



## 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
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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 – Redundancy Policy

Required Actions	Owner	Date	Comment & Review
Review and assess monthly establishment management information packs containing fundamental employment data on SQA employees	People Analytics, Governance & Systems Manager	Commencing monthly from October 2022	
Review on a quarterly basis of employment law, case law and legislative changes, and equalities updates (including reviewing EHRC website).	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from joint trade unions (Unite and Unison) through SQA's Joint engagement forum and Policy review group.	HR Shared Services Manager	Commencing quarterly from January 2023	
Review and assess feedback on a quarterly basis from each of SQA's staff community network groups	HR Shared Services Manager	Commencing quarterly from January 2023	
Continue to review and assess on an annual basis SQA's engagement People survey	OD Manager	Commencing annually from October 2023	
Review and assess on an annual basis all SQA employee lifecycle data	People Analytics, Governance & Systems Manager	Commencing annually from January 2024	
Continue to review and assess every 2 years SQA's equality mainstreaming report [next report due May 2023]	People Reward and Equalities Manager	Commencing every 2 years from May 2023	
Continue to review and assess every 2 years SQA's workforce equality monitoring report [next report due May 2023]	People Reward and Equalities Manager	Commencing every 2 years from May 2023	



Equality Impact Assessment – Redundancy Policy

<b>Identified Actions: General Equality Duty</b>	<b>Owner</b>	<b>Date</b>	<b>Comment &amp; Review</b>
Add <i>Gender Identity</i> (i.e. people who identify as more than one gender or none) to all future Equality Monitoring reporting.	People Analytics Governance and Systems Manager	September 2024	
We recommend that the SQA create a new <i>Gender Identity</i> policy to facilitate and advance equality of opportunity to employees who are LGBTQ+.	HR Reward and Equality Manager	September 2024	



Equality Impact Assessment – Redundancy Policy

**Policy Aims**

<b>Name of Policy or Practice:</b>	Redundancy Policy
<b>New Policy or Revision?</b>	Revision
<b>Name of Policy Owner:</b>	Head of Human Resources
<b>Date Policy Owner Confirmed Completion:</b>	Draft

<b>What is the rationale for this policy or practice?</b>
<p>The stated aims of the SQA Redundancy Policy are:</p> <p>Wherever possible SQA want to avoid redundancies but sometimes this is unavoidable. SQA may change, which may be the result of alterations to how SQA do things, technology moving on or a change in approach through legislation or public policy. These, and other changes, could all lead to different staffing requirements.</p> <p>Where this happens and a reduction in staff numbers becomes necessary, SQA want to communicate this clearly to all members of staff affected while taking steps to deal with the process reasonably and fairly.</p> <p>SQA will always look at ways of avoiding compulsory redundancies and will consult with members of staff, and with recognised trade unions. SQA's aim is always to reach agreements which avoid the need for compulsory redundancies and mitigate the consequences for those affected. While SQA try to avoid redundancies completely, this is not always possible.</p> <p>Where any selection for compulsory redundancy is carried out, SQA will deal with this fairly, reasonably and without discrimination. SQA will follow the Advisory, Conciliation and Arbitration Service (ACAS) guide: Managing staff redundancies. This policy will be used if SQA identify a need for compulsory redundancy. It is distinctly separate from any Voluntary Early Release (VER) scheme that may be introduced if there is a requirement.</p>



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

The Chartered Institute of Personnel Development (CIPD) state that

“Redundancy can be one of the most distressing events an employee can experience and should be a last resort. It requires sensitive handling by the employer to ensure fair treatment of redundant employees as well as the morale of the remaining workforce. Redundancy legislation and case law is complex, and employers must understand their obligations, including employees' rights and the correct procedures to follow.”

The Office of National Statistics (ONS) states that in 2021, the redundancy rate in the UK for all employees was 3.8 per 1000 employees (in 2020, this has risen to 8.2 per 1000 employees during the Covid pandemic).

