

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	March 2024	Additional Schedule Review Date	
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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.

Required Actions	Owner	Date	Comment & Review
Actions taken to monitor the implementation of policy and the impact on equality groups (evidence and consultation)			[ONGOING RECORD]
Benchmark those aspects of SQA Accreditation's regulatory framework which relate to Equality, Diversity and Inclusion against the requirements set out by the other UK Qualifications Regulators	Head of Accreditation	31 March 2024	

Policy Aims

Name of Policy or practice	Regulatory Sanctions Policy
New Policy or Revision	Revision
Name of Policy Owner	Head of Accreditation
Date Policy Owner Confirmed Completion	July 2023

What is the rationale for this policy or practice?

To ensure that SQA Accreditation's risk-based approach to regulation and quality assurance is effective and where persistent issues or serious issues of non-conformance with Regulatory Requirements are identified, at approved awarding bodies, either through audits, provider monitoring activities or intelligence, we as the regulator can issue sanctions to prevent a drop in the quality of qualification delivery and/or assessment provided, thereby safeguarding the interests of learners, employers, parents, funding bodies and government.

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

As a regulator, we aim to be as transparent as we can possibly be. It is therefore important that awarding bodies approved by us understand our quality assurance aims and how we operationalise these.

Within the UK there are five principles of better regulation (proportionate, accountable, transparent, targeted, and consistent). These five principles underpin the work of the accreditation function. Therefore, as part of this, it is important for us to highlight consequences of non-conformance with SQA Accreditation Regulatory Requirements, thereby safeguarding the interests of learners, employers, parents, funding bodies and government.

What are the aims of this policy or practice?

To be transparent and outline SQA Accreditation's range of regulatory sanctions that can be imposed on awarding bodies where they fail to comply with any regulatory requirements, thereby safeguarding the interests of learners, employers, parents, funding bodies and government.

The decision on whether to apply a regulatory sanction sits with the Accreditation Coordination Group (ACG). If it is determined that sanctions are to be applied then a regulatory warning letter is issued to the awarding body, which is normally sufficient for the awarding body to take the appropriate corrective action. If no action is taken, then regulatory sanctions are taken. A graduated approach is applied with three categories of sanction: suspension of accredited qualification(s), withdrawal of accreditation of qualifications and removal of approved awarding body status. Within the first category of sanction, there are a number of options that ACG can consider, such as suspension of new candidate registrations, suspension of candidate certifications, suspension of centre approval etc. With regards to the second category of sanction, ACG can elect to withdraw a single qualification, a suite of qualifications or all qualifications. If by applying this second category of sanction and this results in the withdrawal of all accredited qualifications, then the awarding body would also lose its approved awarding body status.

When considering the application of sanctions, ACG always considers the potential impact upon the learners. However, the main role carried out by SQA Accreditation is to protect the interest of learners.

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

Through our quality assurance activities, we seek to ensure that awarding bodies meet our regulatory requirements. Within our regulatory arrangements, there is a need for awarding bodies to ensure that they have in place equal opportunity policies. These are reviewed, as appropriate, through our awarding body activities. In addition, it is required that awarding bodies will have arrangements in place for alternative assessment arrangements (referred to as special considerations or reasonable adjustments) for those candidates that require assessment to be adapted to meet any requirements for candidates with e.g., a disability. These alternative assessment arrangements are reviewed via our audit activity and also through provider monitoring activity.

Regulatory Principle 14 states: “The awarding body and its providers must ensure that its qualifications and their delivery and assessment are fair, inclusive and accessible to learners”. More precisely, this means that in order to comply with SQA Accreditation’s Regulatory Principle, the awarding body and its providers must comply with relevant equalities legislation. In so doing, the awarding body and its providers are responsible for demonstrating:

- how equality and diversity policies comply with relevant legislation
- that there are clear processes for reasonable adjustments and special considerations
- arrangements for providers to manage recognition of prior learning and achievement (if applicable)
- that they can define any barriers, requirements or conditions which could affect qualifications or their delivery
- that they act in a way that safeguards the interests of vulnerable groups

Where awarding bodies fail to comply with these Regulatory requirements, sanctions can be imposed to correct this. Therefore, is a positive impact of the policy.

