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 2024	Additional Schedule Review Date	By September 2023

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	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
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	
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	
6. SQA networks to be added to support section of the policy	HR Shared Services Manager	Sept 2024	
7. Consideration to be given on providing mandatory Diversity, Inclusion and Equality training	OD Manager	Sept 2024	
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:	25 February 2022

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.

Improving Performance data by Disability

SQA has no data on performance related instances and disability.

However, 8% of SQA workforce have declared a disability. This is an increase of 2.75% from 2019 to 2022. This increase has come as a result of our equality campaign which was supported by our networks and awareness raising activities.
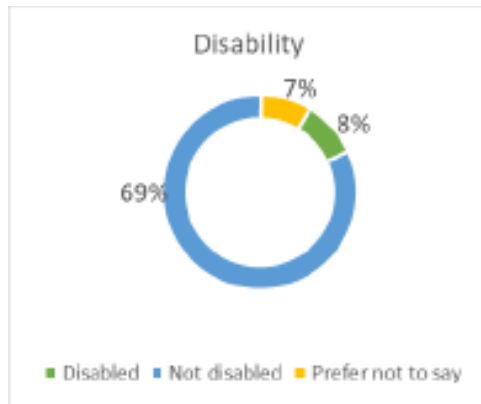
The table above shows the percentage of SQA colleagues who have declared having a disability. This table is available to view on page 23 of SQA Equality Mainstreaming report 2019-2021 https://www.sqa.org.uk/sqa/files_ccc/sqa-equality-mainstreaming-report-2019-21.pdf
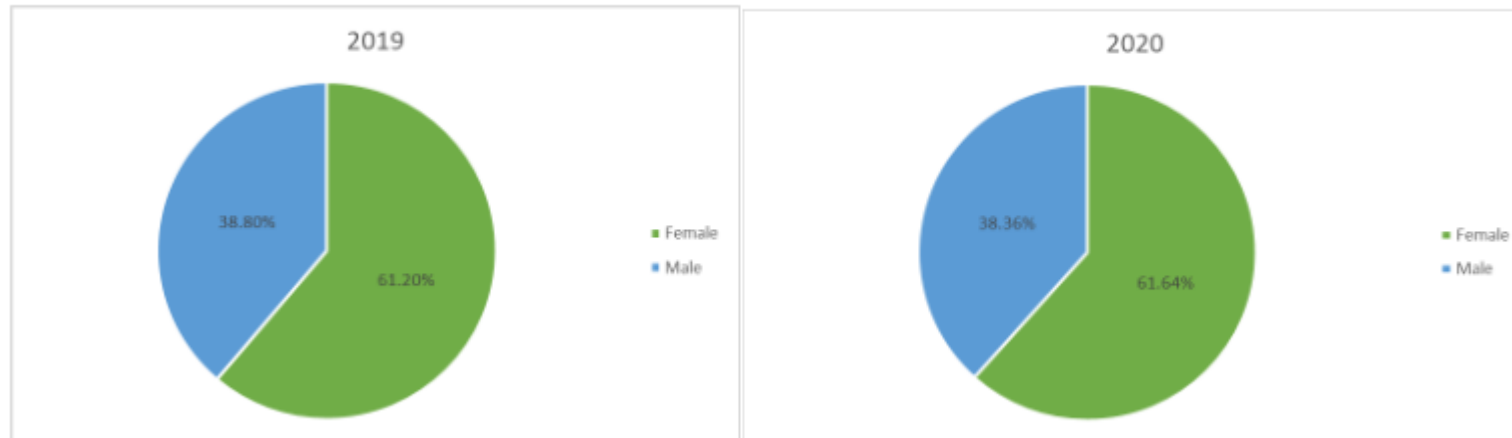
Improving Performance by Gender

There is a predominance of female gender in SQA

Table 1.01 Colleagues by gender

Gender (Sex)	2019	2020	Variance
Female	61.20%	61.64%	0.44%
Male	38.80%	38.36%	-0.44%
Total	100.00%	100.00%	

Colleagues by Gender (as in Table 1.01)

The above table & graph shows SQA colleagues split by gender. Table 1.01 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

Menopause for Females

Source: www.nhsinform.scot

Menopausal women are the fastest-growing demographic in the workforce, so it's important now more than ever to be able to speak openly about menopause at work.

Menopause can affect a woman's working life. Sometimes menopausal symptoms or working conditions can impact your ability to concentrate or carry out your role to the best of your ability.

