

## SQA EQUALITY IMPACT ASSESSMENT

Please read the [Equality and Human Rights Commission Guidance on assessing impact](#).

### 1. Name of policy/procedure/proposal/project/decision\*

\*Referred to as 'policy' hereafter.

<b>POLICY NAME</b>	Improving Performance Policy
<b>COMPLETED BY</b>	Equality Impact Assessment Working Group
<b>HEAD OF SERVICE</b>	Head of Human Resources
<b>DATE</b>	14 September 2021
<b>SIGNATURE</b>	
<b>NEXT SCHEDULED REVIEW DATE</b>	2 years from policy publish date

### 2. Name of policy/procedure/proposal/project/decision

Improving Performance Policy

### 3. What is main purpose of the policy

The main purpose of this policy is to have a process in place for all SQA employees which focuses on individual performance, development, wellbeing and career aspirations. The policy and procedure also provides a framework for managing any colleagues with an unsatisfactory performance in a constructive, fair and consistent manner. The primary focus is to support the improvement of performance to the standard required.

### 4. This policy recognises that organisational change and restructuring can be essential to maintaining high quality services. SQA will make every effort to ensure the continued meaningful employment of staff by using redeployment and job-related training opportunities when planning for and implementing change. What information, and evidence, is being used to evaluate the impact of this policy on people who share protected characteristics?

In order to evaluate the impact of this policy on employees who have shared protected characteristics we have sought feedback from colleagues in Human Resources and Equality & Diversity, as well as representatives from our two recognised unions, Unite and Unison, who can feedback on behalf of their representatives' and members' experiences.

We have also included representatives from SQA's employee networks – Disability, Rainbow, ACE and Women's, who are able to provide valuable feedback from a significant part of the organisation.

The use of MyReview SQA system which focuses on individual performance

## PUBLIC SECTOR EQUALITY DUTY

SQA is required to have ‘due regard’ to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

This section provides the opportunity to capture how the policy will contribute towards the three aims of the general equality duty, and to consider if there is anything more we need to do to meet our responsibilities.

**5. How might this policy impact on people who share protected characteristics? Please consider positive or negative impacts. (At the beginning of the process, you may want to record perceived impact — ongoing monitoring of the policy will allow you to measure the actual impact of the policy). Please copy this symbol into the applicable boxes: ✓**

Protected Characteristic	Neutral impact	Positive impact	Negative impact	Please provide more information
Age	✓			
Disability	✓			
Marriage/civil partnership	✓			
Race	✓			
Religion/belief/non-belief	✓			
Sexual orientation	✓			
Gender re-assignment (gender identity and transgender)	✓			
Pregnancy/maternity	✓			
Sex	✓			
Care experience (where relevant)	✓			

**6. What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified above?**

No adverse or negative impacts.

**7. If you are proceeding with a decision that may have a negative impact despite the mitigatory arrangements identified in Step 5, are you satisfied that this is objectively justified, ie a proportionate means of achieving a legitimate aim? Please provide explanatory details.**

N/A

**8. Could this policy be revised or changed to better meet the general equality duty?**

Managers need to be trained and supported on the importance of communicating, reviewing/monitoring and implementing objectives for their teams. Performance can only be monitored if colleagues have clear objectives which are monitored. If the manager does not implement them it can be difficult to carry out this procedure.

Ensure consistent and fair performance measures are in place for all colleagues and this is communicated to colleagues.

Stage 3 Procedure – what happens if a judgement is deferred and what are the steps if an outcome is for remedial action?

Policy section 1 ‘Introduction’ – paragraph 3 refers to ‘...monitor and assess performance *against the requirements of each role*’ and paragraph 4 states ‘...you are not carrying out your duties *as well as we expect you to*’. The italicised text could be open to challenge (and potential discrimination). These phrases are open to interpretation from both sides about whether expectations of the role are being met. It would be useful to clearly refer to how the requirements and expectations are defined, for example, measured against the job description and their allocated tasks.

Policy section 3 ‘Purpose and Standards’ – paragraph 2 refers to ‘...detrimental impact beyond their own work.’ This originally reads as being supportive but this goes on to say ‘This can cause disruption and *increased cost*, and require additional support, *supervision and management as well as put pressure on other colleagues.*’ We appreciate that the impact of performance issues on other colleagues, but this almost introduces a tone of blame culture and may have an impact on any colleagues whose performance may already be impacted as a result of a protected characteristic, especially if it’s to do with mental or physical health concerns. Our suggestion would be to include a statement to recognise that there could be an impact of life outside of work too to recognise the impact of performance issues on both work and life outside of work to balance this out.

Section 4 – ‘Support’ – add in Mental Health First Aiders

Section 5.6 ‘Improving Performance and Health’ – concern that pregnancy and maternity is being grouped with drug and alcohol dependency.

Section 5.9 ‘Informal Stage’ – ensure support is given to the colleague during this stage If any performance plan is implemented e.g. training, regular check-ins

Section 5.2, 5.10 and 5.13 ‘Reasonable adjustments’ – it would be useful to make the option to be accompanied by someone who is not a trade union representative or colleague is open to all who need this as a reasonable adjustment, bearing in mind that this is not restricted to those with

General Equality Duty: eliminate discrimination, advance equality; foster good relations

learning disabilities and some colleagues may not identify with having this diagnosis. Suggestion to make it more inclusive to all projected characteristics not just disability.

Section 5.15 record keeping – We note this is maintained by the line manager, but at the informal stage, can we make it explicit that these should be shared with the employee undergoing management to confirm accuracy of any notes of discussions/meetings (informal and formal)? Especially for those with protected characteristics who may already feel more vulnerable and at risk of bullying/harassment, it would be especially important for them to feel that the process is transparent.

[Link to equality, diversity and inclusion policy.](#)

**9. Has there been consultation/is consultation planned with people who will be affected by this policy/procedure/project/decision? Please detail below how this has affected your decision making.**

Consultation with union representatives, employee networks and members of SQA Equality & Diversity team has been completed which represents a significant part of the workforce within SQA.

**10. How will this policy be monitored and evaluated?**

The policy owner will be responsible for reviewing and monitoring this policy on a regular basis to ensure that it is fit for purpose and in line with relevant legislation. All stakeholders involved in the procedure also have a responsibility for ensuring consistency, fairness, and equity throughout the performance procedure.

General Equality Duty: eliminate discrimination, advance equality; foster good relations

## ACTION PLAN

Ref:	Action:	Owners:	Dates:
	<b>No Actions identified</b>		

Sign off: Julia Welsh and Zoey Marshall (EIA Working Group Leads)  
Date: 14 September 2021

General Equality Duty: eliminate discrimination, advance equality; foster good relations

## SUMMARY OF THE PUBLIC SECTOR EQUALITY DUTY (PSED) OF THE EQUALITY ACT 2010

Components	Due regard
A public authority must, in the exercise of its functions, have <b>due regard</b> to the need to:	Having due regard specifically involves taking steps to:
a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act ( <b>Fairness</b> )	
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ( <b>Opportunity</b> )	a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic* b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of the persons who do not share it c) Encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low
c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it ( <b>Respect</b> )	a) Tackle prejudice b) Promote understanding

**\*Due regard comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a policy, procedure or practice is to equality and people, then the greater the regard that should be paid.**

The protected characteristics are:

- ◆ Age
- ◆ Marriage and Civil Partnership\*\*
- ◆ Religion or Belief
- ◆ Disability
- ◆ Pregnancy and Maternity
- ◆ Sex
- ◆ Gender Reassignment
- ◆ Race
- ◆ Sexual Orientation

**\*\*Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for all stakeholders.**