Equality Impact Assessment (supporting guidance available)

Action Plan

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

Agreed Schedule Review Date	By September 24	Additional Schedule Review	By September 23
		Date	

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
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	
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	

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
Sex, sexual orientation, marriage/ civil partnership, Race, Religion & beliefs Remove from section 6. Roles and responsibilities to present a written case to your line manager detailing the reasons for your flexible working request. Also it seems to be at odds with the process described.	Eliminate unlawful discrimination Advance equality of opportunity	HR Shared Services Manager	September 23	
Marriage and Civil Partnerships Capture, report and analyse data on SQA colleagues by Marriage and Civil Partnerships and flexible working status	Advance the equality of opportunity	People Analytics, Governance & Systems Manager	September 24	Whilst we intend to collect data it is noted that as was seen in the Scottish census 2011 when a question was put forward to include sexual orientation including Civil Partnership after feedback from a small-scale postal recipients did not want to answer and replied that it was too intrusive. This experience requires to be considered in our future outcomes.
Age Capture, report and analyse Age data relating to Flexible Working and subsequent actions taken as a result of this assessment.	Eliminate unlawful discrimination	People Analytics, Governance & Systems Manager	September 24	
Age, Sex, Race, Disability Implement a system to allow the recording of all flexible working requests by 'lifecycle' Applications, Refusal, Acceptances, Appeals,	Advance equality of opportunity Foster good relations	People Analytics, Governance & Systems Manager	September 24	

Disability Communicate to all SQA employees the importance of recognising 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). A reference to support like this Easy read: Access to Work – get support if you have a disability or health condition - GOV.UK (www.gov.uk) in the policy is recommended as part of Section 5.2 and Appendix 4.1.	Eliminate unlawful discrimination	HR Shared Services Manager	September 23	
Race Capture and analyse data and subsequent actions taken as a result of this policy.	Eliminate unlawful discrimination	People Analytics, Governance & Systems	September 24	
Sex 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	Foster good relations	Manager HR Shared Services Manager	Ongoing	

agile way of working and attaining good performance.			
Sexual orientation Continue to promote through internal communication channels that all employees have the legal right to request flexible working - not just parents and carers.	Foster good relations	HR Shared Services Manager	Ongoing
Gender reassignment We recommend that the SQA create a new gender Identity policy to facilitate and advance the opportunity to employees who are LGBTQ+	Foster good relations	HR Shared Services Manager	September 23
Care experience Capture, report and analyse any data relating to care experience in SQA	Eliminate unlawful discrimination	People Analytics, Governance & Systems Manager	September 24
Age & Disability Add explicit references to age and <i>Disability</i> and possible related adjustments to the Flexible Working policy and/or in accompanying communications, awareness training and guidance.	Eliminate unlawful discrimination Advance equality of opportunity	HR Shared Services Manager	September 23
Race & religious belief We recommend that employees should be given the option to have a meeting with at least one member in attendance being of the same sex	Eliminate unlawful discrimination Advance equality of opportunity	HR Shared Services Manager	September 23

Religious beliefs An advisory note should be placed in the policy or policy guidance, to reference the importance of allowing consideration for recognised religious observations that may affect working patterns.	Eliminate unlawful discrimination Advance equality of opportunity Foster good relations	HR Shared Services Manager	September 23	
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Policy Aims

Name of Policy or practice	Flexible working
New Policy or Revision	Revised
New Policy of Revision	Reviseu
Name of Policy Owner	Head of Human Resources
Date Policy Owner Confirmed	
Completion	25 February 2022

What is the rationale for this policy or practice?

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.

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 o request to work flexibly. The legislation pertaining to statutory flexible working requests is part 8A of the Employment Rights Act 1996 and the Flexible Working Regulations 2014 (SI 2014/1398).

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: Office of National Statistics (ONS) working flexibly in the Public sector and Chartered Institute of Personnel and Development (CIPD) flexible working guidance.)

