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 April 2027	Additional Schedule Review Date	By April 2026

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]**
Review and assess monthly establishment management information packs containing fundamental employment data on SQA employees	People Analytics, Governance & Systems Manager		**Ongoing**
Review on a quarterly basis of employment law, case law and legislative changes, and equalities updates (including reviewing EHRC website).	HR Shared Services Manager		**Ongoing**
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		**Ongoing**
Review and assess feedback on a quarterly basis from each of SQA's staff community network groups	HR Shared Services Manager		**Ongoing**
Continue to review and assess on a quarterly basis SQA's engagement People survey	OD Manager	Closed	Commencing Spring 2024
Review and assess on an annual basis all SQA employee lifecycle data	People Analytics, Governance & Systems Manager		**Ongoing**
Continue to review and assess every 2 years SQA's equality mainstreaming report	People Reward and Equalities Manager		**Ongoing**
Continue to review and assess every 2 years SQA's workforce equality monitoring report	People Reward and Equalities Manager		**Ongoing**

Identified Actions: General Equality Duty	Owner	Date	Comment & Review
1: Add *Gender Identity* (i.e. people who identify as more than one gender or none) to all future Equality Monitoring reporting.	People Reward and Equalities Manager	Sept 2024	
2: We recommend that the SQA create a new *Gender Identity* policy to facilitate and advance equality of opportunity to employees who are LGBTQ+.	People Reward and Equalities Manager	Sept 2024	
3. Considering implementing a Menopause Policy to protect those who see the impacts affect their performance.	HR Shared Services Manager	Sept 2024	We have published menopause guidance.
4. It is recommended that some consideration is given to developing a specific policy that supports older workers during their SQA career.	HR Shared Services Manager	Sept 2024	
5. Consideration should be given to analysing / reporting HR casework by protected characteristic	HR Shared Services Manager	Sept 2024	In place.
6. SQA networks to be added to support section of the policy	HR Shared Services Manager	Sept 2024	Included in hub
7. Consideration to be given on providing mandatory Diversity, Inclusion and Equality training	OD Manager	Sept 2024	In place
8. We recommend that reasonable consideration be given to disability awareness training	OD Manager	Sept 2024	

Policy Aims

Name of Policy or Practice:	Improving Performance Policy
New Policy or Revision?	Revision
Name of Policy Owner:	Head of Human Resources
Date Policy Owner Confirmed Completion:	14 March 2024

What is the rationale for this policy or practice?

The stated aims of the SQA *Improving Performance* policy are to:

Ensure that colleagues are given both the opportunity and support to deliver and maintain satisfactory standards of performance at work.

If SQA considers that colleagues are not carrying out their duties to defined / required standards, SQA will explore the reasons for this and put in place plans to address the issue.

The policy aims to ensure that performance issues are handled in a fair and supportive manner appropriate to the circumstances of each situation.

Identification of Equality Risks:

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

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

We therefore conclude

(i)   There is a non existent data sample relating to the use of this policy in SQA.

(ii)   It is impossible to draw any meaningful conclusions in respect of Equality impact.

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

The Chartered Institute of Personnel Development (CIPD) state:
"If people are the greatest creators of value in organisations, then good performance management is critical for an organisation's success.

Employees need to understand what's expected of them, and to achieve those goals they must be managed so that they're motivated, have the necessary skills, resources and support, and are accountable. Performance management aims to monitor, maintain and improve employee performance in line with an organisation's objectives. It's a not a single activity, but rather a group of practices that should be approached holistically."

Clearly, SQA employees generally consider that performance is managed effectively (see extract below).

Question	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	% POSITIVE	VARIANCE FROM PREVIOUS SURVEY	VARIANCE FROM CSPS BENCHMARK
I receive regular feedback on my performance	40%	37%	14%	7%	2%	77%	+2	+5
The feedback I receive helps me to improve my performance	36%	38%	19%	5%	2%	74%	+2	+6
Poor performance is dealt with effectively in my team	19%	28%	39%	8%	6%	47%	+4	+6

The table above shows SQA People Survey results 2021, relating to performance. SQA Colleagues were asked "I received regular feedback on my performance" 40% strongly agree. "The feedback I receive helps me to improve my performance" 36% strongly agree. "Poor performance is dealt with effectively in my team" 19% strongly agree and 28% agree.

