

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

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.

Equality Impact Assessment – Probation Policy V1.0

Required Actions	Owner	Date	Comment & Review
Review and assess monthly establishment management information packs containing fundamental employment data on SQA employees	People Analytics, Governance & Systems Manager	Commencing monthly from October 2022	
Review on a quarterly basis of employment law, case law and legislative changes, and equalities updates (including reviewing EHRC website).	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from joint trade unions (Unite and Unison) through SQA's Joint engagement forum and Policy review group.	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from each of SQA's staff community network groups	HR Shared Services Manager	Commencing quarterly from January 2023	
Continue to review and assess on an annual basis SQA's engagement People survey	OD Manager	Commencing annually from October 2023	
Review and assess on an annual basis all SQA employee lifecycle data	People Analytics, Governance & Systems Manager	Commencing annually from January 2024	

Equality Impact Assessment – Probation Policy V1.0

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	

Equality Impact Assessment – Probation Policy V1.0

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
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 initial introduction to SQA's culture and working practices, ongoing growth and performance is needed.	Advance equality of opportunity	People Analytics, Governance & Systems Manager	September 23	
A reference to Age diversity and how / why different age groups learn differently would assist in promoting equality of opportunity to SQA employees of different ages	Eliminate unlawful discrimination Advance equality of opportunity	HR Shared Services Manager	September 23	
Considering implementing a Menopause Policy to protect those who see the impacts affect their performance.	Eliminate unlawful discrimination Advance equality of opportunity	HR Shared Services Manager	September 23	
Disability/Pregnancy & Maternity It would be advisable to review wording in 5.3 'reasonable adjustments' to include reference of use of specialist advice (eg Occupational Health).	Eliminate unlawful discrimination	HR Shared Services Manager	September 23	

Equality Impact Assessment – Probation Policy V1.0

<p>General To ensure SQA are supporting people in all equality groups during the probation period a more detailed analysis of the progress of new starts by protected characteristic would be useful to consider.</p>	<p>Eliminate unlawful discrimination</p>	<p>People Analytics, Governance & Systems Manager</p>	<p>September 24</p>	
---	--	---	---------------------	--

Policy Aims

Name of Policy or practice	Probation
New Policy or Revision	New
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?
<p>The purpose of probation is to provide a period for assessment of whether you, as a new member of staff, are a good fit for your role.</p> <p>Confirmation of your appointment is subject to you completing a probationary period satisfactorily. The length of your probationary period will be stated in your offer letter. During your probation ,you are expected to establish your suitability for the post.</p> <p>If you do not complete your probationary period satisfactorily, it may lead to your appointment being terminated.</p>

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

National Evidence:

The reason SQA uses a probationary period is to trial the working relationship to see if the new employee is right for the business. It is used to assess whether the recruit is demonstrating and applying the skills and behaviours as identified during the interview process. Probation periods are important as they help SQA to ensure it has made the right recruiting decision, whilst enabling the organisation to take action when it believes believe a new starter is unsuitable for the role.

[Probation Periods UK | Law & Employee Rights Guide - Safe Workers](#) is one of many reference points explaining the need to have managed probation periods. It states 'Employers will often carry out an application and interview process. However, you can't always tell from an interview how an employee will perform in a role, or whether they will fit in with an existing team. A probationary period lets both employee and employer see if the job is a good fit for both parties.'

[How to manage probationary periods | How to | Tools | XpertHR.co.uk](#) advises:

From 6 April 2020, the [written statement of terms and conditions of employment](#) (required under s.1 of the Employment Rights Act 1996), must also include the probationary period, its length and any conditions attached to it. Employers should also spell out that the probationary period may be extended and clarify the position around contractual benefits in the event of an extension (see [Extending the probationary period](#)).

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

Since 2019 409 new starts are recorded at SQA, with a fairly even split of 131 (2019), 98 (202), 121 (2021) and 59 (to July 2022) Source: HR Management Information statistics - August 2022

Please note, Equality profiling information (e.g. *Sex, Race, Disability Age* etc.) is not currently captured in respect of the 'lifecycle' of probationary periods in SQA. For example, people starting, successfully completing, unsuccessfully completing or resigning during their period of probation. This means that an effective equality analysis using local evidence is not possible.

