

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 – Transgender Equality Policy / Transitioning at Work

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	
Review and assess feedback on a quarterly basis from each of SQA's staff community network groups	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 – Transgender Equality Policy / Transitioning at Work

Identified Actions	General Equality Duty	Owner	Date	Comment & Review
Measure the impact of the policy by speaking directly to SQA’s Rainbow Network (the LGBTQ+ [Lesbian, Gay, Bi-Sexual, Transgender, Queer/Questioning +] network.)	Advance equality of opportunity	Reward Advisor, People Reward & Equalities	By September 2023	
We recommend that SQA create a separate Gender Identity policy to facilitate and advance equality of opportunity to employees who are LGBTQ+.	Advance equality of opportunity	People Reward & Equalities Manager	By September 2024	Components of gender identity are covered within this policy.

Policy Aims

Name of Policy or practice	Transgender Equality Policy – Transitioning at Work
New Policy or Revision	New
Name of Policy Owner	People Reward & Equalities Manager
Date Policy Owner Confirmed Completion	Draft

What is the rationale for this policy or practice?

This policy and guidance sets out SQA’s responsibilities as an employer of trans people, including those with non-binary identities.

SQA recognises that people perform best when they are able to be their authentic selves. We are committed to promoting equality and diversity among our workforce. We support a culture that actively values difference, recognising that trans individuals and those with non-binary identities can bring valuable insights and enhance the way we work.

SQA aims to be an inclusive organisation, committed to providing equal opportunities throughout employment including in the recruitment, training, development and career progression of all colleagues.

Important Note:

As part of this Equality Impact Assessment, we **identified potential equality risks** within the overall design of the policy in that it could be regarded as somewhat confusing or even inappropriate to employees.

The actual title of the policy ***Transgender Equality Policy – Transitioning at Work*** suggests to us that this policy is wholly aimed at supporting people who are *Transsexual* and have the Protected Characteristic of *Gender Reassignment*. (Please see page 25 of this assessment for the legal and governmental definition in which, incidentally, the term *Transsexual* is used.)

Upon further analysis, it transpires that the policy actually includes much broader *Gender Identity* references e.g. *Non Binary*, *Gender Fluid*, *Gender Queer* etc and is therefore also intended to be used by people who identify with more than one gender or indeed no gender.

Whilst we acknowledge that *Stonewall* suggests these terms are all capable of being placed under a broad umbrella definition of ‘*Trans*’, we respectfully advise that this concept is, at the very least, legally speaking, **somewhat erroneous**.

Whether an employee who, for example, identifies as *Non Binary* would consider it appropriate or inclusive to be subjected to a policy entitled Transition at Work policy is a question we consider worthy of further discussion / consultation in SQA.

We advise that the creation of two separate policies, *Gender Identity* and *Transitioning at Work* could potentially resolve this issue.

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

Locally in SQA, our internal Rainbow Network have championed the development of this policy for some time.

Nationally, over 400 applications UK wide have been submitted to the Gender Recognition Panel during the last two fiscal years (2019-2020 and 2020-2021).

Source: <https://www.gov.uk/government/publications/gender-recognition-certificate-applications-and-outcomes/gender-recognition-certificate-applications-and-outcomes>

While it was not possible to find a precise estimate of the number of trans people in Scotland, the most commonly used figure is 0.5% of the population, which would be just under 24,000 adults.

Source: <https://www.scottishtrans.org/wp-content/uploads/2018/05/Community-briefing-paper.pdf>

Hate crimes against transgender people rose 87% in the past year, according to the latest figures. A report from the Crown Office said there were 84 charges aggravated by transphobia in 2021-22, compared with 45 the previous year.

Source: <https://www.bbc.co.uk/news/uk-scotland-61797623>

The evidence that LGBT+ people have disproportionately worse health outcomes and experiences of healthcare is both compelling and consistent. [NHS England » LGBT health](#). The [2017 National LGBT survey](#), with over 108,000 responses, described a situation where LGBT+ communities face discrimination, felt their specific needs were not being met, had poorer experience and had major concerns about accessing healthcare that should be a right for all.

