



Equality, Diversity and Inclusion Policy

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1.0	15/12/2022	Added wording in 1. Introduction to expand equality into wider context and SQA culture. 2. Expanded to include statement about personal responsibility. Also to include scope of situations this policy applies to. 3. Purpose outlines commitments and related legislation. 4. Policy structure changed for edit but significant wording change. 5. Appendices introduced.	AC/MB/KM
	24/01/2025	a) Change to new policy format b) Addition of Why do we need this policy/Who is it for/What support is available c) 1. Introduction – reworded d) 4. Purpose & Standards – links added e) 5.2 Addition of mandatory training f) 6. Protected Characteristics – definitions added where required g) Added 6.10 Other Priority Groups - Care Experience h) 7. Monitoring – Additional information added i) 9. Roles & Responsibilities – reference to mandatory training included j) 10. Appendix – Links to useful websites included	MB/KM

Why do we need the policy?

We support a culture that actively values difference, recognising that people from diverse backgrounds and experiences can bring valuable insights and enhance the way we work. This policy outlines our commitment to fairness and equal opportunities for all employees. It details how we will prevent discrimination, promote diversity, and create an inclusive environment.

It also demonstrates our approach to meet our obligations under the [Equality Act 2010](#) and any other related legislation such as the [Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#).

Who is it for?

This policy applies to employees and associated persons such as board members, contractors, inbound secondees, volunteers and agency workers.

This policy also applies to third parties. Third parties are customers, suppliers, visitors or any other individuals who are not employees or other workers.

Appointees are covered by their own terms and conditions of appointment

What support is available?

HR support can be sought by contacting the [People Operations](#) team.

The [wellbeing hub](#) offers a broad range of help for social, financial, physical and psychological wellbeing and can be found on the intranet.

Trade union representatives can provide members with advice, help and support. Information about Unite and Unison can be found on the intranet homepage under [A-Z](#).

SQA's Community Networks (ACE Network, Disability Network, Rainbow Network, Carers Network, Women's Network and Young Talent Forum, you can provide you with support and guidance. Details can be found on the intranet homepage [A-Z](#).

Part A — Policy

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1. Introduction

We are committed to promoting equality, diversity and inclusion among our workforce. We support a culture that actively values difference, recognising that people from diverse backgrounds and experiences can bring valuable insights and enhance the way we work.

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, or whether they have a disability. It is not about treating everyone the same, it is treating people fairly and ensuring that they have an equal opportunity.

Diversity is about what makes each of us unique and includes our backgrounds, personality, life experiences and beliefs, all of the things that make us who we are. It is a combination of our differences that shape our view of the world, our perspective and our approach.

Inclusion is the practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalised.

We aim to be an inclusive organisation, committed to providing equal opportunities throughout employment including in recruiting, training, developing and progressing the careers of our employees. We will proactively tackle and eliminate bullying, harassment, victimisation and unlawful discrimination, while promoting dignity and respect for all.

We will take complaints of bullying, harassment, victimisation and unlawful discrimination by our employees, our visitors, the public, our customers, our suppliers and any others in the course of the organisation's work activities very seriously. Sexual harassment may amount to both an employment rights and a criminal matter.

We aim to encourage you to achieve and maintain appropriate standards of conduct, in line with our [Code of Conduct](#) and with our values.

This policy is designed to be read in conjunction with the associated policies detailed in section 10.

2. Scope

This policy applies to employees and associated persons such as board members, contractors, inbound secondees, volunteers and agency workers.

This policy also applies to third parties. Third parties are customers, suppliers, visitors or any other individuals who are not employees or other workers.

Appointees are covered by their own terms and conditions of appointment.

You have personal responsibility for the application of this policy. It covers:

- ◆ all conduct in the workplace

- ◆ all conduct outside of the workplace that is related to your work (e.g. at meetings, social events, and social interactions with colleagues)
- ◆ conduct that may impact on our reputation

This policy is also of particular relevance to those concerned with recruitment, training, promotion, line management and employment decisions which affect others.