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.

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
- 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 within the development of this policy or practice?
As this is an internal policy, the SQA has only consulted with our internal staff networks and trade unions. 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.

What stakeholders have you engaged with in the development of this policy or practice?
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Evidence of Stakeholder Engagement:

Trade Union Consultation Review Group (PRG):

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

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

Staff Network Consultations:

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

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

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

The table below details the consultation undertaken.

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

Evidence of Staff Network Consultation Meetings:

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

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

Age:	
	Colleagues by age band and gender (sex) 2020 (as in Table 1.05)
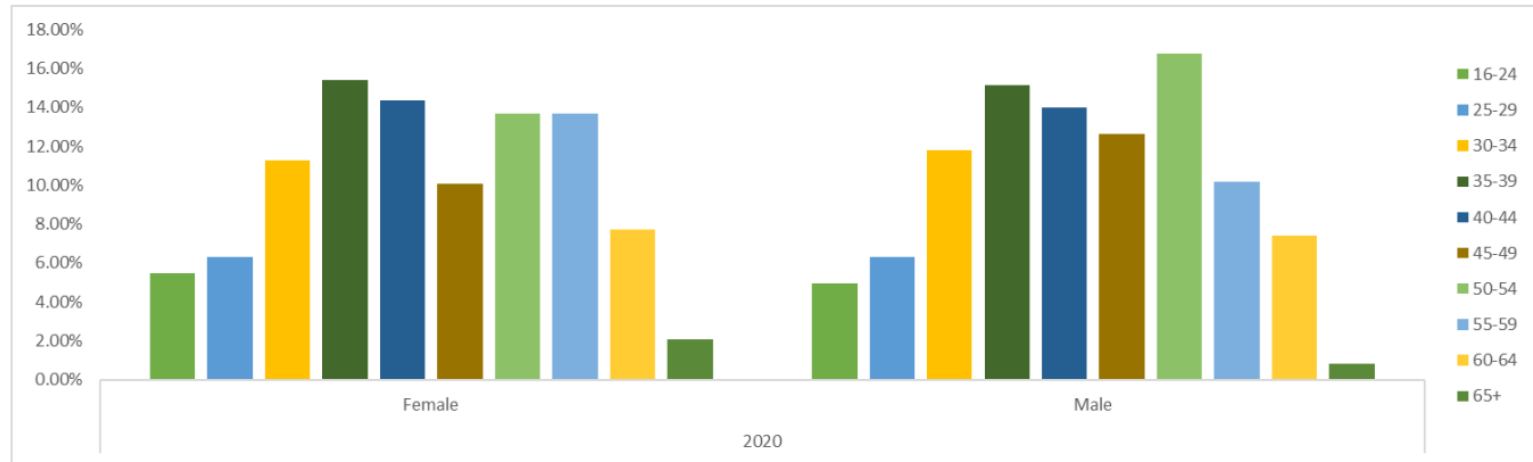
The above graph shows SQA colleagues by age band and gender. Table 1.05 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

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

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

proportion of male colleagues was in the 30-34 age band, with seven fewer people. The largest decrease was seen in the 30–34 age band for both male and female colleagues - with an overall reduction of 14 people.

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

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

Colleagues by disability status (as in Table 1.07)
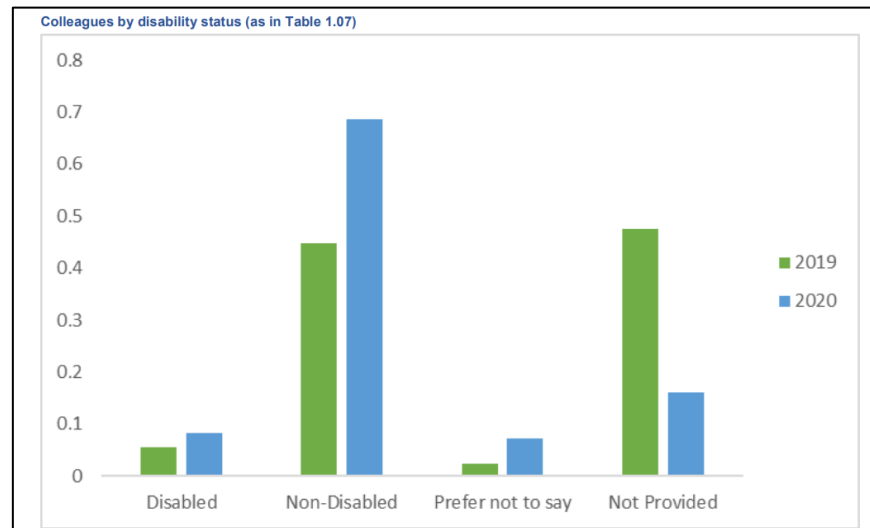
The above graph shows SQA colleagues by disability status. Table 1.07 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