The Scottish Household Survey (SHS) indicates that in 2019 that 0.04% of participants identified as non-binary amounting to 8 people across 20,000. A working paper by the Scottish Government concluded that it was not possible to do further analysis with such a small number; and it was also likely that this figure for non-binary people was not representative. Non-Binary Working Group minutes: September 2021. Minutes from the meeting of the Scottish Government's Non-Binary Working Group, held on 16 September 2021. [Non-Binary Working Group minutes: September 2021 - gov.scot \(www.gov.scot\)](#)

From the ONS data on Sexual Identity by Region and Country for 2020, 0.6% of people in Scotland identified as Other, which may indicate they are non-binary or gender fluid.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/datasets/sexualidentityuk>

What are the aims of this policy or practice?

The purpose of this policy and procedure is to support the inclusion of trans and non-binary people within our organisation. It will also provide clarity for any SQA colleagues who may be thinking about or who are planning to go through a transition process at work or update their gender identity. This policy will also provide advice and guidance to managers or others who need to ensure that colleagues receive the necessary support and guidance in the workplace while going through the transition process.

Our aims are to:

- Recognise the needs of each colleague in relation to their gender identity will differ.
- Recognise that transitioning is a personal process which must be led by the colleague.
- Provide a supportive environment for individuals who wish their trans or gender non-conforming status to be known. We are committed to acting in a sensitive manner and will discuss with any such individuals confidentially what support is needed to ensure their comfort, safety, and inclusion at work.
- Respect the privacy of individuals who wish their trans or non-binary status to remain confidential.
- Ensure that colleagues who intend to undergo, are undergoing, or have undergone gender reassignment are treated with fairness and support in their recruitment and development.
- Ensure trans colleagues can work in an environment without fear of prejudice, discrimination or harassment.

The policy itself is divided into two discrete sections:

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 Transgender Equality Policy – Transitioning at Work:

- a. Attendance Management
- b. Code of Conduct
- c. Dignity at Work
- d. Disciplinary
- e. Equality, Diversity and Inclusion
- f. Grievance
- g. Mental Health, Stress and Wellbeing
- h. Staff Leave

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

SQA acknowledges that people who share / do not share, certain Protected Characteristics may, on balance:

- Be more likely to experience bullying, harassment or victimisation
- Be less likely to be selected for promotion or development opportunities
- Experience compound discrimination or intersectionality I.e., where a person has one or more characteristics and may be subject to consequentially greater levels of disadvantage, for example, people who are transgender and of an ethnic minority
- Be more likely to experience disproportionately worse health outcomes and experiences of healthcare

The development, implementation and analysis of the effects of this policy are therefore relevant to a small group of people from some Equality groups as they may risk experiencing disproportionate impacts or outcomes.

It is important that 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 with in the development of this policy or practice?

This policy will be 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 will only consult 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.

Staff Network Consultations:

SQA's People Reward & Equalities team have worked closely with SQA's Rainbow Network from November 2021 to develop the draft Transgender Equality Policy – Transitioning at Work. They also sought advice and guidance from Stonewall in relation to the policy's development.

Staff Network Consultation (Continued)

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

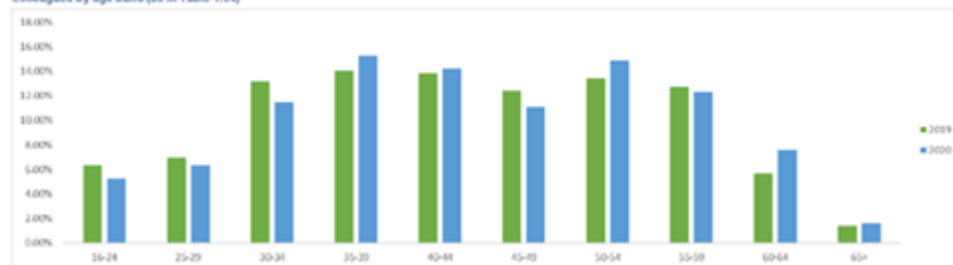
The EIAPG group consists of representatives from each of SQA staff networks listed on the previous page of this document.