What are the aims of this policy or practice?

As previously stated, the aims of this policy are to:

Ensure that colleagues are given the opportunity and support to deliver and maintain satisfactory standards of performance at work.

If SQA considers that colleagues are not carrying out their duties to defined / required standards, SQA will explore the reasons for this and put in place plans to address the issue.

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.

What are the aims of this policy or practice? (continued)

The following SQA policies are also related to the *Improving Performance* policy:

- Attendance Management
- Code of Conduct
- Dignity at Work
- Disciplinary
- Equality, Diversity and Inclusion
- Pay
- Probation
- Whistleblowing

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:

- Experience different performance outcomes – for example, older workers and disabled workers.

- Experience compound discrimination or intersectionality i.e. where a person has one or more characteristics and may be subjected to consequentially greater levels of disadvantage.

- Have greater difficulties following or complying with the written requirements of a workplace policy e.g. articulating a reason for poor performance in writing, taking part in one to one meetings, following a reporting flowchart etc.

- Experience higher levels of anxiety in respect of performance management.

- Feel less comfortable discussing their performance with people of the opposite *Sex*.

The development, implementation and analysis of the effects of this policy are therefore highly relevant to people from all Equality groups as they may risk experiencing disproportionate impacts or outcomes.

It is important that the SQA identifies and takes action to mitigate or remove any disadvantage identified which is the overall purpose of this Equality Impact Assessment.

Evidence, Consultation and Engagement

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

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:
 	
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?

Equality Impact Assessment – Improving Performance Policy V1.2

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%
Total	**933**	**100.00%**	**949**	**100.00%**	**993**	**100.00%**	**1036**	**100.00%**	**103**	**11.04%**

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%
Total	933	100.00%	949	100.00%	993	100.00%	1036	100.00%	103	0.00%

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

Ethnicity	2019 number	2019%	2020 number	2020%	2021 number	2021%	2022 number	2022%
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.
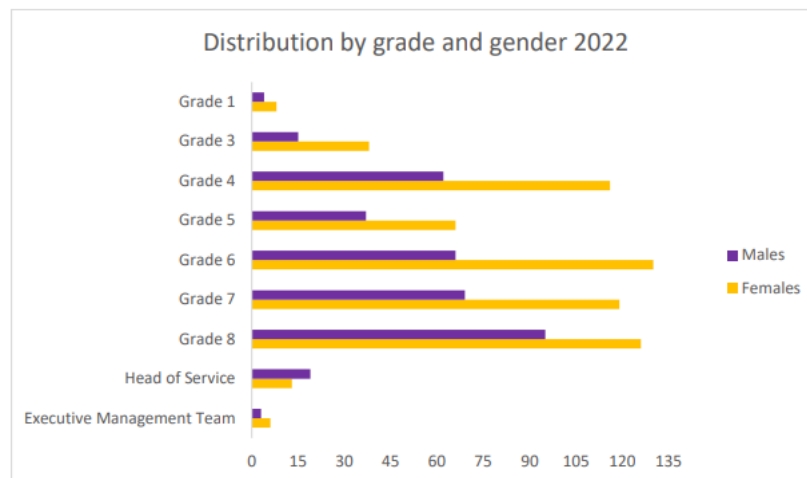
Source: SQA Workforce Equality Monitoring Report 2021-23
Equalities: SQA workforce monitoring report 2021-23

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)](#) 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%

Note: The table above spans the "Sexual Orientation" row label in the leftmost column.

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**

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%

	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). Source: SQA Workforce Equality Monitoring Report 2021-23 Equalities: SQA workforce monitoring report 2021-23
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 needs to be recorded.

The impact may not always be negative. Actions are taken to address any differential impact, and include actions to mitigate against any negative impact, to advance equality and to foster good relations between groups.

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

Use of the term Discrimination:

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

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

Protected Characteristic	General Equality Duty
Age	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the *Equality Act 2010.* In all four years since 2019, 64.29% or more of staff are between the ages of 35 and 59. The 16–24 and 65+ age brackets had the smallest percentage of staff. In 2022, those within these age brackets made up 6.56% of the organisation. It is, however, encouraging to note that there has been a 1.7% increase in the over 65 age bracket. Older and younger employees may face prejudicial assumptions about their performance and productivity.