However, an analysis of HR case management information from 2021 to date shows that there were fewer than 5 recorded cases per year of formal management intervention.

Action taken was to either extend probation or end employment due to unsatisfactory progress during probation. This indicates to us that selection choices and subsequent probation management are being carried out successfully in SQA.

We do not consider that there is a large enough sample size of evidence available to analyse this further.

What are the aims of this policy or practice?

Probation is an overall assessment of an individual's suitability for employment through a probationary period, to monitor and assess whether they are deemed to be capable of giving regular and effective service.

Policy Structure:

The policy itself is divided in two discrete sections:

1: Part A – Policy detail.

2: Part B – Procedures for SQA managers / employees to follow.

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

- Attendance Management
- Equality, Diversity and Inclusion
- Disciplinary
- Statement of Particulars

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

Probation periods aren't covered by any specific employment law. It is an obligation under our terms and conditions of employment for employees to complete a probation period. It is also relevant to observe the Equality Act 2010 during the probation period for all employees. It is important that where an individual does not complete their probation and is dismissed that the reasons for this are not discriminatory.

All staff, whether permanent or on a fixed-term contract, are subject to a six-month probationary period. If their contract is less than six months, the probationary period will be the same length as the contract. Therefore, all employees have the same principles applied to length of probation period regardless of job role, previous experience or any protected characteristic.

However, 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 characteristic 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.

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

Section 5.3 of the policy 'Reasonable adjustments' states:

'We will ensure throughout this procedure that we do not discriminate against you based on any of the protected characteristics. If you are having problems attending work and/or performing to the required standards that are related to your disability, pregnancy or external commitments for carer's leave as covered in our Staff Leave Policy, we will work with you to make reasonable adjustments to support you appropriately during probation. This may include extending your probationary period by mutual consent, reviewing timescales around achieving your objectives or ensuring more time is given to meeting with you during your probation. If you have a learning disability, you may also bring a companion (who may be someone who doesn't work with you) to act as an advocate at any meetings relating to the management of your probation. 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. '

We think this is a key statement outlining the need for line managers to take account of individual's personal circumstances during the initial stages of working with SQA.

It would be advisable to review this wording to include reference to use of specialist advice (eg Occupational Health) so that line managers know they can access support particularly when considering disability or pregnancy related matters that may require reasonable adjustments during the probationary period.

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

SQA People Survey, 2021 indicate high levels of satisfaction at work underpinning the importance of good management from the outset of employment:

Question	% POSITIVE
I am treated fairly at work	89%
I am treated with respect by the people I work with	90%
I feel valued for the work I do	74%
I think that SQA respects individual differences (e.g., cultures, working styles, backgrounds, ideas, etc)	84%

Evidence, Consultation and Engagement

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

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

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

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

Evidence of Stakeholder Engagement:

Trade Union Consultation Review Group (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.

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

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.

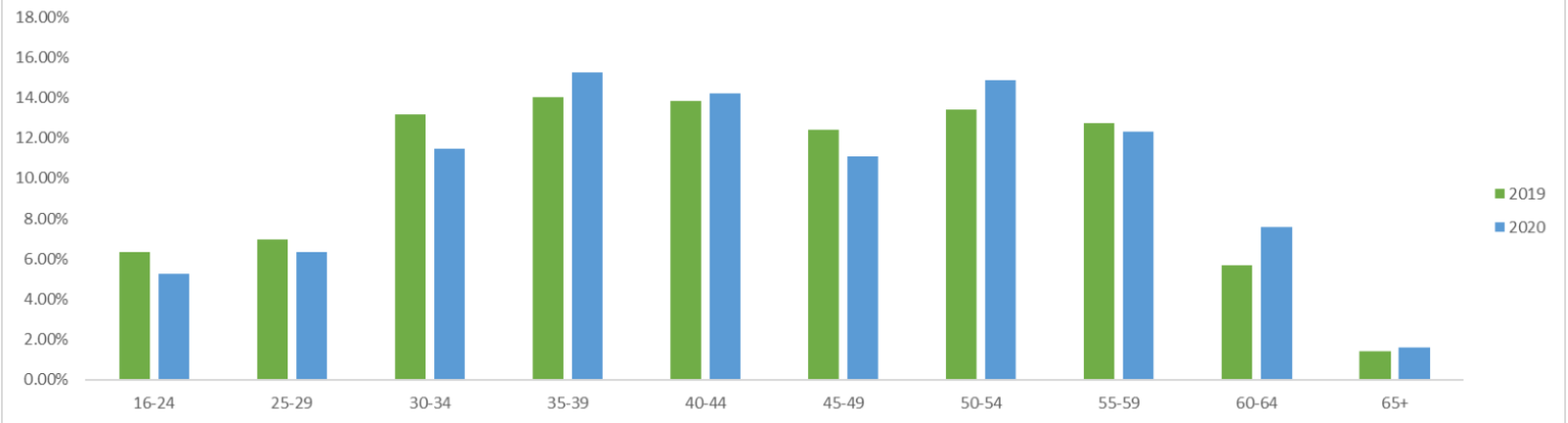
Equality Impact Assessment – Probation Policy V1.0