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

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

Race Ethnicity

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%	

Colleagues by Race (as in table 1.12)
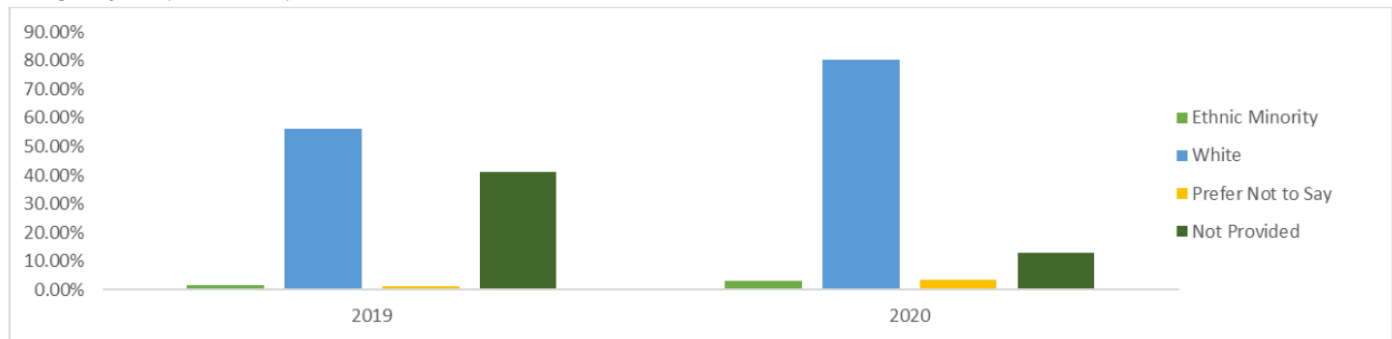
The above table and graph show SQA colleagues by Race. Table 1.12 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf
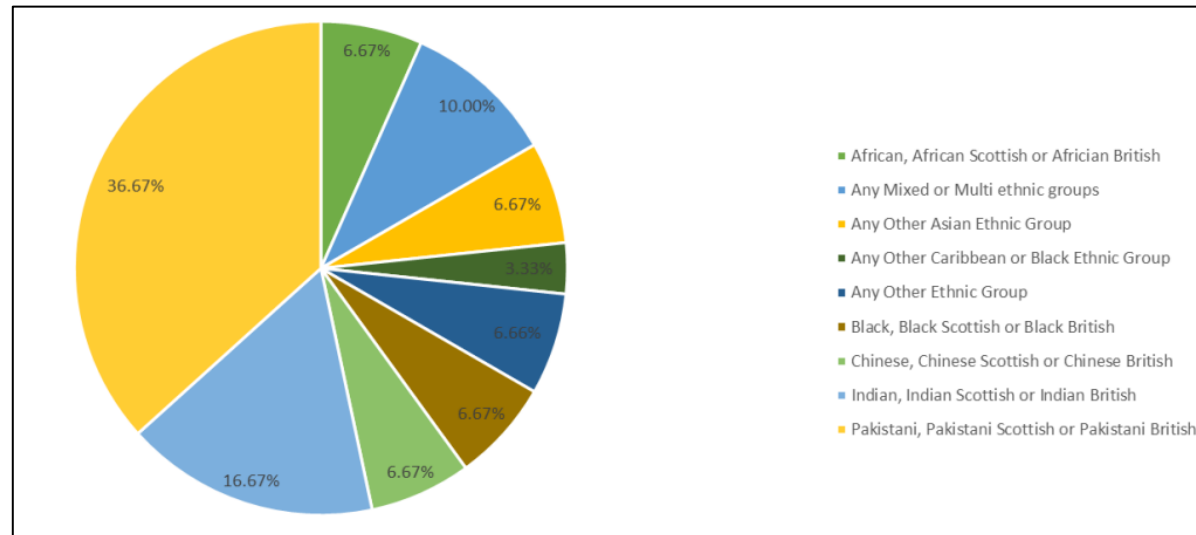
Currently only 3% of SQA employees declared themselves as Minority Ethnicity against a national (Scotland) average of 5%.