For bodies covered by Scottish Government public sector pay policy, since 2007, a key strand of Scottish Government policy has been the commitment to no compulsory redundancy. The Scottish Government believes the commitment to no compulsory redundancy has created the right environment to provide staff with job security while enabling employers and their staff representatives to take a range of steps to manage their headcount and budgets. The policy position remains that public bodies should work with their staff representatives to negotiate extensions to their no compulsory redundancy agreements for 2022-23 where it is practical to do so. Where public bodies are seeking to re-structure, particularly as part of a wider reform option, full consideration must be given to re-deployment and re-training.



**What are the aims of this policy or practice?**

As previously stated, the aims of this policy are:

Wherever possible SQA want to avoid redundancies but sometimes this is unavoidable. Organisational change may be the result of alterations to how SQA do things, technology moving on or a change in approach through legislation or public policy. These, and other changes, could all lead to different staffing requirements.

SQA want to communicate any reduction in staff numbers clearly to all members of staff affected while taking steps to deal with the process reasonably and fairly.

SQA will always look at ways of avoiding compulsory redundancies and will consult with members of staff, and with recognised trade unions. SQA's aim is always to reach agreements which avoid the need for compulsory redundancies and mitigate the consequences for those affected. While SQA try to avoid redundancies completely, this is not always possible.

Where any selection for compulsory redundancy is carried out, SQA will deal with this fairly, reasonably and without discrimination. SQA will follow the ACAS guide: Managing staff redundancies.

The policy itself is divided in two 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 *Redundancy* policy:

- Pay policy
- Restructure
- Retention and Redeployment

**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 policy outcomes – for example, older workers and disabled workers.
- Experience compound discrimination 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 concerns in writing, taking part in one to one meetings, following a reporting flowchart etc.
- Experience higher levels of anxiety in respect of formal meetings.

**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?

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.





**Evidence, Consultation and Engagement (continued)**

**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.



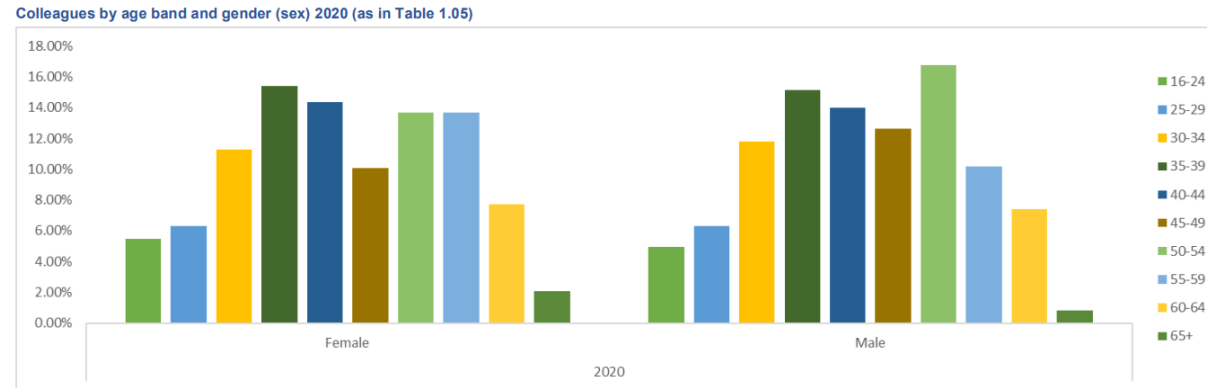
Equality Impact Assessment – Redundancy Policy

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:**



The above table shows colleagues by age band and gender. This 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](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.