2.1 Contractual obligations

This policy does not form part of your contract of employment. It does, however, impose obligations on you that you must observe and comply with.

We may amend this policy and its application at any time through consultation with our trade unions. Please ensure you are using the latest version as currently published on the intranet.

3. Equalities

SQA is committed to equality of opportunity and to a culture that respects difference. We believe that, as an employer and public body, we can play a leading part in promoting equality, diversity and inclusion by making them an integral part of our decision making. This policy has an Equality Impact Assessment completed on it at the development stage to assess how this policy may impact on equality groups and the findings from this are reflected in this policy.

4. Purpose and standards

This policy sets out our approach to equality, diversity and inclusion. We believe there should be no unlawful discrimination against any employee, job applicant, associated person or third party because of a protected characteristic. We will ensure we meet our obligations under the [Equality Act 2010](#) and any other related legislation such as the [Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#)

The Equality Act (2010) identifies the following protected characteristics:

- ◆ age
- ◆ disability
- ◆ gender re-assignment
- ◆ marriage and civil partnership
- ◆ pregnancy and maternity
- ◆ race
- ◆ religion or belief
- ◆ sex
- ◆ sexual orientation

In addition, the [Public Sector Equality Duty](#) (referred to as the general equality duty), established by the Equality Act (2010), provides the framework for us to positively contribute to a more equal society through advancing equality and good relations in our day-to-day business

We are committed to integrating the general equality duty into our operations for the benefit of all our employees and customers. This requires us to:

- ◆ advance equality of opportunity
- ◆ foster good relations
- ◆ eliminate unlawful discrimination

The integration of the general equality duty is termed equality mainstreaming.

The publication and delivery of equality outcomes ([underlined link](#)) forms part of our legal requirements under the PSED. Equality outcomes are results that SQA aims to achieve which will further one or more of the bullet points above. New, revised equality outcomes are published every four years. Preparing and publishing equality outcomes helps us to:

- ◆ communicate the key areas of focus for equality, diversity and inclusion to colleagues
- ◆ increase transparency by establishing a clear link between evidence gathered and the action we are taking to advance equality
- ◆ ensure we are addressing the right issues
- ◆ make better, fairer decisions, which are understood by those affected by them
- ◆ become more accountable to the people we serve or employ
- ◆ show we are bringing tangible benefits for communities and the people who work for SQA

We oppose all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances, disciplinarys, dismissals, redundancies, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

5. Policy

5.1 Recruitment and selection

Selection for employment will always be on the basis of aptitude and ability in accordance with our Recruitment and Selection Policy ([insert hyperlink](#)). We will capture candidates' diversity details as part of our recruitment processes to promote the elimination of unlawful discrimination. All information gathered will be kept confidential.

5.2 Staff training and development

We will ensure opportunities for training, development and career progression are available to all employees, who will be encouraged to develop their full potential so their talents and resources can be fully used to maximise the efficiency of the organisation.

You will be required to complete mandatory equality, diversity and inclusion training and participate in training and development activities from time to time, to ensure you understand your rights and responsibilities under this policy and to encourage the promotion of the principles of the policy.

5.3 Promotion

All promotion decisions will be made on the basis of merit and will not be influenced by any of the protected characteristics listed in section 3 above and/or any other additional protected characteristics recognised by law in future. Promotions will be monitored through the annual workforce equality monitoring report. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

5.4 Employment benefits, terms, and conditions

All benefits, terms and conditions of employment and facilities available to you as an employee will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the needs of disadvantaged or under-represented groups.

5.5 Disciplinary procedure

We will not unlawfully discriminate when applying disciplinary procedures and penalties.

5.6 Part-time and fixed-term contracts

If you are in a part-time or fixed-term employment contract, you will not be treated less favourably than comparable full-time or permanent colleagues because of your status unless the difference in treatment is justified (e.g. objective justification legislation where a legitimate aim is the reason behind the discrimination. This reason must not be discriminatory in itself, and it must be a genuine or real reason).