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

Source: SQA Workforce Equality Monitoring Report 2019 – 2021

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

Race Ethnicity (continued)

- African, African Scottish or African British
- Any Mixed or Multi ethnic groups
- Any Other Asian Ethnic Group
- Any Other Caribbean or Black Ethnic Group
- Any Other Ethnic Group
- Black, Black Scottish or Black British
- Chinese, Chinese Scottish or Chinese British
- Indian, Indian Scottish or Indian British
- Pakistani, Pakistani Scottish or Pakistani British

Table 1.15 Race: Colleagues by black and minority ethnicities

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

The above graph and table show SQA colleagues by Race. Table 1.15 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

Religion or Belief

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

The above table shows SQA colleagues by Religion or Belief. Table 1.16 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

Sex								

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

The above table shows SQA colleagues by Gender and Grade. Table 1.02 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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.

Table 1.01 Colleagues by gender

Gender (Sex)	2019	2020	Variance
Female	61.20%	61.64%	0.44%
Male	38.80%	38.36%	-0.44%
Total	100.00%	100.00%	

The above table shows SQA colleagues by gender. Table 1.01 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

Source: www.nhsinform.scot

(Extract below)

Menopausal women are the fastest-growing demographic in the workforce. It is therefore important now more than ever to be able to speak openly about menopause at work.

Menopause can affect a woman's working life. Sometimes menopausal symptoms or working conditions can impact your ability to concentrate or carry out your role to the best of your ability.

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.

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

Sexual Orientation

SQA Workforce

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%	

The above table shows SQA colleagues by sexual orientation. Table 1.18 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

Gender Re-assignment (Gender identity and transgender)	No equality profiling data is currently captured by the SQA. One of the recommendations from this Equality Impact Assessment is that the <u>SQA adds *Gender Identity* (i.e. people who identify as more than one gender or none) to all future Equality Monitoring reporting.</u>
Marriage/Civil Partnership	No equality profiling data is currently captured by the SQA.
Pregnancy / Maternity	

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

The above table shows SQA colleagues by pregnancy status. Table 1.20 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

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

Care experience (where relevant)	Human Resources currently have no data for SQA that shows how many colleagues are Care Experienced. Nationally **Who Cares? Scotland** say: **Education** In 2019/20 64% of all school leavers had 1 r more qualification at SCQF level 6 or better, whereas only 14% of school leavers looked after within the last year had qualifications of that level. Care Experienced children are less likely to be in positive destinations nine months after leaving school. Figures from 2019-20 show that 75% of school leavers looked after within the last year were in positive destinations. This is compared to 92% of all schools leavers. At all levels, Care Experienced students have lower rates of completing courses compared to all students at university and college. Between Care Experienced students and non-Care Experienced students, there is a difference of 5.3% for retention at university, and the largest gap is in successful completion of full-time further education courses at college where the gap is 15.6% (SFC, 2019). **Unemployment** 9 months after leaving school, 22% of school leavers looked after within the last year people were classed as unemployed, compared to 7% of their non-Care Experienced peers (Scottish Government, 2021). **Criminalisation** In a Scottish Prison Service survey carried out in 2019, 1/4 of the adult prison population indicated that during their up-bringing they had been in care (25%) (Scottish Prison Service, 2020). Around 40% of young people in custody report that they have been in care (Scottish Prison Service, 2021).

Health

In a study conducted in 2002, among young people aged 5–17 years who were looked after by local authorities in Scotland, 45% were assessed as having a mental health issue (Office for National Statistics, 2004).

Homelessness

Practitioners estimate that between 30-50% of individuals who are homeless could be Care Experienced.

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.*
	The majority of SQA employees are in the mid-range age bandings. A total of 79% workers are aged between 30 – 59. Less than 2% of SQA employees are aged 60+ and the SQA has recently seen a decrease in younger (under 35) employees. Comparisons between 2019 and 2020 data show that the greatest increase in the proportion of female colleagues is within the 60–64 age band - an increase of 12 colleagues. The 30–34 age band saw the largest reduction of female colleagues – a total of seven people. Over the same period, there was an increase in the proportion of male colleagues within the 50-54 age band - an overall increase of nine people. The largest decline in the proportion of male colleagues was in the 30-34 age band, with seven fewer people. The largest decrease was seen in the 30–34 age band for both male and female colleagues - with an overall reduction of 14 people. Older and younger employees may face prejudicial assumptions about their performance and productivity. SQA roles are diverse with a small number of roles requiring physical exertion and all roles relying on mental dexterity.