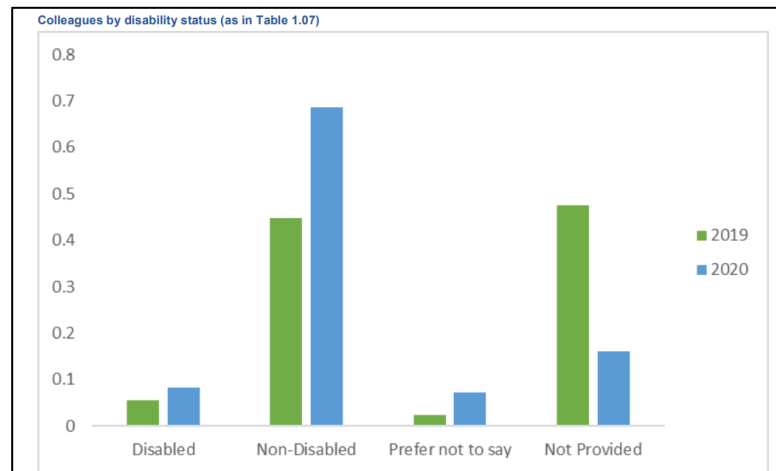
Comparisons between 2019 and 2020 data show that the greatest increase in the proportion of female colleagues is within the 60–64 age band - an increase of 12 colleagues.

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.



The above table shows colleagues by Disability status. This table 1.07 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](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%.



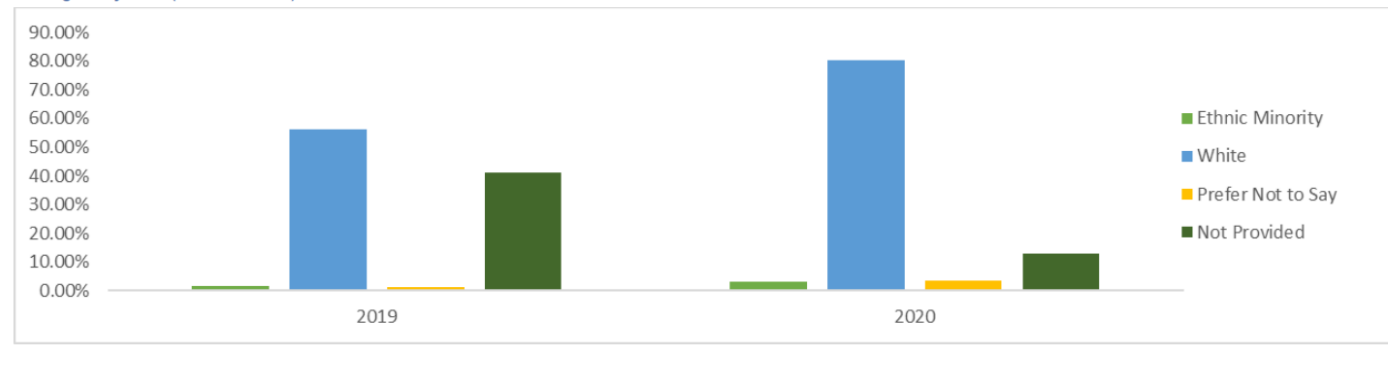
Equality Impact Assessment – Redundancy Policy

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 shows colleagues by Race. This 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](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.

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

**Race  
Ethnicity  
(continued)**

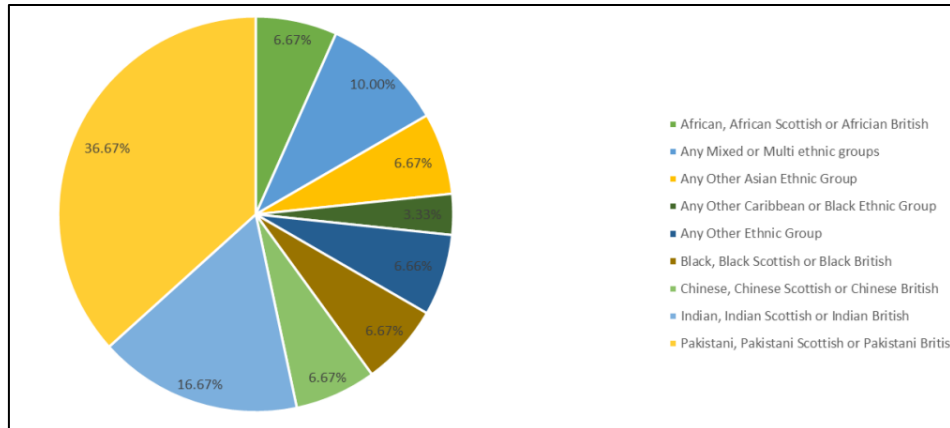


Table 1.15 Race: Colleagues by black and minority ethnicities

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 tables show colleagues by Race. This 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](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)