Examples of legitimate aims:

- ◆ The health, safety, and welfare of individuals
- ◆ Running an efficient service
- ◆ Requirements of a business

6. Protected characteristics:

6.1 Age

A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

We will promote and value age diversity and recognise the benefits of a mixed-age workforce by:

- ◆ ensuring that people of all ages are treated with respect and dignity
- ◆ ensuring that people of working age are given equal access to our employment, training, development and promotion opportunities
- ◆ challenging discriminatory assumptions about younger and older people

6.2 Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

We will recognise and value the abilities of disabled people at all levels of the organisation by:

- ◆ focusing on what they can do, rather than what they cannot
- ◆ challenging stereotypes about disabled people through education and training
- ◆ making appropriate and reasonable adjustments in the workplace to help disabled people achieve their full career potential

If you are disabled, or become disabled while working with us, we encourage you to advise HR by emailing [People Operations](#) about your condition, so that we can support you as appropriate. If you experience difficulties at work because of your disability, please contact your line manager or HR to discuss any reasonable adjustments that would help to overcome or minimise the difficulty.

6.3 Gender reassignment

Where a person undergoes, or proposes to undergo, a process for the purpose of reassigning their sex.

Individuals who plan to undergo or have undergone or who are undergoing gender reassignment are protected against all forms of discrimination and harassment. We will take positive steps to support a transgender person and ensure they are treated with dignity and respect.

6.4 Marriage and civil partnership

Marriage is a union between a man and a woman or between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

We will aim to ensure you are treated fairly, irrespective of your marital or civil partnership status through:

- ◆ ensuring that you are treated with respect and dignity and that a positive image is promoted regardless of whether you are in a marriage or civil partnership
- ◆ challenging discriminatory assumptions about the marriage or civil partnership of our colleagues

6.5 Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context.

The law protects against discrimination on the grounds of pregnancy and maternity during the period of the pregnancy and statutory maternity leave. We will aim to ensure that no one is discriminated against or treated unfairly due to pregnancy or maternity by:

- ◆ ensuring that people are treated with respect and dignity and that a positive perception of pregnancy and maternity is promoted
- ◆ challenging discriminatory assumptions about the pregnancy or maternity of our colleagues
- ◆ ensuring that no individual is disadvantaged and that we take account of the needs of our colleagues' pregnancy or maternity

6.6 Race

A race is a group of people defined by their colour, nationality (including citizenship) ethnicity or national origins. A racial group can be made up of more than one distinct racial group, such as Black British.

We will aim to ensure that the racial and cultural diversity of our communities is represented at all levels of the organisation through challenging racial stereotypes and understanding, respecting, and valuing different racial and cultural backgrounds and perspectives.

6.7 Religion or belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

To qualify as a 'philosophical belief' under the Equality Act, the belief must satisfy the five criteria set out at [para 24 in Grainger plc v Nicholson \[2010\]](#). These are that:

- ◆ The belief must be genuinely held
- ◆ The belief must not simply be an opinion or viewpoint based on the present state of information available
- ◆ The belief must concern a weighty and substantial aspect of human life and behaviour
- ◆ The belief must attain a certain level of cogency, seriousness, cohesion and importance
- ◆ The belief must be worthy of respect in a democratic society, not be incompatible with human dignity and not be in conflict with the fundamental rights of others.

Examples of philosophical beliefs that have been upheld at Employment Tribunals are beliefs such as humanism, pacifism, gender critical and vegetarianism

We recognise individuals' freedom of belief and the right to protection from intolerance. We will not discriminate against any religious or other beliefs provided they do not run counter to this policy by supporting discrimination or intolerance of other employees. Where possible, and when our Facilities Team can accommodate this, we will aim to offer quiet areas for prayer or personal reflection and meal options. We will make every effort to address concerns where religion and belief come into play (for example, modesty of dress or wearing a religious symbol) and reach a mutually acceptable solution on a case-by-case basis.

6.8 Sex

Sex is defined as a man or a woman.