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

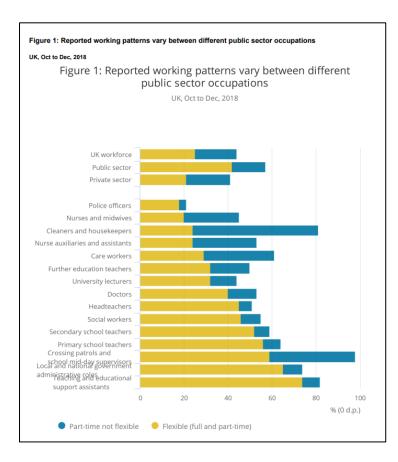
While working from home is not a part of the flexible working policy (this is covered in our Home Based workers policy) it is indicative of a significant general shift in the way SQA employees view their working arrangements and why SQA can reasonably expect subsequent increased interest / applications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

The SQA currently employs 1019 people. A total of 27% (277) are working on existing flexible working contracts. Whilst 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 23.6% 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 individual's commitments and work-life balance

National Flexible Working:

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



SQA Employees Reporting having Caring Responsibilities:

Caring Responsibilities	2019	2020	Variance
Yes	23.37%	23.60%	0.24%
No	45.87%	48.16%	2.28%
Prefer not to say	4.61%	4.64%	0.03%
Not Provided	26.15%	23.60%	-2.55%
Total	100.00%	100.00%	

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
- ♦ Equality, Diversity and Inclusion
- ♦ Maternity, Paternity and Adoption
- ♦ Shared Parental Leave
- ♦ Home-Based Workers
- ♦ Information Security
- ♦ Restructure

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 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.
- MAC (Make A Change Group).
- Mental Health First Aiders Forum.
- SQA Rainbow Network.
- Women's Network.
- Parent & Carers Network.

As part of this Equality Impact Assessment, we have also cross referenced the SQA policy with the Advisory Conciliation and Arbitration Service (ACAS) published guidance; Handling Flexible Working Requests and conclude our policy is fit for purpose in respect of technical content and accuracy.

Stakeholder Engagement will be with:

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.

We advise engagement with community network groups as part of the policy development process as detailed in our actions.

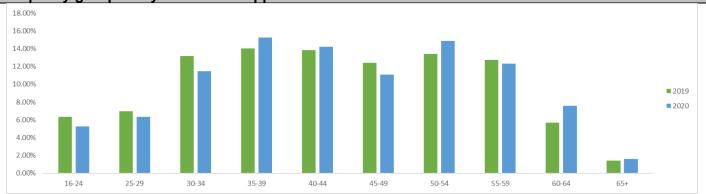
Evidence, **feedback** and actions from all EIAPG staff network consultations are recorded on a dedicated SQA *Microsoft Teams* page which was specifically created with the aim of listing potential equality risks that exist in HR policies / activities, sharing resources, recording feedback and scheduling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

Evidence of Staff Network Consultation is in the table below:

		Women's			
Policy-Name¤	Review-Date¤	Network¤	(ACE)¤	Disability-Network	Rainbow-Network
Redeployment¤	02/08/2021¤	Yes¤	Yes¤	Yes¤	Yes¤
Restructure¤	02/08/2021¤	Yes¤	Ħ	Yes¤	Ħ
Standby-&-Call-Out¤	23/06/2021¤	Ħ	Yes¤	Yes¤	Yes¤
Time-Recording¤	09/08/2021¤	Yes¤	Yes¤	Yes¤	Yes¤
Attendance-Management¤	16/08/2021¤	Yes¤	Ħ	Yes¤	Yes¤
Childcare·Voucher¤	16/08/2021¤	Yes¤	Ħ	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¤	Ħ	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¤	Ħ	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¤	Ħ	Yes¤	Yes¤
Redundancy¤	22/03/2022¤	Yes¤	Ħ	Yes¤	Yes¤
Relocation¤	31/03/2022¤	Yes¤	Ħ	Yes¤	Yes¤
Retirement¤	15/03/2022¤	Yes¤	Yes¤	Yes¤	Yes¤

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

Age



Colleagues by age band (as in Table 1.04) found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

The age distribution of colleagues remained similar between 2019 and 2020 with the majority of colleagues (79.24%) aged between 30 and 59. The largest increase is in the proportion of colleagues who are age 60-64, (1.91%) which equates to 19. The greatest decrease was seen in the 30-34 age band with 1.70% fewer colleagues, a reduction of 14.