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 HR policies / activities, sharing resources, recording feedback and scheduling future consultation meetings.

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

Age

Colleagues by age band (as in Table 1.04)



This table (1.04) shows colleagues by age band for 2019 – 2020.

Source: SQA Workforce Equality Monitoring Report 2019-2021

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

Disability

Figure 10: Disability by directorate: all colleagues, grade 1 – EMT

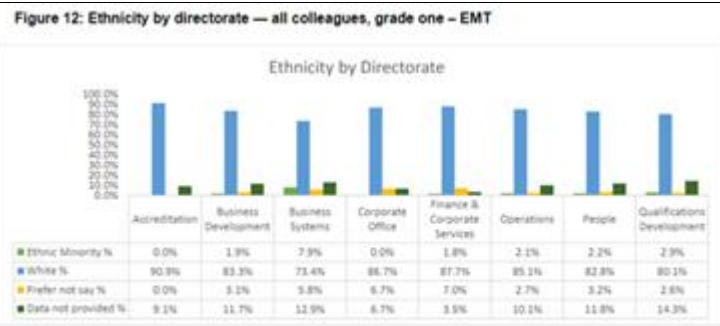


This table (Figure 10) shows colleague disability status by Directorate for 2020.

Source: SQA Equality Mainstreaming Report 2019-2021

https://www.sqa.org.uk/sqa/files_ccc/sqa-equality-mainstreaming-report-2019-21.pdf

Race



The directorate breakdown of ethnicity shows the following:

- The business areas with the largest concentration of ethnic minority colleagues are: Business Systems (7.9% ethnic minority), Qualifications Development (2.9% ethnic minority) and People (2.2% ethnic minority).

This table (Figure 12) shows ethnicity by Directorate for 2020.

Source: SQA Equality Mainstreaming Report 2019-2021

https://www.sqa.org.uk/sqa/files_ccc/sqa-equality-mainstreaming-report-2019-21.pdf

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%	

This table (1.16) shows colleague religion / belief data for 2019 – 2020 and variance between the two years.

Source: SQA Workforce Equality Monitoring Report 2019-2021

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

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%	
Total	61.20%	61.64%	0.44%	38.80%	38.36%	-0.44%

This table (1.02) shows colleague sex by grade for 2019 – 2020 and the variance between the two years.

A greater number of SQA employees overall are female - 62% female versus 38% male.

Source: SQA Workforce Equality Monitoring Report 2019-2021

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

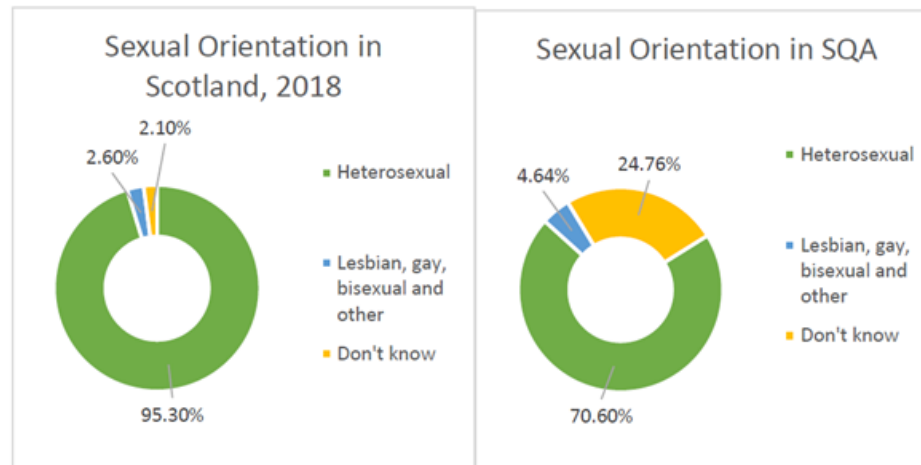
Sexual Orientation

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%	

This table (1.18) shows colleagues by sexual orientation for 2019 – 2020 and the variance between the two years.