We will aim to ensure that all employees, regardless of their sex, are represented at all levels of the organisation through:

- ◆ challenging gender stereotypes through education and training
- ◆ supporting employees in balancing their life at work and home

6.9 Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

We will ensure you are treated fairly irrespective of your sexual orientation through respecting difference and challenging negative stereotypical views and by ensuring that we take account of the needs of colleagues of all sexual orientations.

6.10 Other Priority Groups – Care Experience

As a named Corporate Parent under the Children and Young People (Scotland) Act 2014, SQA has specific legal duties and responsibilities to Care Experienced people. This means we must uphold their rights and safeguard their wellbeing. Existing statutory guidance makes it clear these duties include taking action to tackle discrimination faced by people with care experience.

Care experience is not a protected characteristic covered by the Equality Act 2010, however SQA has made the commitment to ensuring its policies consider care experience similarly to a protected characteristic.

The term 'care experienced' refers to anyone who is currently in care or has been for any length of time regardless of their age. SQA has specific duties and responsibilities towards Care Experienced people up to the age of 26 but recognise the long-lasting consequences being in care can have. This care may have been provided in many different settings, such as:

- ◆ kinship care
- ◆ looked after at home
- ◆ residential care
- ◆ foster care
- ◆ secure care
- ◆ living with adoptive parents

7. Monitoring

The Public Sector Equality Duty requires us to report on and publish details of the progress we have made towards integrating the general equality duty into our operations and to achieving our equality outcomes. We do this every two years via an Equality Mainstreaming Report.

Our Equality Mainstreaming Report must include:

- ◆ a breakdown of employment monitoring information under the duty to gather and use employee information

- ◆ details of the progress made in gathering and using employment monitoring information as required as part of the general equality duty

Employment monitoring information is used to inform our practices and decisions on people with different protected characteristics and to prioritise our activities.

We will monitor the progress towards our stated aims in this policy. This involves the collection and analysis of relevant information and statistics on the composition of the workforce and job applications.

It is intended that the composition of the workforce and job applicants will be monitored by means of information provided through voluntary self-declaration.

Such data will be used solely for monitoring purposes and all information gathered will be strictly confidential. We separate monitoring forms from application forms to ensure that recruiting managers do not see this information.

We are also required to publish our gender pay gap information externally every 2 years as part of our Public Sector Equality Duties. However, we complete an annual Equal Pay Audit which alternates between internal and external publication.

In addition, we also publish our disability, ethnicity and sexual orientation pay gap information as part of our equal pay audit to promote best practice and to support our equal pay statement. This promotes transparency and allows us to begin to explore the reasons for any gaps, take relevant actions and measure progress.

We carry out equality impact assessments (EQIAs) on all policies to promote equality in SQA.

8. Handling complaints of discrimination

If you consider that you have suffered discrimination, it may be appropriate (in some circumstances) to deal with this informally. In doing so, we will support you in pointing out the issue to the relevant person in an appropriate manner.

If you consider that this informal approach would be inappropriate or you have tried this approach before and it has not resolved the matter, you should discuss your concerns with your line manager, your line manager's line manager and/or a member of the HR Team.

If you wish to raise a grievance about discrimination at work, you must follow our [Grievance Policy](#). If your complaint involves bullying or harassment, you must follow our [Dignity at Work Policy](#).

We will treat allegations sensitively and, as far as possible, maintain confidentiality.

9. Roles and responsibilities

Your role and responsibilities, along with those of the Board of Management, Executive Management Team, Strategic Planning & Governance, managers and Human Resources are defined below.

We will ensure all managers are aware of this policy and their responsibilities under it.