Equality Impact Assessment – Redundancy Policy

**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%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	

The above table shows colleagues who have declared their Religion or Belief. This 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](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**

Grade	Gender (Sex)					
	Female			Male		
	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%	
<b>Total</b>	<b>61.20%</b>	<b>61.64%</b>	<b>0.44%</b>	<b>38.80%</b>	<b>38.36%</b>	<b>-0.44%</b>

The above table shows colleagues by sex and grade. This 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](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.



Equality Impact Assessment – Redundancy Policy

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. This 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](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)





Equality Impact Assessment – Redundancy Policy

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

<b>Sexual Orientation</b>	<b>SQA Workforce</b>			
	<b>Sexual Orientation</b>	<b>2019</b>	<b>2020</b>	<b>Variance</b>
	<b>Bisexual</b>	0.96%	1.26%	<b>0.30%</b>
	<b>Gay man</b>	1.39%	2.11%	<b>0.71%</b>
	<b>Gay woman / Lesbian</b>	0.96%	1.05%	<b>0.09%</b>
	<b>Heterosexual/straight</b>	46.20%	70.60%	<b>24.41%</b>
	<b>In another way</b>	0.11%	0.21%	<b>0.10%</b>
	<b>Not sure</b>	0.11%	0.11%	<b>0.00%</b>
	<b>Prefer not to say</b>	2.79%	8.01%	<b>5.22%</b>
	<b>Not Provided</b>	47.48%	16.65%	<b>-30.83%</b>
	<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	

The above table shows SQA colleagues by Sexual Orientation. This 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](https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf)



Equality Impact Assessment – Redundancy Policy

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

<p><b>Gender Re-assignment (Gender identity and transgender)</b></p>	<p>No equality profiling data is currently captured by the SQA.</p> <p>One of the recommendations from this Equality Impact Assessment is that the <u>SQA adds <i>Gender Identity</i> (i.e. people who identify as more than one gender or none) to all future Equality Monitoring reporting.</u></p>																				
<p><b>Marriage/Civil Partnership</b></p>	<p>No equality profiling data is currently captured by the SQA.</p>																				
<p><b>Pregnancy / Maternity</b></p>	<table border="1" data-bbox="689 778 1928 1075"> <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><b>Total</b></td> <td><b>100.00%</b></td> <td><b>100.00%</b></td> <td></td> </tr> </tbody> </table> <p>The above table shows colleagues by pregnancy status. This table 1.20 is available to view on SQA workforce equality monitoring report 2019-2020 <a href="https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf">https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf</a></p>		Colleagues			Pregnancy Status	2019	2020	Variance	Not Pregnant	98.25%	98.95%	0.70%	Pregnant	1.75%	1.05%	-0.70%	<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	
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<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>																			