Source: SQA Workforce Equality Monitoring Report 2019-2021

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



The table on the left shows Sexual Orientation in Scotland in 2018; Heterosexual (95.30%), Lesbian, gay, bisexual and other (2.60%), Don't Know (2.10%).
The table on the right shows Sexual Orientation in SQA; Heterosexual (70.60%), Lesbian, gay, bisexual and other (4.64%), Other (25.76%).

Our workforce has almost double the representation of the overall Scottish population self-identifying as lesbian, gay, bisexual or in another way. The proportion of colleagues identifying as heterosexual is below national indicators and the proportion of our workforce whose sexual orientation is unknown is ten times the national indicator. This is due to 8.01% of colleagues who have declared they would prefer not to share their sexual orientation and 16.65% of colleagues who have not provided sexual orientation information.

Source: SQA Equality Mainstreaming Report 2019–21

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

<p>Gender Re-assignment (Gender identity and transgender)</p>	<p>SQA currently captures data on gender reassignment, however, due to small sample size, is unable to report this at this time.</p> <p>Research from LGBT in Scotland - Work Report (stonewallscotland.org.uk) in 2018 highlights that;</p> <ul style="list-style-type: none"> • Two in five (40 per cent) trans employees have experienced negative comments or conduct from customers or clients • Trans staff tend to experience higher levels of negative comments or conduct, with two in five experiencing it from colleagues (39 per cent). 6 per cent have been physically attacked by customers or colleagues in the last year because of their sexual orientation or gender identity. 																								
<p>Marriage/Civil Partnership</p>	<p>Table 1.10: Colleagues by relationship status</p> <table border="1" data-bbox="501 608 1422 839"> <thead> <tr> <th>Relationship status</th> <th>2019</th> <th>2020</th> <th>Variance</th> </tr> </thead> <tbody> <tr> <td>Married/Civil Partnership</td> <td>30.01%</td> <td>44.66%</td> <td>14.65%</td> </tr> <tr> <td>Single</td> <td>24.44%</td> <td>35.87%</td> <td>11.44%</td> </tr> <tr> <td>Prefer not to say</td> <td>1.93%</td> <td>5.71%</td> <td>3.79%</td> </tr> <tr> <td>Not Provided</td> <td>43.62%</td> <td>13.76%</td> <td>-29.87%</td> </tr> <tr> <td>Total</td> <td>100.00%</td> <td>100.00%</td> <td></td> </tr> </tbody> </table> <p>This table (1.10) shows colleagues by marriage/civil partnership for 2019 – 2020 and the variance between the two years.</p> <p>Source: SQA Workforce Equality Monitoring Report 2019-2021 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf</p>	Relationship status	2019	2020	Variance	Married/Civil Partnership	30.01%	44.66%	14.65%	Single	24.44%	35.87%	11.44%	Prefer not to say	1.93%	5.71%	3.79%	Not Provided	43.62%	13.76%	-29.87%	Total	100.00%	100.00%	
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Equality Impact Assessment – Transgender Equality Policy / Transitioning at Work

Pregnancy / Maternity	Colleagues			
	Pregnancy Status	2019	2020	Variance
	Not Pregnant	98.25%	98.95%	0.70%
	Pregnant	1.75%	1.05%	-0.70%
	Total	100.00%	100.00%	
	<p>This table (1.20) shows colleagues by pregnancy / maternity for 2019 – 2020 and the variance between the two years.</p> <p>Source: SQA Workforce Equality Monitoring Report 2019-2021 https://www.sqa.org.uk/sqa/files_ccc/workforce-equality-monitoring-report-2019-2021.pdf</p>			
Care experience (where relevant)	SQA does not currently collect Care Experience data.			

