancing Equality of Opportunity (same chance) may sometimes require organisations to do slightly different things to meet the different needs of people.</p>
	<p style="text-align: center;"><b>Foster good relations</b></p> <p>Fostering good relations involves tackling prejudice and promoting understanding between people who share, or may not share, a protected characteristic.</p> <p>This policy does not explicitly reference disability. It does not, for example, provide any guidance to managers in respect of considering disability related adjustments or disability related reasons for requesting flexible working.</p> <p>There is also no central source for tracking refusals or failed flexible working requests. For that reason, there is little evidence to indicate that this policy fosters good relations with employees who have a disability. There is reference in the policy (5.4) to refer to the Attendance Management policy when making reasonable adjustments relating to illness or injury, but this may be confused with requests relating to disability. While we don’t specifically ask employees to explain their reason for requesting flexible working, this may cause some confusion in practical terms</p>
Protected Characteristic	<b>General Equality Duty</b>
Race	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>SQA considers that on balance, this policy will have an overall perceived positive impact on employees of all <i>Ethnicities, Races and Nationalities</i> as the policy aims to establish a consistent process for all employees when requesting flexible working.</p> <p>However, SQA does not currently capture or analyse flexible working requests and refusal rates by the Race/ Ethnicity or Nationality of its employees. It is not therefore possible, to fully establish if any disproportionate trends or risks of discrimination exist within the SQA in the use or application of this policy.</p>

	<p>We do however know that nationally, from <a href="https://www.service.gov.uk/facts-figures/ethnicity-facts-figures">Full time and part time employment - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk)</a> that people:</p> <ul style="list-style-type: none"> <li>• In the White Other (82%) and Indian (82%) ethnic groups were the most likely to work full time out of all ethnic groups.</li> <li>• From the combined Pakistani and Bangladeshi group (30%) were the most likely to work part-time.</li> <li>• From the combined Pakistani and Bangladeshi ethnic group were one of the most likely ethnic groups to be employed part-time between 2004 and 2022.</li> </ul>
	Advance equality of opportunity
	While all SQA employees are entitled to use, access and be subjected to the Flexible Working Policy, the policy does not necessarily promote / advance the 'same chance' to employees from different ethnicities and nationalities.
	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees of different Ethnicities and Nationalities.
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>We conclude there is no evidence to suggest this policy may adversely impact on people on the grounds of their Religion <i>or Philosophical Beliefs</i>.</p> <p>Neutral Equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity

	<p>While all SQA employees are entitled to use, access and be subjected to the Flexible Working Policy, the policy does not necessarily promote / advance the 'same chance' to employees from different religious/belief groups.</p> <p>Potential Equality Risks:</p> <p>Some people from certain religious groups may feel less comfortable being part of a one to one meeting (or other meetings) with an all male group (e.g. Muslim women, fundamentalist Christian groups).</p> <p>Foster good relations</p> <p>No actions identified</p>
Protected Characteristic	General Equality Duty
Sex	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Research commissioned by Working Families <a href="#">Working Families   Changing the way we live and work</a> suggest that more women are likely to request flexible working requests than men.</p> <p>As there are proportionality more women than men in SQA, there is a risk that on balance, applications made by women will be higher than men. There could also be, for example, a situation that for business reasons, a team may not be able to support a high number of the same team having flexible working as the simultaneous reduction of core hours could adversely affect service delivery. (Some SQA service-related teams are predominantly female.)</p> <p>There is currently no profiling data to allow the identification or elimination of potential Sex Discrimination within SQA flexible working arrangements as the Sex of employees is not recorded in respect of:</p> <ul style="list-style-type: none"> <li>▪ Requests for flexible working</li> <li>▪ Refusals</li> <li>▪ Appeals</li> <li>▪ Acceptances</li> <li>▪ Withdrawals</li> </ul>

	<p>It is recommended that the SQA implements action to facilitate the collection and analysis of flexible working requests (by the above five stages) detailing the protected characteristics of all employees to allow an accurate equality analysis to be undertaken.</p> <p>Potential Equality Risks:</p> <p>Some women from certain ethnicities may on balance, feel less comfortable being part of a one to one meeting (or other meetings) with an all male group.</p>
	Advance equality of opportunity
	<p>Potential Equality Risks:</p> <p>Some women from certain ethnicities may on balance, feel less comfortable being part of a one to one meeting (or other meetings) with an all male group.</p>
	Foster good relations
	<p>It is recommended that we continue to promote the ‘Happy to Talk Flexible’ as our strapline for all job adverts both internal and external. We should also continue to communicate colleagues lived experiences of working flexibly and share the benefits and advantages through SQA’s internal communications channels and media in order to continue to promote flexible working to management as a beneficial and agile way of working and attaining good performance.</p> <p>There are also opportunities to advance equality and foster good relations by continuing to encourage fathers to work flexibly and give them more opportunities to get involved in family life.</p>
Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