Source: SQA Workforce equality monitoring report 2019-21

- 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.
- Sandwich carers' ages range from 20s to 60s, but those aged 35-44 are the most likely to be carers with 35% being in this age group.
- 73% of sandwich carers provide under 10 hours of caring a week but 7% provide over 35 hours per week that's 88,391 sandwich carers doing over 35 hours each week.
- The oldest sandwich carers (55-64) provide the longest hours with 29% of them providing over 20 hours of caring a
 week.
- In total 78% of sandwich carers are in paid work and 49% of those carers providing over 35 hours are still in paid work.

Carers at breaking point: The social care burden on women | Age UK

Disability

Table 1.07 Colleagues by disability status SQA

Disability Status	2019	2020	Variance
Disabled	5.47%	8.22%	2.75%
Non- Disabled	44.69%	68.60%	23.90%
Prefer not			
to Say	2.25%	7.17%	4.91%
Not Provided	47.59%	16.02%	-31.57%
Total	100.00%	100.00%	

Source: SQA Workforce equality monitoring report 2019-21

The highest proportion of colleagues who have declared a disability, 52.56%, falls within the lowest age bands (16–44) and second highest (47.44%) within the upper age bands (45–64).

Out of a total of 78 colleagues who have declared they have a disability, 43 (55.13%) are female and 35 (44.87%) are male. Across all possible responses in relation to disability, the gender split is reflective of the overall gender breakdown of the organisation.

2013/14 65.6 34.4 75.4 24.6 2014/15 65.4 34.6 75.7 24.3 2015/16 64.6 35.4 75.9 24.1 2016/17 64.8 35.2 76.2 23.8 2017/18 65.4 34.6 76.2 23.8 2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	Year	Disabled people	Disabled people	Non-disabled people	Non-disabled people
2014/15 65.4 34.6 75.7 24.3 2015/16 64.6 35.4 75.9 24.1 2016/17 64.8 35.2 76.2 23.8 2017/18 65.4 34.6 76.2 23.8 2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:		Full time (%)	Part time (%)	Full time (%)	Part time (%)
2015/16 64.6 35.4 75.9 24.1 2016/17 64.8 35.2 76.2 23.8 2017/18 65.4 34.6 76.2 23.8 2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2013/14	65.6	34.4	75.4	24.6
2016/17 64.8 35.2 76.2 23.8 2017/18 65.4 34.6 76.2 23.8 2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2014/15	65.4	34.6	75.7	24.3
2017/18 65.4 34.6 76.2 23.8 2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2015/16	64.6	35.4	75.9	24.1
2018/19 65.9 34.1 76.9 23.1 2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2016/17	64.8	35.2	76.2	23.8
2019/20 65.3 34.7 77.1 22.9 2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2017/18	65.4	34.6	76.2	23.8
2020/21 68.0 32.0 78.7 21.3 17,514 Source:	2018/19	65.9	34.1	76.9	23.1
17,514 Source:	2019/20	65.3	34.7	77.1	22.9
Unweighted sample	2020/21	68.0	32.0	78.7	
2020/21 8,749 4,404 57,587	Unweighted sample 2020/21	8,749	4,404	57,587	

Race

Table 1.12 Colleagues by Race

Race	2019	2020	Variance
Ethnic Minority	1.82%	3.16%	1.34%
White	56.06%	80.40%	24.34%
Prefer Not to Say	1.07%	3.48%	2.41%
Not Provided	41.05%	12.96%	-28.09%
Total	100.00%	100.00%	

Source: SQA Workforce equality monitoring report 2019-21

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

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

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%	

Race

National Full Time and Part Time Working by Ethnicity:

	Full	Part
	time	time
Ethnicity	%	%
All	75	25
Asian	75	25
Indian	81	19
Pakistani		
and		
Bangladeshi	69	31
Asian other		
inc Chinese	73	27
Black	72	27
Mixed	74	26
White	75	25
White		
British	75	25
White other	82	18
Other	73	26

Source Full time and part time employment - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk)

Religion or Belief

Table 1.16 Colleagues by 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%	

Source: SQA Workforce equality monitoring report 2019-21

Sex

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. The population of Scotland in the 2011 Census was split 51.5% female and 48.5% male. There are a greater number of females in every grade with the exception of Head of Service grade.