Evidence of staff network consultation:

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



Source: SQA Workforce Equality Monitoring Report 2019 - 2021

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. This can be found in table 1.04 at [workforce-equality-monitoring-report-2019-2021.pdf \(sqa.org.uk\)](https://www.sqa.org.uk/workforce-equality-monitoring-report-2019-2021.pdf)

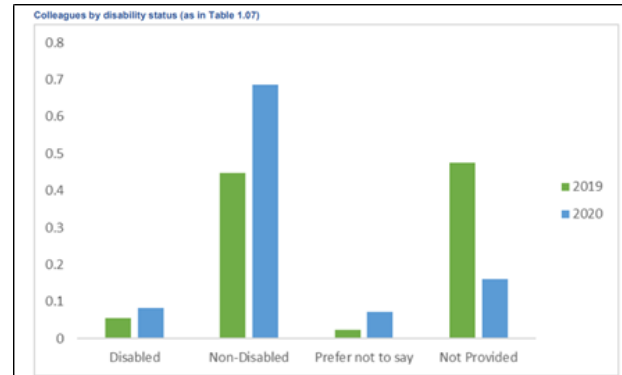
[Career Change At 50: It's Never Too Late | Oxbridge \(oxbridgehomelearning.uk\)](https://www.oxbridgehomelearning.uk/career-change-at-50-its-never-too-late/)

'90% of people in their 50s said that a new career would rekindle their passion for work. Moreover, Generation Xers aren't ready to retire; they're not even preparing. In fact, 210 people (59%) said they were actively applying for new roles or enrolling onto new courses to train themselves. In addition, 111 (31%) are currently looking for a new role and would be willing to apply as soon as something suitable arose'.

This indicates that age is not necessarily a factor when looking for new opportunities and it is reasonable to think, given SQA's age profile that many people going through the probation process at any given time will be 45 - 65 years old.

Age	<p><u>How your thinking skills change with age Age UK</u></p> <p>Establishes an important point to consider when managing younger and older workers into a new organisation: 'On average in older age, we know more than younger people but are not as quick in figuring out problems or completing tasks.' Generally we can consider age to be a factor with probation and balance experience versus quicker learning skills.</p> <p><u>Employing Young People : ACAS Guide (youthemployment.org.uk)</u></p> <p>Points out that employers have the same responsibilities for younger people's health and safety at work. Younger workers may be unfamiliar with risks and generally behaviours expected of them. ACAS point out that younger workers may need additional help and training to allow them to carry out their work without putting themselves and others at risk.</p>
------------	--

Disability



Source: SQA Workforce Equality Monitoring Report 2019 - 2021

A total of 8.2% of SQA employees declared a disability last year.

