

SQA Equality Impact Assessment

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

Your policy

1 What is the name of your policy, procedure, proposal, project, or decision*?

*Referred to as 'policy' hereafter.

Policy name	Time Off In Lieu Policy
Completed by	Equality Impact Assessment Working Group
Head of service	Head of Human Resources
Date	16 December 2021
Next scheduled review date	2 years from policy publish date

2 Main purpose of policy

What is the main purpose of the policy?

This policy sets out the circumstances in which colleagues will be granted time off in lieu for working additional hours. It sets out the responsibilities of managers and colleagues in relation to time off in lieu and provides a framework to ensure consistency

3 Information and evidence used to evaluate impact

What information, and evidence, is being used to evaluate the impact of this policy on people who share protected characteristics?

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

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

Public Sector Equality Duty

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

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

4 How might this policy impact on people who share protected characteristics?

Please consider positive or negative impacts. (At the beginning of the process, you may want to record perceived impact. Ongoing monitoring of the policy will allow you to measure the actual impact of the policy.)

Protected characteristic	Impact (positive/negative/neutral)	Please provide more information
Age	Neutral	Positive mention of working time regulations. Does not discriminate against age, applies equally to all.
Disability	Neutral	Review usage time frame (3 months) for exceptional circumstances
Marriage or civil partnership	Neutral	This policy applies equally.
Race	Neutral	This policy applies equally.
Religion, belief or non-belief	Neutral	This policy applies equally.
Sexual orientation	Neutral	This policy applies equally.
Gender re-assignment (gender identity and transgender)	Neutral	This policy applies equally.
Pregnancy/maternity	Neutral	This policy applies equally.
Sex	Neutral	This policy applies equally.
Care experience (where relevant)	Neutral	This policy applies equally.

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

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

Section 5.3 regular TOIL states “if routinely working outside normal working hours an alternative solution should be considered”. Please confirm what this is and who do employees speak to about other options. Could this be looking at resourcing and capacity planning?

Section 5.5 Taking Authorised TOIL – this section lists a number of factors that will be taken into consideration

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

Not applicable

7 Could this policy be revised or changed to better meet the general equality duty?

No

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

Consultation with employee networks and members of SQA Equality & Diversity team has been completed. Consultation will also take place with SQA’s recognised unions. Together, these groups represent a significant part of the workforce within SQA.

9 How will this policy be monitored and evaluated?

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

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

Action plan

Action:	Owners:	Dates:
No Actions identified	None	

Approval and publication

Completed equality impact assessments will be published on SQA's website. As such, they must:

- ◆ be discussed and approved
- ◆ be sent electronically to equality@sqa.org.uk
- ◆ have actions identified, recorded and monitored as part of SQA's equality action plan

Summary of the Public Sector Equality Duty (PSED) of the Equality Act 2010

Components

A public authority must, in the exercise of its functions, have **due regard** to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act (**Fairness**)
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (**Opportunity**)
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (**Respect**)

Due regard

Regarding (b) **Opportunity**, having due regard specifically involves taking steps to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic*
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of the persons who do not share it
- c) Encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low

Regarding (c) **Respect**, having due regard specifically involves taking steps to:

- a) Tackle prejudice
- b) Promote understanding

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

Protected characteristics

The protected characteristics are:

- ◆ Age
- ◆ Marriage and Civil Partnership**
- ◆ Religion or Belief
- ◆ Disability
- ◆ Pregnancy and Maternity
- ◆ Sex

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

- ◆ Gender Re-assignment
- ◆ Race
- ◆ Sexual Orientation

**Although marriage and civil partnership applies to section a) in employment only, this will be considered for all stakeholders.