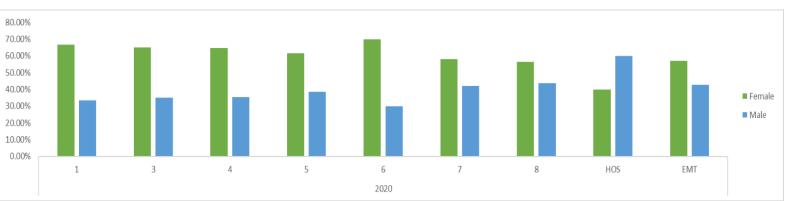


Table 1.02: Colleagues by Gender (Sex) and Grade found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

Source: SQA Workforce equality monitoring report 2019-21

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%
Total	100.00%	100.00%	

Table 1.18 Colleagues by Sexual Orientation found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

1*												
	Bisexual			Gay man		Gay woman / Lesbian			Heterosexual/straight			
Grade	2019	2020	Variance	2019	2020	Variance	2019	2020	Variance	2019	2020	Variance
1	5.56%		-5.56%							11.11%	44.44%	33.33%
3	1.52%	5.00%	3.48%							48.48%	63.33%	14.85%
4	1.69%	1.76%	0.07%	1.13%	1.76%	0.63%	1.69%	0.59%	-1.11%	46.33%	70.00%	23.67%
5		1.10%	1.10%	1.23%	4.40%	3.16%		1.10%	1.10%	49.38%	76.92%	27.54%
6	1.02%	1.53%	0.51%	1.53%	2.55%	1.02%	1.02%	1.53%	0.51%	50.51%	68.88%	18.37%
7				0.61%	0.58%	-0.02%	1.22%	1.17%	-0.05%	46.95%	74.27%	27.32%
8	1.01%	0.94%	-0.07%	2.53%	2.82%	0.29%		0.47%	0.47%	41.41%	71.36%	29.95%
HOS				3.03%	3.33%	0.30%	6.06%	6.67%	0.61%	51.52%	70.00%	18.48%
Total	0.96%	1.26%	0.30%	1.39%	2.11%	0.71%	0.96%	1.05%	0.09%	46.20%	70.60%	24.41%

	l.	n another wa	у		Not sure		Pr	efer not to sa	у		Not Provided	
Grade	2019	2020	Variance	2019	2020	Variance	2019	2020	Variance	2019	2020	Variance
1										83.33%	55.56%	-27.78%
3							3.03%	10.00%	6.97%	46.97%	21.67%	-25.30%
4	0.56%		-0.56%	0.56%		-0.56%	2.82%	8.82%	6.00%	45.20%	17.06%	-28.14%
5								4.40%	4.40%	49.38%	12.09%	-37.29%
6					0.51%	0.51%	2.04%	7.65%	5.61%	43.88%	17.35%	-26.53%
7		0.58%	0.58%				3.05%	8.77%	5.72%	48.17%	14.62%	-33.55%
8		0.47%	0.47%				4.04%	8.45%	4.41%	51.01%	15.49%	-35.52%
HOS							6.06%	10.00%	3.94%	33.33%	10.00%	-23.33%
Total	0.11%	0.21%	0.10%	0.11%	0.11%	0.00%	2.79%	8.01%	5.22%	47.48%	16.65%	-30.83%

Table 1.19: Sexual Orientation and Grade found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

A further 30.83% (285) colleagues have declared their sexual orientation in 2020 compared to 2019. Colleagues identifying as heterosexual/straight showed the largest increase at 24.41% (239). There was also an increase of 5.22% (50) in colleagues selecting 'Prefer not to say'.

Source: SQA Workforce equality monitoring report 2019-21

The Scottish 2011 census did not ask a question on Sexual orientation

Gender Re- assignment
(Gender identity and transgender)
Marriage/Civil
Partnership

No equality profiling data is currently captured by SQA. One of the recommendations from this Equality Impact Assessment is for SQA to add Gender identity i.e. all people who identify as more than one gender or none) to all future Equality monitoring reporting.