Equality Impact Assessment – Redundancy Policy

**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.



## Equality Impact Assessment – Redundancy Policy

### **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





Equality Impact Assessment – Redundancy Policy

<b>Age</b>	<p>Advance equality of opportunity</p> <p>The policy states that “It is against discrimination law to select you for redundancy on a range of factors including age, gender, sexuality, or if you’re disabled or pregnant. If you are, this could be classed as an unfair dismissal.”</p> <p>The policy also refers to steps to identify suitable Selection Criteria:</p> <p>“As detailed in 5.5 of this policy and 1.2 above consultation with trade union representatives is essential before the need for redundancy pools and subsequent selection criteria are established. The criteria must be objective and measurable and may include factors such as:</p> <ul style="list-style-type: none"><li>• skills, and aptitude</li><li>• standard of work performance</li><li>• attendance (not including absence relating to disability or chronic illness) or disciplinary records</li><li>• potential to be adaptable should alternative work be offered</li><li>• possibility for acceptance of voluntary redundancy and/or early retirement. “</li></ul> <p>All SQA employees from all age cohorts are entitled to use, access and be subjected to the Redundancy <i>Policy</i>.</p> <p>There is no local evidence (in SQA) to indicate that this policy could affect employees differently or less favourably, on the grounds of their age.</p>
	<p>Foster good relations</p>
	<p>SQAs Redundancy policy applies to all employees. However, because there is no data available relating to the use of the policy, there is no evidence to indicate that this policy currently fosters good relations between employees of different ages.</p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Disability	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Direct discrimination: It would be unlawful for the SQA to treat a disabled employee less favourably due to something arising from their disability (source ACAS). For example, the SQA would need to objectively justify they have done all they reasonably can to support a disabled person being managed through the Redundancy process / procedure.</p> <p>The policy states that “It is against discrimination law to select you for redundancy on a range of factors including age, gender, sexuality, or if you’re disabled or pregnant. If you are, this could be classed as an unfair dismissal.”</p> <p>It also states:</p> <p><b>5.1 Reasonable adjustments</b></p> <p><i>We will ensure throughout this procedure that we do not discriminate against anyone because of a protected characteristic. For example, we will adapt procedures to accommodate you if required or make reasonable adjustments to ensure that we do not put you or anyone with a protected characteristic at a substantial disadvantage. For example this might mean asking the manager organising redundancy related meetings to allow someone else to also attend with you, such as a support worker or someone with knowledge of your specific needs.</i></p> <p>Redundancy criteria can typically include:</p> <ul style="list-style-type: none"> <li>• standard of work performance</li> <li>• skills, and aptitude</li> <li>• attendance (not including absence relating to disability or chronic illness) or disciplinary records</li> <li>• potential to be adaptable should alternative work be offered</li> </ul>



Equality Impact Assessment – Redundancy Policy

<b>Disability</b>	<p>These may themselves be impacted by disability (so potential to be adaptable may be impacted by a person's disability, <b>or their performance standards may be impacted by their disability</b>). These potential impacts are mitigated through the commitment to reasonable adjustments and also through reasonable adjustments in other policies and processes to ensure that colleagues with disabilities are able to perform in roles. Due in part to application of the Scottish Government 'no compulsory redundancy' policy, there has been no need to place SQA employees in a compulsory redundancy situation for more than a decade. There is no data to suggest that people with a disability are disadvantaged directly or indirectly through the application of this policy.</p> <p>Whilst, as previously stated, the existing sample size of employees subjected to this policy in SQA is nil, should this policy be invoked on a larger scale in the future, <b>particular attention should be placed on identifying and eliminating potential risks of disability discrimination</b> – particularly against workers who may, on balance, be disproportionately affected by redundancy activities.</p> <p>Disabled employees may face prejudice, assumptions and ultimately risk discrimination when being subject to this policy and the redeployment process.</p> <p><u>SQA may also need to consider the future use of literacy and numeracy tests when assessing candidates for redundancy. Where it is reasonable to conclude that a certain degree of numeracy or literacy is required to perform an individual job role, the use of such tests (with adjustments) may be legitimate and therefore capable of being justified. However, the use of such tests as a generic assessment tool may create a risk of discrimination towards people who have certain disabilities and may, on balance, experience greater difficulties completing such tests.</u></p> <p><b>Potential Adverse Risk Recorded.</b></p>
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Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Disability (continued)	Advance equality of opportunity
	<p>All SQA employees of are entitled to use, access and be subjected to <i>the</i> Redundancy Policy.</p> <p>There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their disability.</p> <p>The policy does allow cognisance to be taken of any reasonable adjustments needed to mitigate any disadvantage that may impact on the process.</p>
	Foster good relations
	<p><u>Outcomes of the application of this policy should be monitored for any trends that suggests employees may be disadvantaged directly or indirectly as a result of their disability.</u></p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Race	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>For bodies covered by Scottish Government public sector pay policy, since 2007, a key strand of Scottish Government policy has been the commitment to no compulsory redundancy. This policy has not been used and therefore there is no data relating to its use or impact on those with protected characteristics.</p> <p><b>SQA currently does not have any data relating to redundancy and Race.</b> Once again, it is therefore not possible to either <b>establish nor discount</b> if any disproportionate rates of redundancy are experienced by SQA employees drawn from different ethnic groups.</p> <p>Whilst, as previously stated, the existing sample size of <b>employees subjected to this policy in SQA is nil</b>, should this policy be invoked on a larger scale in the future, <b>particular attention should be placed on identifying and eliminating potential risks of race discrimination.</b></p> <p><b>Risks of Direct Discrimination:</b></p> <p>SQA may also need to consider the future use of literacy and numeracy tests when assessing candidates for redundancy. Where it is reasonable to conclude that a certain degree of numeracy or literacy is required to perform an individual job role, the use of such tests may be legitimate and therefore capable of being justified. However, the use of such tests as a generic assessment tool may create a risk of discrimination towards people drawn from certain ethnic minority groups who may, on balance, have lower English literacy skills than candidates drawn from some racial groups.</p> <p><b>Overall, Neutral Impacts Recorded</b></p>