This information can be found in table 1.07 at [workforce-equality-monitoring-report-2019-2021.pdf \(sqa.org.uk\)](https://www.sqa.org.uk/workforce-equality-monitoring-report-2019-2021.pdf)

[How to manage probationary periods | How to | Tools | XpertHR.co.uk](#) advises:

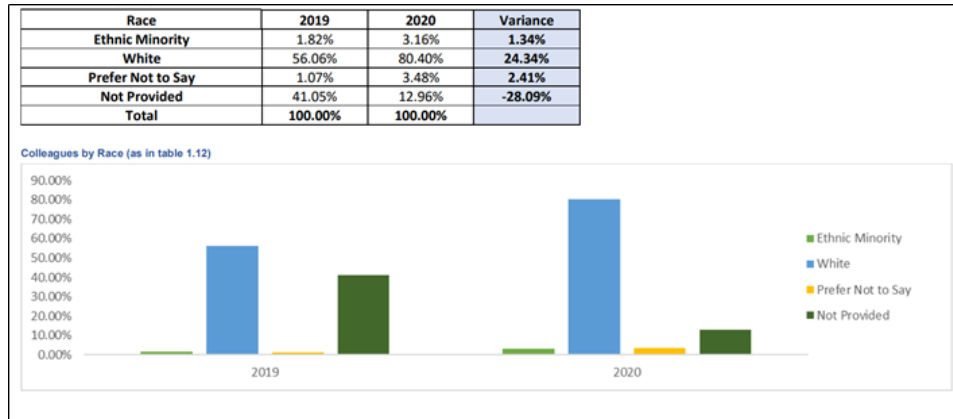
‘Sickness absence during a probationary period will need to be monitored and managed in the usual way...’

‘The employer should investigate the sickness absence to find out if it is due to a disability under the Equality Act 2010. If it is, but the employer dismisses the employee for failing to complete the probationary period satisfactorily, they may have grounds to bring a disability discrimination claim. The employer would need to be able to justify its actions.’

It would also need to consider reasonable adjustments in the usual way. Reasonable adjustments include changes to the role or workplace to help reduce the level of sickness absence. An extension to the probationary period to allow the employee more time to demonstrate their abilities might also amount to a reasonable adjustment. However, there are risks attached to extending the probationary period where the employee has a disability (see [Extending the probationary period - risk of discrimination/detriment](#)).’

Disability	<p><u>Neurodiversity at work (cipd.co.uk)</u></p> <p>Discusses ways to manage different learning styles and encourages flexibility in workplace development approaches generally, it specifically advises that during the initial stages of employment:</p> <p>‘Information communication during the onboarding process can be substantial – and potentially overwhelming – yet at the same time fail to inform new hires of important aspects of the workplace. As far as possible, information should be comprehensive, provided in advance, and offered in a variety of formats. It’s also important to highlight what may appear ‘obvious’ aspects of the organisation’s culture and conventions, typical work hours and patterns, conventional times for breaks, typical communication channels etc.’</p>
-------------------	--

Race



Source: SQA Workforce Equality Monitoring Report 2019 - 2021

Currently only 3% of SQA employees declared themselves as Minority Ethnicity against a national (Scotland) average of 5%. This can be found in table 1.12 at [workforce-equality-monitoring-report-2019-2021.pdf \(sqa.org.uk\)](#)

Meeting the BITC Race at Work Charter | CIPD states:

‘More employees from ethnic minority backgrounds prioritised career progression as an important part of their working life compared with white British employees.14 Ethnic minority employees are also more likely to say that their identity and background has an effect on the opportunities they are given.

The report also found evidence that ethnic minority employees feel the need to alter some aspects of their behaviour to fit in, and censor how much they tell colleagues about themselves and their personal life. Transparent career paths and seeing role models that have progressed would help boost career advancement, according to the report. Managers underestimating employees’ career ambitions and making assumptions about their career paths were also reported as hindrances to advancement.’

Religion or Belief

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

Source: SQA Workforce Equality Monitoring Report 2019 - 2021

29.82 colleagues say they are Christian, 17.28% are non-Christian, 29.29% declared no religion, 10.33% preferred not to say, 13.28% did not provide any information. This data is available at Colleagues by religion or belief (as in table 1.16) [workforce-equality-monitoring-report-2019-2021.pdf](#) (sqa.org.uk)

A religious related activity such as Ramadan and fasting may have an impact on performance during probationary period, and therefore may be a consideration for how this policy is applied.

In considering the impact of fasting for Ramadan, the Chartered Institute of Personnel and Development (CIPD) 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.”