	<p>As the reason for flexible working does not require to be given there is more opportunity for individuals to attend regular appointments, meetings etc employees wish to remain private or confidential without having to share the reason for their time off from SQA.</p> <p>We are aware that individuals with this characteristic may not want to disclose their sexuality at work to others or ‘out themselves’. We are also aware that there is a higher proportion of LGBTQ+ individuals that are affected by poor mental health and may subsequently need time for counselling etc. The provision of this policy is likely to have a positive effect to an individual’s LGBTQ+ status.</p> <p>From our evidence we conclude that there is a positive advantage.</p> <p>Positive impact recorded.</p>
	Advance equality of opportunity
	No Actions recommended.
	Foster good relations
	Continue to promote through internal communication channels that all employees have the legal right to request flexible working - not just, for example, parents and carers.
Protected Characteristic	General Equality Duty
Gender Re-assignment (Gender identity and transgender)	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>We recognise that Under Section 16 of the Gender Recognition Act 2004, (now superseded by the Equality Act 2010) employees who are proposing to undergo, are undergoing, or have undergone Gender Reassignment are entitled to take time off work for reasons relating to their reassignment.</p> <p>We consider that the SQA Flexible Working Policy will, on balance, have a positive impact on any employee identifying as Transgender as the policy will afford the same opportunity as other members of staff who request flexible working.</p> <p>Please also note, that such absence is also included and referenced in the SQA Transitioning at Work policy.</p>
	Advance equality of opportunity
	Transgender data is not disclosed or shared within this analysis due to the limited sample size and to ensure compliance with GDPR legislation to protect individuals’ personal information.

	<p>We also recommend that the SQA create a new gender Identity policy to facilitate and advance the opportunity to employees who are not necessarily changing their gender but identify a gender that is different or in addition to their birth Sex.</p> <p style="text-align: center;"><b>Foster good relations</b></p> <p>There is no evidence to indicate that this policy currently fosters good relations between people of different <i>Gender Identities</i> or who are LGBTQ+.</p> <p>Implementing the action listed above will improve this situation.</p>
Protected Characteristic	<b>General Equality Duty</b>
Marriage/Civil Partnership	<p><b>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</b></p> <p>The ONS report in their 2019 Labour Force survey noted that, looking after children and/or relatives does affect working patterns, proportionately this characteristic group is more likely to be in this category. However in the 2019 Scottish Census, the proportion of married people had decreased. 47% of people aged 16 and over were married. SQA is broadly in line with this figure at 42.9%.</p> <p>Flexible Working provides individuals with this characteristic more control of working hours and increased flexibility and opportunity with a relatively uncomplicated and accessible way to undertake other commitments (e.g. caring) without impacting work commitments.</p> <p>From our evidence we conclude that there is a positive advantage to individuals who are married or civil partners within SQA who are eligible to use flexible working. <b>Positive impact recorded.</b></p> <p style="text-align: center;"><b>Advance equality of opportunity</b></p> <p>Flexible working can also be used to continue to encourage fathers to spend more time on family responsibilities adding to shared parental care.</p> <p style="text-align: center;"><b>Foster good relations</b></p> <p>All SQA employees are entitled to use and access the Flexible Working Policy. SQA will continue to promote, through internal communication channels, that all employees have the legal right to request flexible working.</p>

Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010 Please refer to the separate SQA policy – <i>Maternity</i> which deals with <i>Maternity</i> related flexible working requests.
	Advance equality of opportunity
	N/a
	Foster good relations
	N/a
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 While there is currently no evidence to suggest that care experience colleagues are placed at a disadvantage compared to other colleagues (or vice versa), it is recommended that data is collected and an analysis, by care experience, be performed of the 'lifecycle' of colleagues to identify any adverse trends.
	Advance equality of opportunity
	N/a
	Foster good relations
	N/a

### 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.
N/a