Age (continued)	SQA roles are diverse with a small number of roles requiring physical exertion and all roles relying on mental dexterity. **Research: Age Related Performance Factors:** Dr Katerina Lisenkova stated in Productivity Insights Network, PIN – 06 Evidence Review Demographic Ageing and Productivity: Workers' productivity is determined by individual characteristics and by the characteristics of the company. Of individual characteristics the most important are physical ability (strength, dexterity, and endurance), cognitive ability (memory, special orientation, inductive reasoning, vocabulary size, etc.), education and experience. All of the individual characteristics depend on age. There is a large body of research in psychology and medicine that show that physical and cognitive abilities start declining at a relatively young age. Most cognitive abilities reach maximum level in the 20s and early 30s (Avolio and Waldman, 1994) and decline considerably by the age of 50 (Verhaegen and Salthouse, 1997). At the same time education and experience increase with age (in the case of education not in a cross-section) and can help overcome negative effects of declining abilities. In addition, the match between the worker's abilities and the type of work that s/he performs can improve with age. The relative importance of abilities and experience is different in different professions and at different periods of time. There are several papers proposing a categorisation of professions according to whether age increases or decreases productivity (e.g., Warr, 1994; Venn, 2008). Among professions where productivity increases with age are, for example lawyers, professors, managers and medical doctors. Workers with basic jobs, especially jobs that require physical exertion such as factory workers or workers in the construction sector, are likely to become less productive as they age. Art Markman Ph.D. wrote an article in Psychology Today 1 Sept 2015 called 'How Do People's Values Change as They Get Older?' He states: People were more interested in Promotion (power and success) when they were younger and older than in the middle. The idea is that in early and middle adulthood, people are focused on children and family and so success broadly may be less of a concern than it is early in life or later, when child-raising responsibilities have been completed.

Age (continued)	**Risks of Age Discrimination in the application of this policy:**
	Sample sizes of SQA employees being managed under the Improving Performance policy are so small, that there is no evidence of age impacting on performance or productivity in a negative way.
	There may also be factors influencing performance linked to colleagues age and associated life circumstances. There is evidence that 'success' at work may be a larger focus in people's lives depending upon their age and what they are experiencing in their life circumstances.
	The policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
	Outcomes of the policy should continue to be monitored for any trends that suggests employees may be disadvantaged directly or indirectly as a result of age.

Age (continued)	Advance equality of opportunity
	The Improving Performance Policy states: Throughout this procedure, we will ensure that we do not discriminate against anyone on the basis of a protected characteristic. Cognisance is taken in the policy of personal issues that may impact on performance, so issues a colleague has that may be indirectly linked to age such as caring responsibilities should be mitigated to a reasonable degree if possible through using the policy. This assessment concludes that this aim is not currently being realised in their entirety in the SQA.
	Foster good relations
	It is recommended that some consideration is given to developing a specific policy that supports older workers during their SQA career. The Improving Performance Policy outcomes are likely to be linked to learning and development approaches. In CIPD analysis of the age profile in Scotland, the CIPD stated embracing lifelong learning would enhance the productivity of workers throughout their working life. The CIPD stated in "Skills to Grow: The case for enhanced ILAs in Scotland 2021": *These trends call for Scotland to embrace a culture of lifelong learning, in which individuals' relationship to the skills system is not cut off when they leave full-time education and enter the world of work, but instead continues throughout their working lives. The case for developing and investing in tools that can foster a lifelong relationship with the skills system for Scotland's workforce is only growing.* SQA's Learning and Development Policy deals with the approach to learning for all colleagues.