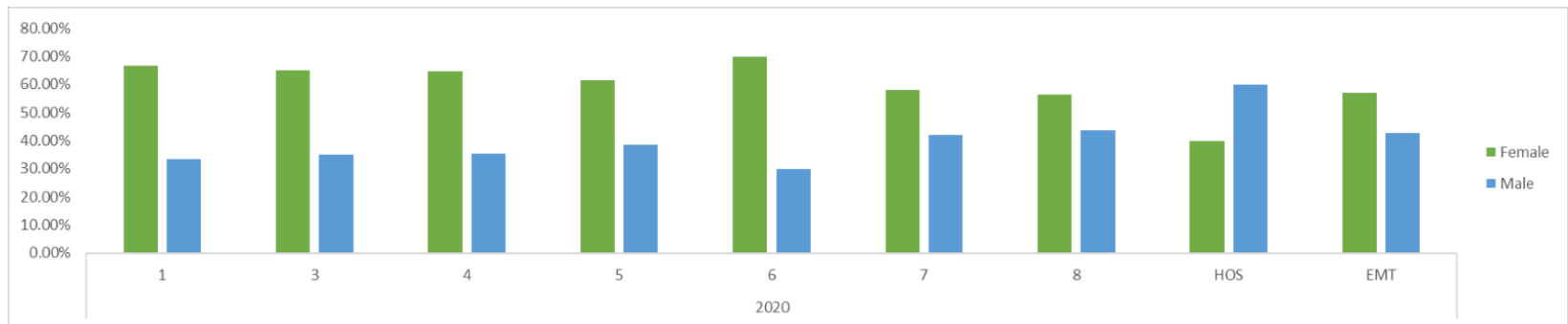
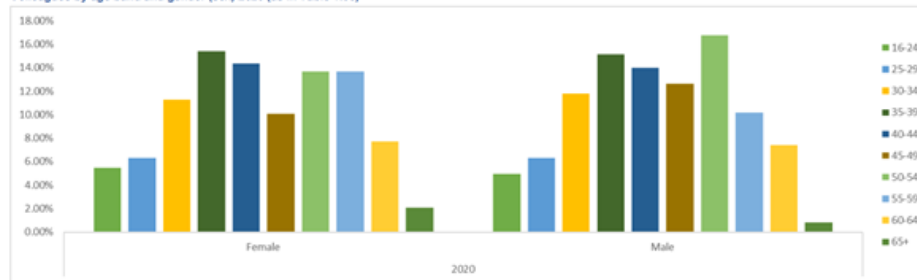
Cognisance is taken in the policy of personal circumstances that may impact during the probationary period, so issues a colleague has that may be indirectly linked to a religion or belief should be mitigated through the application of this policy.

Sex

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



Source: SQA Workforce Equality Monitoring Report 2019 - 2021

Sex	<p>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.</p> <p>The breakdown of ages of females in SQA (see above) suggests that we have a high percentage of females who are of perimenopause or menopause ages.</p> <p>This data can be found in tables 1.01, 1.02, 1.05, at workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)</p> <p>Research (www.nhsinform.scot) suggests that symptoms can have a detrimental impact on performance and SQA should consider this when reviewing performance during the probation period.</p> <p>‘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.</p> <p>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.</p> <p>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.</p> <p>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.’</p>
------------	---