Equality Impact Assessment – Redundancy Policy

	<p>Advance equality of opportunity</p> <p>All SQA employees of Race are entitled to use, access and be subjected to <i>the</i> Redundancy Policy.</p> <p>There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their Race or Ethnicity.</p>
<b>Race (continued)</b>	<p>Foster good relations</p> <p>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.</p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Religion or Belief	<p data-bbox="488 379 2029 443">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 520 2029 555">All SQA employees from all <i>Religions / Beliefs</i> are entitled to use, access and be subjected to <i>the</i> Redundancy Policy.</p> <p data-bbox="488 593 1984 657">Colleagues may fear that they will face discriminatory outcomes based on their religion or belief. We accept this is a marginal risk.</p> <p data-bbox="488 699 2029 849">For bodies covered by Scottish Government public sector pay policy, since 2007, a key strand of Scottish Government policy has been the commitment to no compulsory redundancy. As redundancy has not been an issue for SQA for a considerable period, there is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their <i>Religion</i> or <i>Philosophical Belief System</i>.</p> <p data-bbox="488 896 2029 1008">Whilst, as previously stated, the existing sample size of employees subjected to this policy in SQA is nil, should this policy be invoked on a larger scale in the future, <b>particular attention should be placed on identifying and eliminating potential risks of religious discrimination.</b></p> <p data-bbox="488 1050 976 1085"><b>Overall, Neutral Impacts Recorded.</b></p>



Equality Impact Assessment – Redundancy Policy

<b>Religion / Belief</b>	<b>Advance equality of opportunity</b>
	All SQA employees from all <i>Religions / Beliefs</i> are entitled to use, access and be subjected to <i>the</i> Redundancy Policy.
	There is no empirical evidence to indicate that this policy affects employees differently or less favourably, on the grounds of their <i>Religion</i> or <i>Philosophical Belief System</i> .
	<b>Foster good relations</b>
	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.