Protected Characteristic	General Equality Duty
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The percentage of staff declaring a disability has increased by 2.54% between 2019 and 2022. Figure 3.1 shows the percentage of staff by self-reporting category. Upon analysing the disability data by grade between 2019 and 2022 no significant trends were identified. In 2022, grade 6 (10.29%) followed by Head of Service (8.82%) had the highest percentage of staff declaring that they have a disability. Currently 8% of SQA employees have disclosed that they have a disability and whilst all employees are entitled to use, access and of course be subject to the Improving Performance policy, it is unclear if the policy promotes/advances the same chances to employees of all disabilities. This is due to the lack of data monitoring of employee performance by disability. Employees who declare a disability may face prejudicial assumptions about their capability, performance, or productivity. External data from the Fair Treatment at Work Survey (Equality and Human Rights Commission - EHRC) showed that: *Around one in four disabled people in the UK said they had experienced some form of unfair treatment (27 per cent), compared with 17 per cent for non-disabled people. The main reasons given by disabled people for unfair treatment at work were the attitudes or personalities of other people (52 per cent) or relationships at work (43 per cent); 30 per cent said that the unfair treatment they had experienced was because of their disability or condition.* **Risks of Disability Discrimination in the application of this policy:** **Sample sizes of SQA employees being managed under the Improving Performance policy are so small, that there is no statistical evidence of Disability impacting on performance or productivity in a negative way, but there are steps in place in the policy to ensure that the impact of a disability on performance is mitigated appropriately in the management of the performance.** Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators

	will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
Protected Characteristic	**General Equality Duty**
Disability (continued)	Advance equality of opportunity
	Advisory, Conciliation and Arbitration Service (ACAS) advises that before investigating performance, the employer must make sure they have done all they reasonably can to support a person with a disability. Throughout SQAs *Improving Performance* policy support is available to colleagues through reasonable adjustments and where it has been identified that medical conditions are a contributing factor towards performance, SQA will seek specialist advice before any progress is made. Therefore, concerns around unsatisfactory performance related to disability will be mitigated.
	Foster good relations
	Fostering good relations involves tackling prejudice and promoting understanding between people who share, or may not share, a protected characteristic. The policy does reference disability, however, it is important never to assume that someone is not capable of doing their job because of their disability. SQA should continue to promote an inclusive culture where people with a disability can thrive at work if they have the appropriate understanding and support. SQA should continue to advocate the importance of colleagues completing and disclosing their equality information to support any required adjustments in the workplace. It is recommended that reasonable consideration be given to disability awareness training to build awareness and ensure all employees are aware of difficulties or barriers employees with a disability may face in the workplace. Outcomes of the policy should continue to be monitored for any trends that suggests employees may be disadvantaged directly or indirectly as a result of their disability.

Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	National Evidence: External data from the *Race at Work Charter 2021* highlighted that many ethnic minority employees do not feel supported or valued by their managers in comparison to their White colleagues, having their job performance more heavily criticised was one way in which ethnic minority employees experienced racism. This impacted on some ethnic minority employees who felt an added pressure to ensure that their work 'was up to standard' The policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias. However, consideration should be given to providing all managers with Diversity, Inclusion and Equality training. Just under 3.50% of SQA 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. **SQA currently does not record performance by *Race* or *Ethnicity*.** Once again, it is therefore not possible to either **establish or discount** if any disproportionate rates of performance are experienced by SQA employees drawn from different ethnic groups. **Risks of Race Discrimination in the application of this policy:** **Sample sizes of SQA employees being managed under the Improving Performance policy are so small, that there is no evidence of Race, Ethnicity or Nationality impacting on performance or productivity in a negative way.**

Race (continued)	Advance equality of opportunity
	All SQA employees of Race are entitled to use, access and be subjected to *the Improving Performance Policy.*
	There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their Race or Ethnicity.
	The policy does allow reasonable cognisance to be taken of any personal circumstances that may impact on performance.
Race (continued)	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees of different Race or Ethnicity. No further recommendations are made in respect of this at this stage.

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
	The percentage of SQA staff declaring their religion, belief or non-belief increased by 31.54% between 2019 and 2022. The percentage of those declaring has remained relatively stable within each category over the last three years with less than a 1.00% variance for all religion, belief or non-belief categories. When examining religion, belief and non-belief by grade between 2019 and 2022 no clear trends were identified. A religious related activity such as Ramadan and fasting may have an impact on performance, and therefore may be a consideration for how this policy is applied. In considering the impact of fasting for Ramadan, the CIPD's HR Inform in March 2022 stated: *"A restricted intake of food may have a negative impact on productivity levels, especially towards later working hours. Organisations should take this into consideration where there are any temporary drops in performance for Muslim employees. Muslim employees should not be treated less favourably because they are observing Ramadan, and this extends to the effects of fasting. To do otherwise could amount to discrimination. Instead, organisations can proactively consider altering shifts or allow regular short breaks if employees are lacking energy."* Cognisance is taken in the policy of personal circumstances that may impact on performance, so issues a colleague has that may be indirectly linked to a religion or belief should be mitigated through the application of this policy. Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias. SQA has in place Diversity, Inclusion and Equality training.