<p>Sexual Orientation</p>	<table border="1" data-bbox="842 236 1765 571"> <thead> <tr> <th>Sexual Orientation</th> <th>2019</th> <th>2020</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Bisexual</td> <td>0.96%</td> <td>1.26%</td> <td>0.30%</td> </tr> <tr> <td>Gay man</td> <td>1.39%</td> <td>2.11%</td> <td>0.71%</td> </tr> <tr> <td>Gay woman / Lesbian</td> <td>0.96%</td> <td>1.05%</td> <td>0.09%</td> </tr> <tr> <td>Heterosexual/straight</td> <td>46.20%</td> <td>70.60%</td> <td>24.41%</td> </tr> <tr> <td>In another way</td> <td>0.11%</td> <td>0.21%</td> <td>0.10%</td> </tr> <tr> <td>Not sure</td> <td>0.11%</td> <td>0.11%</td> <td>0.00%</td> </tr> <tr> <td>Prefer not to say</td> <td>2.79%</td> <td>8.01%</td> <td>5.22%</td> </tr> <tr> <td>Not Provided</td> <td>47.48%</td> <td>16.65%</td> <td>-30.83%</td> </tr> <tr> <td>Total</td> <td>100.00%</td> <td>100.00%</td> <td></td> </tr> </tbody> </table> <p data-bbox="488 587 1317 619">Source: SQA Workforce Equality Monitoring Report 2019 - 2021</p> <p data-bbox="488 663 2078 759">70.60% colleagues say they are heterosexual, 1.26% bisexual, 2.11% gay man, 1.05% gay woman, 0.21% in another way, 0.11% not sure, 8.01% prefer not to say and 16.65% did not provide information. This data is available at Table 1.18 Colleagues by Sexual Orientation workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)</p> <p data-bbox="488 799 1451 831">There is no external evidence relating to this equality group and probation.</p>	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%	
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%																																							
<p>Gender Re-assignment (Gender identity and transgender)</p>	<p data-bbox="488 906 1249 938">No equality profiling data is currently captured by the SQA.</p> <p data-bbox="488 983 1451 1015">There is no external evidence relating to this equality group and probation.</p>																																								
<p>Marriage/Civil Partnership</p>	<p data-bbox="488 1110 1451 1142">There is no external evidence relating to this equality group and probation.</p>																																								

Pregnancy / Maternity	<table border="1"> <thead> <tr> <th></th> <th colspan="3">Colleagues</th> </tr> <tr> <th>Pregnancy Status</th> <th>2019</th> <th>2020</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Not Pregnant</td> <td>98.25%</td> <td>98.95%</td> <td>0.70%</td> </tr> <tr> <td>Pregnant</td> <td>1.75%</td> <td>1.05%</td> <td>-0.70%</td> </tr> <tr> <td>Total</td> <td>100.00%</td> <td>100.00%</td> <td></td> </tr> </tbody> </table>				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%	
		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%																					
	<p>Source: SQA Workforce Equality Monitoring Report 2019 – 2021</p> <p>98.95% of colleagues are not pregnant, 1.05% are pregnant available at Table 1.20: Colleagues by pregnancy status workforce-equality-monitoring-report-2019-2021.pdf (sqa.org.uk)</p> <p><u>How to manage probationary periods How to Tools XpertHR.co.uk</u> advises:</p> <p>‘Issues related to pregnancy and maternity may arise during the probationary period. For example, an employee's performance may be affected by their pregnancy and/or a pregnancy-related illness, or maternity leave might start before the probationary period ends.</p> <p>Under s.18 of the Equality Act 2010, employees are protected against unfavourable treatment because of: their pregnancy; an illness suffered due to pregnancy; and reasons related to taking maternity leave. Employees can also claim indirect sex discrimination in connection with pregnancy and maternity.’</p>																						
Care experience (where relevant)	<p>Human Resources currently have no data for SQA that shows how many colleagues are Care Experienced.</p> <p>Nationally Who Cares? Scotland say:</p> <p>Education</p>																						

In 2019/20 64% of all school leavers had 1 or 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 upbringing 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).

Impact and Opportunities for Action

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

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

Protected Characteristic	General Equality Duty
Age	<p data-bbox="488 264 2029 331">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 392 824 424">Risks of Discrimination:</p> <p data-bbox="488 451 2018 483">SQA roles are diverse with a small number of roles requiring physical exertion and all roles relying on mental dexterity.</p> <p data-bbox="488 510 1995 577">We note the evidence (page 14 of this report) indicating how <i>Age</i> can make a difference to how people learn at work and acknowledge that this is possibly best assessed in the EqlA / outcomes for our <i>Learning & Development</i> policy.</p> <p data-bbox="488 604 2018 703">We do however conclude there is a risk that people of different age groups could experience disproportionate outcomes in respect of completing their probationary period in SQA. A lack of local equality profiling data means that this risk cannot be either established nor discounted.</p> <p data-bbox="488 730 1995 829">An average of 117 people join SQA each year (see page 5). We conclude this is a sufficiently large enough sample size to warrant analysis by some 'Protected Characteristics'. We recommend at least: <i>Race, Sex, Age, Disability</i> and <i>Religion / Belief</i>.</p> <p data-bbox="488 857 1962 924">Conclusion: Risk of adverse impact that cannot be eliminated due to an absence of local equality profiling data.</p> <p data-bbox="488 951 1995 1018"><u>To ensure SQA are supporting people in all equality groups during their probation period, a more detailed analysis of the progress of new starters by 'Protected Characteristic' is considered to be essential.</u></p>