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="488 268 2029 331">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 400 680 432">Equality Risks:</p> <p data-bbox="488 464 2029 647">There is national evidence to suggest people of all ages can be <i>Transgender</i>. This is clearly evidenced by the fact that <i>Age Scotland</i> has recently announced plans to support the older LGBTQ+ community via a new <i>Scottish LGBTQ+ Older People’s Network</i>. We also acknowledge a high profile and increasing awareness of younger LGBTQ+ and trans groups / people in Scotland via common media platforms. (Please note that published evidence relating to Trans people in the UK is somewhat scarce with (even) the ONS historically not capturing or publishing information in this area.)</p> <p data-bbox="488 679 2029 791">In respect of the policy itself and its practical application, we consider this should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of Age. We therefore see no reasonable risks that this policy could adversely affect employees on the ground of their <i>Age</i>.</p> <p data-bbox="488 839 1391 871">Neutral Equality related impact is therefore recorded in this area.</p> <p data-bbox="1171 943 1350 975" style="text-align: center;">Please Note:</p> <p data-bbox="488 1007 2000 1190">SQA does not currently capture <i>Gender Identity</i> information from employees e.g. people who identify as non binary, gender fluid, pan gender, gender queer etc. Also, please note, as this is a new policy, we have no information relating to its implementation or use and therefore no local profiling information is available to use as part of this Equality Impact Assessment.</p>

Age	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Age.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
	<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of different ages. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>

Protected Characteristic	General Equality Duty
Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>We conclude that in respect of the policy itself and its practical application, it should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of whether an employee has a <i>Disability</i> or not.</p> <p>We can identify no reasonable risks of this policy adversely affecting employees on the ground of their <i>Disability</i>.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of <i>Disability</i>.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
<p>There is no additional evidence to indicate that this policy currently fosters good relations between disabled/non-disabled people. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</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>We conclude that in respect of the policy itself and its practical application, it should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of an employee’s Race/ Ethnicity.</p> <p>We can identify no reasonable risks of this policy adversely affecting employees on the ground of their <i>Race/ Ethnicity.</i></p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably on the grounds of Race/ Ethnicity.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of different ethnicities. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>	

Protected Characteristic	General Equality Duty
<p>Religion or Belief</p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>
	<p>We conclude that in respect of the policy itself and its practical application, it should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of an employee’s Religion / Belief.</p> <p>We can identify no reasonable risks of this policy adversely affecting employees on the ground of their <i>Religion / Belief.</i></p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	<p>Advance equality of opportunity</p>
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of <i>Religion / Belief.</i></p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	<p>Foster good relations</p>
	<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of different religions / beliefs. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>

Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	<p>With the exception of the comments made on page three of this document, we conclude that in respect of the policy itself and its practical application, it should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of an employee’s Biological Sex or Identified Gender.</p> <p>We can identify no reasonable risks of this policy adversely affecting employees on the ground of their <i>Sex / Gender</i>.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of <i>Sex</i>.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of different sexes. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>	

Protected Characteristic	General Equality Duty
Sexual Orientation	<p data-bbox="488 268 2029 331">Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p data-bbox="488 403 1066 435">Reiterating the important distinction between</p> <p data-bbox="488 483 1944 547">1: Sexual Orientation which is typically (but not exclusively) defined as people who are <i>Heterosexual, Bisexual, Gay/Same Sex and Ace</i>)</p> <p data-bbox="488 592 539 616">and</p> <p data-bbox="488 655 2007 879">2: Trans which is defined by <i>Stonewall</i> as: An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, genderqueer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bigender, trans man, trans woman, trans masculine, trans feminine and neutrois.</p> <p data-bbox="488 919 2000 1023">For the purposes of this assessment, we are regarding the terms <i>Sexual Orientation</i> and <i>Trans</i> as mutually exclusive and conclude that in respect of the policy itself and its practical application, it should have a positive impact on all SQA employees who require the use of the policy – completely irrespective of their Sexual Orientation.</p> <p data-bbox="488 1074 2029 1137">We therefore conclude there are no reasonable risks of this policy adversely affecting employees on the ground of their <i>Sexual Orientation</i>.</p> <p data-bbox="488 1182 1249 1206">Neutral equality related impact is recorded in this area.</p>

Sexual Orientation	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of <i>Sexual Orientation</i>.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
	<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of sexual orientations. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>