Religion or Belief	Advance equality of opportunity
	All SQA employees from all *Religions / Beliefs* are entitled to use, access and be subjected to *the Improving Performance Policy.* There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their *Religion* or *Philosophical Belief System*. The policy does allow reasonable cognisance to be taken of any personal circumstances that may impact on performance.
	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees of different religions or beliefs. No further recommendations are made in respect of this at this stage.

Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

A greater number of SQA employees overall are female - 62% female versus 38% male. Every employee is expected to make use of the MyReview performance process as set out in our *Improving Performance Policy.*

Sex	2019	2020	2021	2022	Variance
Females	39.39%	40.00%	41.94%	41.18%	1.79%
Males	60.61%	60.00%	58.06%	58.82%	-1.79%

The above table shows SQA colleagues by gender. This table is available to view on SQA workforce equality monitoring report 2023.

Menopause
Given the majority of SQA's workforce is female and between the ages of 35-59 this suggests that a significant part of the workforce are of perimenopause or menopause ages. Research (www.nhsinform.scot) suggests that symptoms can have a detrimental impact on performance and SQA should consider this when reviewing performance.

In a survey of 1,000 adults in the UK, the British Menopause Society found that 45% of women felt that menopausal symptoms had a negative impact on their work and 47% who needed to take a day off work due to menopause symptoms say they wouldn't tell their employer the real reason.

Many women have said that they often find managing their menopause symptoms in the workplace very challenging. Coping with symptoms in the workplace can be hard, especially as many women find it difficult to talk about menopause at work.

Sex (continued)	Advance equality of opportunity
	All SQA employees are entitled to use, access and be subjected to *the Improving Performance Policy.* This includes employees of both sexes. **However, because there is no *Sex* related profiling data available relating to:**
	▪ **Performance Management rates in the SQA by *Sex.***
	It is not possible to conclude if this policy does effectively advance equality of opportunity between Men and Women.
	Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias. SQA has Diversity, Inclusion and Equality training in place.
Sex (continued)	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees of different sexes.
	SQA has Menopause guidance in place to further protect those who see the impacts affect their performance.

Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	Given the high numbers of mental health absences nationally within the lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) community, we consider that this may, in turn, have an impact on performance at work. SQA now reports on casework by protected characteristic. We conclude there is no evidence to suggest that this policy may impact directly on people of different *Sexual Orientations* and therefore make no further recommendations in this area. **Neutral Equality related impact is therefore recorded in this area.** Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
	Advance equality of opportunity
	All SQA employees are entitled to use, access and be subjected to the *Improving Performance Policy* and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their *Sexual Orientation.*
	Foster good relations
	SQA currently reports on HR case work, informal and formal, in relation to each protected characteristic. This would show if any trends or patterns emerge so that action can be taken.

Protected Characteristic	General Equality Duty
Gender Identity. **This includes:** **Gender Re-assignment** **Non Binary** **Gender Fluid**	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The *Equality Act 2010* protects employees against discrimination if they are absent from work related to *Gender Reassignment.* This is defined when a person transitions from one Gender to another. The protection against discrimination includes: ▪ Proposing to undergo a Gender transition. ▪ Undergoing the process of Gender transitioning. ▪ As a result of Gender transition. It is possible that those undergoing gender reassignment may face prejudice that may manifest itself in unfair treatment from colleagues and managers. There is no evidence however to suggest that this policy impacts directly / indirectly on people based on Gender Identity. Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
Gender Identity. **This includes:** **Gender Re-assignment**	Advance equality of opportunity
	The SQA currently does not have a *Gender Identity* policy providing background information to SQA managers and employees in respect of: ▪ People who identify as the Gender they were assigned at birth. (*Cisgender*) ▪ People who identify with Gender that is different to that assigned at birth. *(Transgender)*