Table 1.10: Colleagues by relationship status

Relationship status	2019	2020	Variance
Married/Civil Partnership	30.01%	44.66%	14.65%
Single	24.44%	35.87%	11.44%
Prefer not to say	1.93%	5.71%	3.79%
Not Provided	43.62%	13.76%	-29.87%
Total	100.00%	100.00%	

Table 1.10: Colleagues by relationship status found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

There are more colleagues who have declared they are married or in a civil partnership (44.66%) compared to those who have declared they are single (35.87%). For the purposes of this report, those who have declared their relationship status as married or in a civil partnership have been grouped together to compare with those who fall within the category of single, which groups the following: single, cohabiting/in a relationship, separated, widowed/surviving partner from civil partnership, divorced/dissolved civil partnership and other. 54 colleagues (5.71%) declared they would prefer not to say in 2020, which is an increase of 3.79%.

Source: SQA Workforce equality monitoring report 2019-21

Pregnancy / Maternity

Pregnancy and Maternity Status by SQA Employees:

	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%					

Table 1.20: Colleagues by pregnancy status found at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)

	In 2020 1.05% or 6 female colleagues had a period of maternity leave in 2020. This was a reduction of 0.70% from 2019. The majority of colleagues who had a period of maternity leave in either year were grades 4 to 6. Source: SQA Workforce equality monitoring report 2019-21
Care experience (where relevant)	No equality profiling data is currently captured by SQA.
Social and economic (where relevant)	N/A

Impact and Opportunities for Action

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

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

Protected Characteristic	General Equality Duty
Age	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	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 . Refusal of flexible working requests are business (not people or Age) orientated. (SQA also has a separate Flexible retirement policy and process supporting older workers).
	SQA's age profile over 2019/20 shows that 38% 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+.
	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. 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.
	In addition we know from Advisory, Conciliation and Arbitration Service (ACAS) research Flexibility in the workplace: implications of flexible work arrangements for individuals, teams and organisations Acas that: 'Employees benefit from FWAs (particularly time flexibility) through improved health and wellbeing. Employers see improved organisational productivity and retention.'

Age

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 as a result 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.

Age

Advance equality of opportunity

Whilst 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 *Ages* **remains unclear.** This is again, due to a lack of accurate monitoring of Flexible Working requests by *Age* in SQA.

Advancing Equality of Opportunity (same chance) may sometimes require organisations to do slightly different things to meet the different needs of people. It is recommended that some explicit references to *Age* and possible *Age* related adjustments are added to this policy and/or in accompanying communications, awareness training and guidance.

Foster good relations

Fostering good relations involves tackling prejudice and promoting understanding between people who share, or may not share, a protected characteristic.

This policy does not explicitly reference *Age*. 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.

For these reasons, there is little evidence to indicate that this policy actually fosters good relations between employees of different age groups.

It is recommended that some overall guidance / references to flexible working by *Age* is added to the policy and/or associated communication and training materials. It is also recommended that any refusals and/or failed trials to requests for Flexible Working are tracked by age.

Protected Characteristic	General Equality Duty
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	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.
	We know that 8.2% 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 <i>disability</i> work part time versus 23% who do not have a <i>Disability</i> . 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 <u>Flexible and part-time working Disability charity Scope UK</u> .
	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

Disability

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.

It is therefore recommended that SQA considers capturing and analysing *Disability* data relating to Flexible Working and subsequent actions taken as a result of this policy. 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 with a disability.

Advance equality of opportunity

Whilst 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.

Advancing Equality of Opportunity (same chance) may sometimes require organisations to do slightly different things to meet the different needs of people.

We recommend that some explicit references to disability and possible related adjustments are added to this policy in section 5.4 and in our accompanying communications, awareness training and guidance.

Disability

Foster good relations

Fostering good relations involves tackling prejudice and promoting understanding between people who share, or may not share, a protected characteristic.

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.

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 actually 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.

It is recommended that some overall guidance / references to flexible working by Disability is added to the policies associated communication and training materials.

It is also recommended to consider if it is possible to track any refusals and/or failed trials to requests for Flexible Working by Disability.

Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	SQA considers that on balance, this policy will have an overall perceived positive impact on employees of all <i>Ethnicities, Races</i> and <i>Nationalities</i> as the policy aims to establish a consistent process for all employees when requesting Flexible Working.
	However, SQA do not 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.
	We do however know that nationally, from Full time and part time employment - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk) that people:
	 In the White Other (82%) and Indian (81%) ethnic groups were the most likely to work full time out of all ethnic groups.
	From the combined Pakistani and Bangladeshi group (31%) were the most likely to work part time.
	 From the combined Pakistani and Bangladeshi ethnic group were one of the most likely ethnic groups to be employed part time between 2004 and 2019.
	Therefore part time working as an option of Flexible Working is very relevant to Pakistani and Bangladesh employees in SQA who make up a significant (36%) of our ethnic minority group overall.
	It is therefore recommended that the SQA captures and analyses <i>Race</i> data relating to Flexible Working and subsequent actions taken as a result of this policy. 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 ethnicities.

Advance equality of opportunity: Whilst 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. Measuring the impact of this policy with appropriate community network groups would be advisable to see if there is a need to communicate/raise awareness about the policy with different racial groups in SQA.

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
	We conclude there is no evidence to suggest this policy may adversely impact on people on the grounds of their Religion or Philosophical Beliefs.
	Neutral Equality related impact is therefore recorded in this area.
	However, the following advisory comments are made:
	Cultural sensitivities – particularly in respect of the composition of meeting groups. As previously stated, consideration should be made for people of different religions / beliefs who may not feel comfortable being in a one to one meeting with someone from a different gender.
	2: An advisory note should be placed in the policy or policy guidance, to reference the importance of allowing consideration for recognised religious observations that may affect working patterns.
	Advance equality of opportunity
	Whilst 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.
	Potential Equality Risks:
	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). We recommend that employees should be given the option to have a meeting with at least one member in attendance being of the same sex.
	There may be cultural differences in being comfortable about sharing the reasons for Flexible Working with a line manager and this is not something SQA intends to happen as an essential part of the process.

	However, there is reference to sharing the details of your request with your line manager (referenced in Section 6 of the policy <i>Roles and Responsibilities</i>). It is recommended that this reference is removed for this reason but also it seems to be at odds with the process described.
	Foster good relations No actions identified.
Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	Research commissioned by Working Families Working Families Changing the way we live and work suggest that more women are likely to request flexible working requests than men.
	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.)
	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:
	 Requests for flexible working Refusals Appeals Acceptances Withdrawals

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.

Advance equality of opportunity Sex **Potential Equality Risks:** 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. We recommend that employees should be given the option to have a meeting with at least one member in attendance being of the same sex. Foster good relations 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. 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. Protected **General Equality Duty** Characteristic Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act Sexual 2010 Orientation 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.

	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 Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ+) individuals that are affected by poor mental health and may subsequently need time for counselling etc. The provisions of this policy is likely to have a positive effect to an individual's LGBTQ+ status. From our evidence we conclude that there is a positive advantage. Positive impact recorded. 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	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
(Gender identity and transgender	We recognise that Under Section 16 of the <i>Gender Recognition Act 2004</i> , (now superseded by the <i>Equality Act 2010</i>) 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.
	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.
	Please also note, that such absence is also included and referenced in the SQA Transitioning at Work policy.

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.

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.

Foster good relations

There is no evidence to indicate that this policy currently fosters good relations between people of different *Gender Identities* or who are LGBTQ+.

Implementing the action listed above will improve this situation.

Protected Characteristic	General Equality Duty
Marriage/Civil Partnership	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The 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 2011 Scottish Census, the proportion of married people had decreased. 45.2% of people aged 16 and over were married. SQA is broadly in line with this figure at 44.6%. 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. 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. Positive impact recorded. Advance equality of opportunity Flexible working can also be used to continue to encourage fathers to spend more time on family responsibilities adding to shared parental care. Foster good relations 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.

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
	Foster good relations

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
	Whilst 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
	Travarios oquality of opportunity
	Nothing to add.
	Foster good relations
	Nothing to add.

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