Age	Advance equality of opportunity
	<p>A probation period is typically a good tool to facilitate equality of opportunity or the ‘same chance’ to people by taking into account the potential differing needs of different people.</p> <p>Page four of the policy explicitly states the reasonable adjustments that will be considered in SQA in respect of <i>Disability</i>, external commitments and <i>Pregnancy / Maternity</i>.</p> <p><u>A reference to <i>Age</i> diversity and how / why different age groups learn differently would assist in promoting equality of opportunity to SQA employees of different ages.</u></p>
	Foster good relations
	<p>No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between different groups of employees in SQA.</p>

Protected Characteristic	General Equality Duty
	<p>Risks of Discrimination:</p> <p>Disability is specifically mentioned (in section 5.3) as a reason to consider adjusting the probation management process.</p> <p><u>We recommend that the wording in the policy is expanded to include use of specialist support if needed. This is important given that disability can be very varied and include people who are neurodiverse and who may typically have a wider variety of different learning styles and pace. With this support in place and the availability of profiling data, we will be able to review better how this policy impacts on this equality group.</u></p> <p>Once again we conclude a risk of adverse impact in that people who have disabilities could, on balance, experience disproportionate outcomes in respect of completing their probationary period. A lack of local equality profiling data means that this risk cannot be either established nor discounted.</p> <p>An average of 117 people join SQA each year (see page 5). We conclude this is a sufficiently large enough sample size to warrant analysis by some ‘Protected Characteristics’ including <i>Disability</i>.</p> <p>Conclusion: Risk of adverse impact that cannot be eliminated due to an absence of local equality profiling data.</p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>A probation period is typically a good tool to facilitate equality of opportunity or the ‘same chance’ to people by taking into account the potential differing needs of different people. Page four of the policy explicitly states the reasonable adjustments that will be considered within SQA in respect of <i>Disability</i>.</p>
	<p style="text-align: center;">Foster good relations</p>
	<p><u>No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between different groups of employees in SQA. It would however be useful to discuss the detail of this policy with SQA’s Disability network to explore ways SQA can measure its impact on an ongoing basis.</u></p>

Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>Risks of Discrimination:</p> <p>Whilst national evidence is difficult to obtain in respect of probation periods by ethnicity, we consider it important that SQA identifies the concept of achievement rates which are notoriously lower for people from minority ethnicities in certain sectors e.g. further and higher education.</p> <p>Whilst success rates of probationary employees by ethnicity cannot currently be analysed (as the information is not collected) we also advise that the use of disciplinary records alone also do not wholly prove or disprove risks in this area. They do not, for example, capture people who choose to leave of their own accord during their induction period.</p> <p>Once again, we reference the average sample size of 117 people joining SQA each year. We conclude an analysis by 'Protected Characteristics' is required at each stage of the induction process including completions, failures, SQA terminations, employee terminations etc.</p> <p>Conclusion: Risk of adverse impact that cannot be eliminated due to an absence of local equality profiling data and subsequent analysis.</p>
	Advance equality of opportunity
	No evidence to support the above currently. Collecting and analysing achievement rates by ethnicity would allow SQA to identify future priorities and actions relating to advancing equality of opportunity between employees of different races/ ethnicities.
	Foster good relations
	<p><u>It would be useful to discuss the detail of this policy with SQA's ACE network to explore ways SQA can measure its impact on an ongoing basis.</u></p>

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
	<p>Risks of Discrimination:</p> <p>We conclude there is no reasonable evidence to suggest this policy could adversely affect employees on the grounds of this 'Protected Characteristic'.</p> <p>Neutral Impact Recorded.</p>
	Advance equality of opportunity
	No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees in respect of this 'Protected Characteristic in SQA.
	Foster good relations
	No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this 'Protected Characteristic in SQA.

Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>Risks of Discrimination:</p> <p>It is currently impossible to analyse the different achievement rates of men and women in respect of probation by the Sex of SQA employees.</p> <p>There is, for example, a risk that this policy will have a negative impact on perimenopause or menopause women, given the highlighted link to menopause and job performance. <u>(We feel that this can be mitigated by considering reviewing SQA’s menopause guidance Menopause Guidance.docx and introducing a Menopause Policy aimed at raising awareness generally among SQA employees.)</u></p> <p>Once again we reference the average sample size of 117 people joining SQA each year. We conclude an analysis by ‘Sex’ is required at each stage of the induction process including completions, failures, SQA terminations, employee terminations etc.</p> <p>Conclusion: Risk of adverse impact that cannot be eliminated due to an absence of local equality profiling data and subsequent analysis.</p>
	Advance equality of opportunity
	No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees of different Sexes. Collecting and analysing achievement rates by Sex would allow SQA to identify future priorities and actions relating to advancing equality of opportunity between male and female employees.
	Foster good relations
	No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this ‘Protected Characteristic in SQA.

Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>Risks of Discrimination:</p> <p>We conclude there is no reasonable evidence to suggest this policy could adversely affect employees on the grounds of this 'Protected Characteristic'.</p> <p>Neutral Impact Recorded.</p>
	Advance equality of opportunity
	No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees in respect of this 'Protected Characteristic in SQA.
	Foster good relations
<p>No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this 'Protected Characteristic in SQA.</p> <p>It would be useful to discuss the detail of this policy with SQA's <i>Rainbow</i> network to explore ways SQA can measure its impact on an ongoing basis.</p>	

Protected Characteristic	General Equality Duty
Gender Re-assignment (Gender identity and transgender)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>Risks of Discrimination:</p> <p>We conclude there is no reasonable evidence to suggest this policy could adversely affect employees on the grounds of this 'Protected Characteristic'.</p> <p>Neutral Impact Recorded.</p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees in respect of this 'Protected Characteristic in SQA.</p>
	<p style="text-align: center;">Foster good relations</p>
<p>No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this 'Protected Characteristic in SQA.</p>	

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
	<p>Risks of Discrimination:</p> <p>We conclude there is no reasonable evidence to suggest this policy could adversely affect employees on the grounds of this 'Protected Characteristic'.</p> <p>Neutral Impact Recorded.</p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees in respect of this 'Protected Characteristic in SQA.</p>
	<p style="text-align: center;">Foster good relations</p>
<p>No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this 'Protected Characteristic in SQA.</p>	

Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>Risks of Discrimination:</p> <p>Pregnancy is specifically mentioned (5.3) as a reason to consider adjusting the probation management process. <u>We advise that the wording in the policy is expanded to include use of specialist support if needed such as medically based advice from Occupational Health.</u></p> <p>See also the separate Pregnancy and Maternity policy in SQA.</p> <p>Neutral Impact Recorded.</p>
	Advance equality of opportunity
	No evidence or recommendations made as to how the <i>Probation</i> policy could advance Equality of opportunity between employees in respect of this 'Protected Characteristic in SQA.
	Foster good relations
	No evidence or recommendations made as to how the <i>Probation</i> policy could foster good relations between employees in respect of this 'Protected Characteristic in SQA.

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
	<p>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.</p> <p>Whilst there is currently no evidence to suggest that care experience colleagues are placed at a disadvantage compared to other colleagues (or vice versa), <u>it is recommended that data is collected and an analysis, by care experience, be performed of the 'lifecycle' of colleagues to identify any adverse trends and consider what support for initial introduction to SQA's culture and working practices, ongoing growth and performance is needed.</u></p>
	Advance equality of opportunity
	Nothing to add.
	Foster good relations
Nothing to add.	

Rationale

If you are proceeding with a decision that may have a negative impact and are not putting in place actions to mitigate against this, please explain how this is objectively justified.

N/A.