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Sex	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Nationally, there is inconclusive evidence as to whether redundancies impact more or less on different sexes. When economies contract, they tend to impact different parts of the labour market, so there is no consistent evidence to show whether one gender or the other will always be impacted more / less.</p> <p>All SQA employees are entitled to use, access and be subjected to the Redundancy Policy regardless of sex.</p> <p>Potential Equality Risks:</p> <p><b>Increased rates of absence, menopause, part time working and caring responsibilities could potentially adversely affect overall performance for female staff - ultimately adversely influencing redundancy scoring.</b></p> <p>The policy states that “It is against discrimination law to select you for redundancy on a range of factors including age, gender, sexuality, or if you’re disabled or pregnant. If you are, this could be classed as an unfair dismissal.”</p> <p><b>Potentially Adverse Impacts Recorded.</b></p>



Equality Impact Assessment – Redundancy Policy

Advance equality of opportunity	
<b>Sex (continued)</b>	<p>All SQA employees are entitled to use, access and be subjected to <i>the</i> Redundancy Policy. This includes employees of both sexes. However, because there is no Sex related profiling data (or indeed any data) available relating to redundancy rates in the SQA by Sex.</p> <p>It is not possible to conclude if this policy does effectively advance equality of opportunity between Men and Women.</p>
Foster good relations	
<b>Sex (continued)</b>	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of different sexes. No further recommendations are made in respect of this at this stage.</p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
<b>Sexual Orientation</b>	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>All SQA employees are entitled to use, access and be subjected to <i>the</i> Redundancy Policy regardless of <i>Sexual Orientation</i>.</p> <p>We can identify no reasonable evidence (nationally or in SQA) to indicate risk in respect of this protected characteristic.</p> <p><b>Neutral Equality related impact is therefore recorded in this area.</b></p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>All SQA employees are entitled to use, access and be subjected to the Redundancy Policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their <i>Sexual Orientation</i>.</p>
	<p style="text-align: center;">Foster good relations</p>
	<p>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, although there is no expected need for SQA to use the Redundancy policy in the future.</p>





Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
<p><b>Gender Identity.</b></p> <p><b>This includes:</b></p> <p><b>Gender Re-assignment</b></p> <p><b>Non Binary</b></p> <p><b>Gender Fluid</b></p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <hr/> <p>The <i>Equality Act 2010</i> protects employees against discrimination if they are absent from work related to <i>Gender Reassignment</i>. This is defined when a person transitions from one Gender to another. The protection against discrimination includes:</p> <ul style="list-style-type: none"> <li>▪ Proposing to undergo a Gender transition.</li> <li>▪ Undergoing the process of Gender transitioning.</li> <li>▪ As a result of Gender transition.</li> </ul> <p>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.</p> <p>We can identify no reasonable evidence (nationally or in SQA) to indicate risk in respect of this protected characteristic.</p> <p><b>Neutral Equality related impact is therefore recorded in this area.</b></p>



Equality Impact Assessment – Redundancy Policy

<p><b>Gender Identity.</b></p> <p><b>This includes:</b></p> <p><b>Gender Re-assignment</b></p> <p><b>Non Binary</b></p> <p><b>Gender Fluid</b></p> <p><b>(continued)</b></p>	<p>Advance equality of opportunity</p>
	<p>The SQA currently does not have a <i>Gender Identity</i> policy providing background information to SQA managers and employees in respect of:</p> <ul style="list-style-type: none"> <li>▪ People who identify as the Gender they were assigned at birth. (<i>Cisgender</i>)</li> <li>▪ People who identify with Gender that is different to that assigned at birth. (<i>Transgender</i>)</li> <li>▪ People who identify with multiple Genders. (e.g. <i>Non Binary</i> and <i>Gender Fluid</i>.)</li> </ul> <p>(Note this list is illustrative and is not intended to be definitive.)</p> <p>Whilst, with the exception of <i>Gender Reassignment</i>, 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.)</p> <p><u>We therefore recommend that the SQA create a new <i>Gender Identity</i> policy to facilitate and advance equality of opportunity to employees who are lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+).</u></p>
	<p>Foster good relations</p>
	<p>There is no evidence to indicate that this policy currently fosters good relations between people of different <i>Gender Identities</i> or who are LGBTQ+.</p> <p>Implementing the actions listed within this section of the document would begin to improve this situation somewhat.</p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
<b>Marriage/Civil Partnership</b>	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>We conclude there is no evidence to suggest that this policy may impact directly / indirectly on people who are <i>Married</i> or in a <i>Civil Partnership</i> and therefore make no further recommendations in this area.</p> <p><b>Neutral Equality related impact is therefore recorded in this area.</b></p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>All SQA employees are entitled to use, access and be subjected to the Redundancy Policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their <i>Marital Status</i>.</p>
	<p style="text-align: center;">Foster good relations</p>
	<p>There is no evidence to indicate that this policy currently fosters good relations between employees of different <i>Marital Status</i>.</p> <p>No further recommendations are made in respect of this in relation to this policy.</p>