Age (continued)	
	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.

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. However, consideration should be given to providing all managers with unconscious bias training.

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
	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. However, consideration should be given to providing all managers with Diversity, Inclusion and Equality training.

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 2015* 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' 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. However, consideration should be given to providing all managers with Diversity, Inclusion and Equality training. **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.**

	Advance equality of opportunity
Race (continued)	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.
	Foster good relations
Race (continued)	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
	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. However, <u>consideration should be given to providing all managers with Diversity, Inclusion and Equality training.</u>

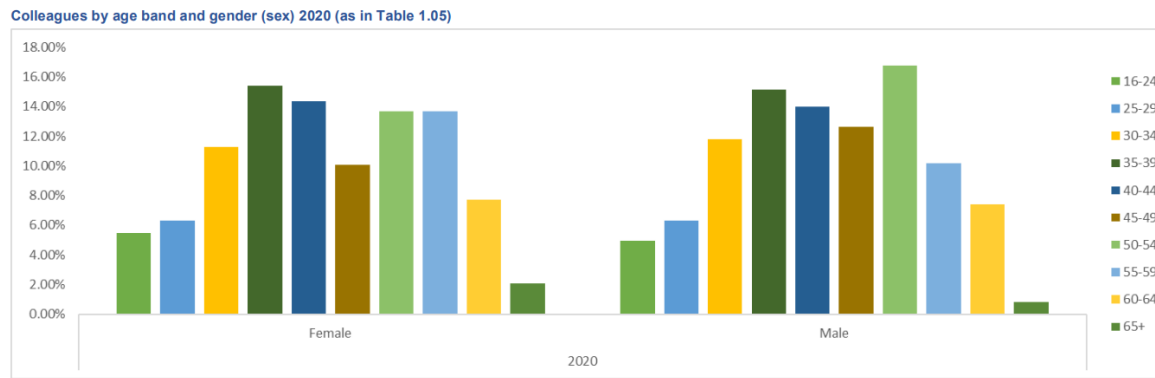| Religion or Belief	Advance equality of opportunity
	All SQA employees from all *Religions / Beliefs* are entitled to use, access and be subjected to *the Improving Performance Policy.* There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the 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.* Table 1.01 Colleagues by gender | Gender (Sex)	2019	2020	Variance
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Female	61.20%	61.64%	0.44%
Male	38.80%	38.36%	-0.44%
Total	100.00%	100.00%		 The above table shows SQA colleagues by gender. Table 1.01 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf **Menopause** The breakdown of ages of females in SQA (see below) suggests that we have a percentage of females who 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.

Colleagues by age band and gender (sex) 2020 (as in Table 1.05)

The above graph shows SQA colleagues by age and gender. Table 1.05 is available to view on SQA workforce equality monitoring report 2019-2020 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf

	Advance equality of opportunity
Sex (continued)	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. However, consideration should be given to providing all managers with Diversity, Inclusion and Equality training.

	Foster good relations
Sex (continued)	There is no evidence to indicate that this policy currently fosters good relations between employees of different sexes. Considering implementing a Menopause Policy would 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. **Unfortunately, SQA does not report 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. However, <u>consideration should be given to providing all managers with Diversity, Inclusion and Equality training.</u>
	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
	<u>Consideration should be given to report more thoroughly 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.</u>
Protected Characteristic	**General Equality Duty**
Gender Identity. **This includes:** **Gender Re-assignment** **Non Binary**	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.

Gender Fluid	▪ 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. However, <u>consideration should be given to providing all managers with Diversity, Inclusion and Equality training.</u>
	Advance equality of opportunity
Gender Identity. **This includes:** **Gender Re-assignment** **Non Binary** **Gender Fluid** **(continued)**	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)* ▪ 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.) <u>We therefore recommend that the SQA create a new *Gender Identity* policy to facilitate and advance equality of opportunity to employees who are LGBTQ+.</u>

	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
	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. However, <u>consideration should be given to providing all managers with Diversity, Inclusion and Equality training.</u>
	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
	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. However, consideration should be given to providing all managers with Diversity, Inclusion and Equality training.
	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. However, <u>consideration should be given to providing all managers with Diversity, Inclusion and Equality training.</u>
	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. <u>The absence of evidence should be rectified, if possible, by collection of data relating to care experience.</u>
	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