Non Binary Gender Fluid (continued)	▪ People who identify with multiple Genders. (e.g. *Non Binary* and *Gender Fluid.*) (Note this list is illustrative and is not intended to be definitive.) Whilst, with the exception of *Gender Reassignment*, there is currently no legal obligation placed on the SQA to provide Equality of Opportunity to people who identify as different Genders, it is a very relevant modern consideration – particularly in academic environments such as schools, colleges and universities. (Once again, highly relevant to the SQA.) We therefore recommend that the SQA create a new *Gender Identity* policy to facilitate and advance equality of opportunity to employees who are LGBTQ+.
	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 actions listed within this section of the document would begin to improve this situation somewhat.

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 percentage of staff declaring they are married or in a civil partnership was 46.22% in 2021 and 43.82% in 2022. The percentage of staff declaring they are married or in a civil partnership has remained consistent over the last three years. We can identify no reasonable risks or evidence to indicate how or why this policy could disproportionally impact a person on the grounds of this 'Protected Characteristic'. **Neutral Equality related impact is therefore recorded in this area.** Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
	Advance equality of opportunity
	All SQA employees are entitled to use, access and be subjected to the *Improving Performance Policy* and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their *Marital Status.*
	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees of different *Marital Status.* No further recommendations are made in respect of this in relation to this policy.

Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	The rate of those who return to work following a period of maternity leave is greater than 90.0% between 2019-2022. In 2022, all directorates and reporting areas, except for education reform and modern apprentice, had at least one member of staff who had taken maternity leave. 50% or more of staff who have taken maternity leave between 2019 and 2022 have been in grade 6 or above. Please refer to the separate SQA policy – *Maternity, Paternity and Adoption* We can identify no reasonable risks or evidence to indicate how or why this policy could disproportionally impact a person on the grounds of this 'Protected Characteristic'. **Neutral Equality related impact is therefore recorded in this area.** Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
	Advance equality of opportunity
	All SQA employees are entitled to use, access and be subjected to the Improving Performance Policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of Pregnancy/Maternity.
	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees that are Pregnant or on Maternity. No recommendations are made in respect of this in relation to this policy.

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
	Care experienced individuals may be more likely to have missed opportunities to gain qualifications in early life and this may also impact on their ability to perform in their employed role.
	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 <u>recommended that data is collected and an analysis, by care experience, be performed of the 'lifecycle' of colleagues to identify any adverse trends and consider what support for growth and performance is needed.</u>
	Section 5.4 of the policy provides specific indicators for identifying performance issues. One of those indicators is complaints about, or criticism of, your work from colleagues. SQA does mitigate this by stating that specific indicators will be used, rather than opinion or speculation. There is currently no evidence to suggest that this indicator has resulted in unconscious bias.
	Advance equality of opportunity
	All SQA employees and external candidates are entitled to use, access and be subjected to the *Improving Performance Policy* and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of Care Experience. SQA now collect data relating to those employees who choose to disclosure data relating to care experience.
	Foster Good Relations
	No evidence identified.

Miscellaneous:

Other impacts identified as part of this EqIA which generally have a positive impact on all SQA employees include:

- A SQA employee assistance programme providing employees with confidential support and guidance 24 hours a day, 7 days a week.

- Trade union representatives who can provide members with advice, help and support relating to sickness absences

- Mental Health First Aiders who are available as a first point of contact in the SQA.

- The *Able Futures* service who can be contacted for ongoing professional support for mental health and wellbeing.

- The SQA occupational health provider offers medical advice and support on staying healthy at work.

- Internally, the SQA Human Resources team can provide confidential support and advice to employees.

- The SQA Parent and Carers Network provides support to colleagues. This network aims to provide a safe and confidential space to allow parents and carers to support each other, share ideas, current challenges, knowledge and experiences.

Additionally, the SQA is committed to being a supportive and inclusive employer and is members of and/or accredited by various organisations these include:

- Disability Confident Employer
- Hidden Disability Sunflower Scheme Member
- Employers Network for Equality & Inclusion Member
- Happy to Talk Flexible Working Employer
- Accreditation as a Scottish Living Wage Employer
- Business in the Community Race at Work Charter Signatory
- Stonewall Diversity Champion
- Dying to Work Charter Member