Equality Impact Assessment – Redundancy Policy

<b>Protected Characteristic</b>	<b>General Equality Duty</b>
<b>Pregnancy / Maternity</b>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p><u>ACAS</u> states that the process for selecting an employee for redundancy who is pregnant or on maternity leave needs to be genuine and necessary. If another suitable alternative role is available, an employee who is on maternity leave or pregnant must be offered this role before any other employee.</p> <p>Employees who are pregnant or on maternity leave could be subject to discrimination if the reason or selection criteria for redundancy was not objective or measurable.</p> <p><u>The Department for Business, Innovation and Skills (BIS) and the Equality and Human Rights Commission</u> found that around one in nine mothers (11%) reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not.</p>



Equality Impact Assessment – Redundancy Policy

Protected Characteristic	General Equality Duty
Pregnancy / Maternity	<p data-bbox="488 379 2029 443">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 523 1469 555">Please refer to the separate SQA policy – <i>Maternity, Paternity and Adoption</i></p> <p data-bbox="488 596 1944 705">We recognise that a redundancy process becomes particularly challenging if the employee is on maternity leave. The law recognises the vulnerable position of pregnant workers and those on maternity leave and affords them additional legal protections. The SQA policy recognises this:</p> <p data-bbox="488 753 689 785">It clearly states:</p> <p data-bbox="488 833 1926 865"><i>“Those employees who are pregnant or on maternity will receive priority consideration over other redeployees.”</i></p> <p data-bbox="488 912 1944 976"><i>“If you are on maternity leave, adoption leave, or shared parental leave, you have special protection and have an automatic right to be offered any available alternative posts.”</i></p> <p data-bbox="488 1024 1912 1088">We conclude there is no evidence to suggest that this policy may impact directly / indirectly on people who are pregnant or on maternity and therefore make no further recommendations in this area.</p> <p data-bbox="488 1136 1442 1168"><b>Potential Negative Impacts Mitigated by the above policy conditions.</b></p>



Equality Impact Assessment – Redundancy Policy

<b>Pregnancy / Maternity</b>	Advance equality of opportunity
	The policy is supportive of employees who are pregnant or on maternity by creating a redundancy plan which involves consulting with those who are on maternity leave. The policy follows ACAS's guide on managing staff redundancies. If any employee who is pregnant or on maternity leave is selected for redundancy and their due date is less than 15 weeks from the date of the redundancy notice, they are still entitled to statutory maternity pay.
	Foster good relations
	There is no evidence to indicate that this policy currently fosters good relations between employees that are Pregnant or on Maternity. This is due to SQA's current commitment (under Scottish governments pay policy) of no compulsory redundancies. SQA will monitor any data gathered from the use of this policy for any trends.



Equality Impact Assessment – Redundancy 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
	Whilst there is currently no evidence to suggest that care experience colleagues are placed at a disadvantage compared to other colleagues (or vice versa), it is recommended that data is collected and an analysis, by care experience, be performed of the 'lifecycle' of colleagues to identify any adverse trends and consider what support for growth and performance is needed.
	Advance equality of opportunity
	All SQA employees are entitled to use, access and be subjected to the Redundancy Policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of Care Experience. The absence of evidence should be rectified, if possible, by collection of data relating to care experience.
	Foster Good Relations
No evidence identified.	



## Equality Impact Assessment – Redundancy Policy

### 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