You	All managers	Human Resources
◆ ensure you are aware of and adhere to this policy ◆ behave appropriately and treat others with respect and dignity at all times ◆ understand that this behaviour applies inside and outside the workplace, including when dealing with customers, suppliers or other work-related contacts and on any work-related trips or events including social events ◆ not unlawfully discriminate against or harass other people, including current and former employees, appointees, agency workers, consultants, clients, customers, suppliers and visitors ◆ not use social media to harass, bully or unlawfully discriminate against employees or third parties, both inside and outside the workplace ◆ be aware of the potential impact of your own behaviour on members of your team and others ◆ undertake mandatory equality, diversity and inclusion training and any training relevant to your role and/or working environment	◆ ensure they are aware of and adhere to this policy ◆ where appropriate, deal with complaints about discrimination, bullying or harassment promptly and fairly ◆ provide the appropriate level of employee support ◆ seek advice and guidance from HR when appropriate ◆ set an appropriate standard of behaviour, leading by example and ensuring that those they manage adhere to this policy ◆ undertake mandatory equality, diversity and inclusion training any training relevant to their role and ensure employees in their team have access to this	◆ provide appropriate levels of advice, guidance and support to all managers and employees ◆ ensure advice is given on compliance with policies and procedures ◆ review and update this policy to keep up to date with legislation
Board of Management	Executive Management Team	Corporate Equalities Team
◆ lead by example in line with this policy ◆ have oversight of the organisation's work towards complying with its specific legislative equality duties and ensure accountability	◆ be equality and diversity champions across the organisation ◆ lead by example, set appropriate standards of behaviour and ensure those they manage adhere to this policy	◆ work with colleagues across the organisation to promote and embed equality, diversity and inclusion, and support SQA to meet its responsibilities relating to the Equality Act 2010 (Public Sector Equality Duty) and

♦ review and approve any reports or policies that are a product of the Public Sector Equality Duty prior to publication dates ♦ ensure equality is embedded into the organisation's strategies and plans ♦ undertake any equality and diversity training relevant to their role	♦ ensure equality is embedded into Directorate plans ♦ ensure directorates undertake the requirements set out in this policy ♦ undertake mandatory equality, diversity and inclusion training and any training relevant to their role	Children and Young People Act 2014 (Part 9 Corporate Parenting) ♦ support SQA's Equality Steering Group, Equality Sub-Groups, Corporate Parenting Steering Group and Employee Networks ♦ in collaboration with business areas prepare and publish SQA's Equality Mainstreaming Report, review SQA's equality outcomes and support work to develop SQA's equality action plans ♦ undertake mandatory equality, diversity and inclusion training and any training relevant to their role
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10. Associated policies

Other policies may be invoked where they are deemed more appropriate to the circumstances. The HR policies can be found [here](#):

- ♦ Dignity at Work
- ♦ Discipline
- ♦ Grievance
- ♦ Code of Conduct
- ♦ Recruitment and Selection
- ♦ Trans, Gender Identity and Transitioning at Work *(Note: Proposed new policy title – policy publication dates need to coincide)*

11. Appendix

11.1 Types of discrimination

The main types of discrimination are:

Direct discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination of the protected characteristics of pregnancy and the employee's sex. Other types of direct discrimination are:

- ◆ Associative discrimination — this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because their son is disabled.
- ◆ Perceptive discrimination — this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK-based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted their legal rights or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance against us and is demoted as a result.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or being intimidating, hostile, or degrading. Please see our [Dignity at Work Policy](#) for further details of how we will deal with bullying and harassment.

11.2 Examples of inclusive behaviour, conduct and language

- ◆ Practice active listening
- ◆ Consider colleague's needs and personal circumstances when planning activities
- ◆ Encourage and seek reverse mentoring opportunities
- ◆ Join an employee network
- ◆ Adapt your management or communication style to engage more effectively with different team members
- ◆ Work towards creating a physiologically safe learning environment
- ◆ Be available to discuss cross cultural issues as they arise
- ◆ Self-educate on micro-aggressions and unconscious bias
- ◆ Be honest in your efforts to be more inclusive

11.3 Useful Websites

- ◆ [Equality and Human Rights Commission](#) Britain's independent equality and human rights regulator.
- ◆ [The Scottish Human Rights Commission](#) The Scottish Human Rights Commission is an independent public body, accountable to the people of Scotland through the Scottish Parliament.