Protected Characteristic	General Equality Duty
<p>Gender Re-assignment (Gender identity and transgender)</p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Risks of Discrimination:</p> <p>Legal Definition of Gender Reassignment source: https://www.legislation.gov.uk/ukpga/2010/15/section/7</p> <p>Gender reassignment</p> <ul style="list-style-type: none"> (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex. (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment. (3) In relation to the protected characteristic of gender reassignment – <ul style="list-style-type: none"> (a) A reference to a person who has a particular protected characteristic is a reference to a transsexual person; (b) A reference to persons who share a protected characteristic is a reference to transsexual persons. <p>It is important to note how <i>Gender Reassignment</i> differs legally from other forms of <i>Gender Identity</i> (e.g. nonbinary, gender fluid etc) in that the former is currently a Protected Characteristic under <i>The Equality Act 2010</i> whereas the latter is not. This policy does define (very well) the expectations and commitments to employees in respect of gender re-assignment and transitioning at work in SQA. We therefore conclude both the contents and practical implementation of this policy should have a positive impact on all SQA employees who are transsexual and are undergoing, proposing to undergo or who have undergone <i>Gender Reassignment</i>.</p> <p>Positive equality related impact is therefore recorded in this area.</p>

Advance equality of opportunity

Additional Evidence:

The policy states:

We are an inclusive organisation and stand against discrimination in all its forms. There is no place for any form of bullying, harassment or hate within SQA. All individuals who engage with our organisation deserve to be treated with dignity and respect — including trans and non-binary people. Harassment, bullying, victimisation and discrimination on the basis of a person's gender identity, gender expression or gender history will never be acceptable or tolerated by us and such conduct will always be addressed, and in some circumstances may constitute criminal behaviour under hate crime legislation. We believe such behaviour is not only unacceptable, but it is also contrary to our values. We expect all colleagues to consistently treat each other with dignity, respect and compassion.

We will take seriously complaints of bullying, harassment, victimisation and discrimination by colleagues, visitors, the public, customers, suppliers and any others in the course of the organisation's work activities. Further information on dealing with bullying and harassment is available within the Dignity at Work Policy."

The policy also states that SQA aims to:

Ensure that colleagues who intend to undergo, are undergoing, or have undergone gender reassignment are treated with fairness and equality in their recruitment and career development and progression."

All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their gender identity.

Additional Evidence:

SQA currently does not have a separate *Gender Identity* policy providing background information to SQA managers and employees in respect of:

- People who identify as the Gender they were assigned at birth. (*Cisgender*)
- People who identify with Gender that is different to that assigned at birth. (*Transgender*)
- People who identify with multiple Genders. (e.g. *Non Binary* and *Gender Fluid*.)

(Note this list is illustrative and is not intended to be definitive.)

Whilst, as previously stated, with the exception of *Gender Reassignment*, there is currently no legal obligation placed on 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 SQA.)

Foster good relations

No further recommendations are made in respect of this in relation to this policy.

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>We conclude there is no evidence to suggest that this policy may impact directly on people on the grounds of their marital status and therefore make no further recommendations in this area.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	<p style="text-align: center;">Advance equality of opportunity</p>
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their marital status.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	<p style="text-align: center;">Foster good relations</p>
<p>There is no additional evidence to indicate that this policy currently fosters good relations between people of different marital status. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</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>We conclude there is no evidence to suggest that this policy may impact directly on people on the grounds of pregnancy / maternity and therefore make no further recommendations in this area.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of pregnancy / maternity.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Foster good relations
<p>There is no additional evidence to indicate that this policy currently fosters good relations who are pregnant or on maternity leave. No further recommendations in respect of this at this stage.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>	

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>We conclude there is no evidence to suggest that this policy may impact directly on people who are care experienced and therefore make no further recommendations in this area.</p> <p>Neutral equality related impact is therefore recorded in this area.</p>
	Advance equality of opportunity
	<p>All SQA employees are entitled to use, access, and of course, be subjected to the Transgender Equality Policy – Transitioning at Work, policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of care experience.</p> <p>Neutral equality related impact recorded.</p>

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:

Not Applicable

Miscellaneous:

Additionally, 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
- Business in the Community Race at Work Charter Signatory
- Stonewall Diversity Champion
- Dying to Work Charter Member
- Accreditation as a Carer Positive Employer at Engaged Level