Evidence, Consultation and Engagement

What stakeholders have you engaged with in the development of this policy or practice?	
<p>As this policy refers to the quality assurance of accredited Awarding Bodies, SQA Accreditation feel that stakeholder feedback on the policy is not within the spirit of the policy. The ways in which SQA Accreditation ensure adherence to these principles are not open to consultation from stakeholders. When determining a sanction, SQA Accreditation considers the potential impact of the sanction on the learners.</p>	
What evidence about equality groups do you have to support this assessment?	
Overall	<p><u>Learner demographic data</u></p> <p>This policy applies equally to all awarding bodies approved by SQA Accreditation. We do not collect candidate information, so we have no way of knowing anything about the candidates. The only data we collect is the number of candidates being registered or certificated for a qualification. This is collected on a quarterly basis. As we are a principle-based regulator, it is for each awarding body to determine the candidate data that it collects.</p> <p>Regulatory Principle 15 requires that: “The awarding body must have effective, reliable and secure systems for the registration and certification of learners”. In the Supplementary Information, it states that: “The awarding body is responsible for:</p> <ul style="list-style-type: none"> ensuring that registration and certification systems allow for candidates to be clearly and uniquely identified and contactable in the event of any queries.” <p>It is therefore for each awarding body to determine which information it collects about the candidates undertaking its qualifications. The only occasion when SQA Accreditation collects candidate information is when conducting Provider Monitoring Visits and this is in the relation to any assessments undertaken and the evidence that the Regulation Officer has viewed. SQA Accreditation has no other purpose to collect candidate data.</p> <p><u>Complaints</u></p> <p>To date, SQA have not had complaints about any discriminatory practices arising from any of its regulated Awarding Bodies.</p>
Age	<p>There is no evidence that this policy would have any specific impact on people on the basis of age. SQA do not know the demography of awarding bodies’ learners broken down by age, and it is impractical to collect, store and analyse this data.</p>

	<p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information as part of its own remit as set out in Regulatory Principles</p>
Disability	<p>Under the Equality Act 2010, Education Providers have a duty to make reasonable adjustments for disabled learners: https://www.gov.uk/rights-disabled-person/education-rights</p> <p>Specifically, Section 96 of the Equality Act (2010) states that: "This section makes it unlawful for a qualifications body to discriminate against, harass or victimise a person in the arrangements it makes for deciding on whom to confer qualifications, and the terms on which those qualifications are conferred. Qualifications bodies are defined in section 97. It also places a duty on qualifications bodies to make reasonable adjustments for disabled people." https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/6/3/2</p> <p>This policy could have a positive impact, as an awarding body who failed to take such things into account with the development, delivery, and assessment of a qualification, would be in noncompliance with Regulatory Requirements, and could as such, be sanctioned under the policy to prevent any further discrimination.</p>
Race	<p>There is no evidence that this policy would have any specific impact on people on the basis of race. SQA do not know the demography of awarding bodies' learners broken down by race, and it is impractical to collect, store and analyse this data.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Religion or Belief	<p>There is no evidence that this policy would have any specific impact on people on the basis of religion or belief. SQA do not know the demography of awarding bodies' learners broken down by religion or belief, and it is impractical to collect, store and analyse this data.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Sex	<p>There is no evidence that this policy would have any specific impact on people on the basis of age. SQA do not know the demography of awarding bodies' learners broken down by age, and it is impractical to collect, store and analyse this data.</p>

	SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.
Sexual Orientation	<p>There is no evidence that this policy would have any specific impact on people on the basis of age. SQA do not know the demography of awarding bodies' learners broken down by age, and it is impractical to collect, store and analyse this data.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Gender Re-assignment (Gender identity and transgender)	<p>There is no evidence that this policy would have any specific impact on people on the basis of gender reassignment. SQA do not know the demography of awarding bodies' learners broken down by gender reassignment, and it is impractical to collect, store and analyse this data.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Marriage/Civil Partnership	<p>There is no evidence that this policy would have any specific impact on people on the basis of marriage or civil partnership.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Pregnancy / Maternity	<p>There is no evidence that this policy would have any specific impact on people on the basis of pregnancy or maternity.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>
Care experience (where relevant)	<p>There is no evidence that this policy would have any specific impact on people on the basis of Care Experience. SQA do not know the demography of awarding bodies' learners broken down by Care Leaver Status, and it is impractical to collect, store and analyse this data.</p> <p>SQA can reasonably expect its regulated awarding bodies to collect and manage this information in its own remit as appropriate, as set out in Regulatory Principle 15 above.</p>

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
<p>All characteristics (impacts against all people)</p>	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Within our regulatory principles, we have a principle which states that “The awarding body must ensure that its systems and processes for the identification, design, development, implementation and review of qualifications and assessments are fit for purpose”. When reviewing this principle at awarding body, we want to ensure that the assessments are inclusive, free from bias and do not discriminate. We would also expect that the awarding body has in place a policy and a process for alternative assessment arrangements, when required. Through our provider monitoring visits, we would want to see evidence of the implementation of the assessments and also evidence of any alternative assessment arrangements being in place.</p> <p>We also require awarding bodies and their providers to have an Equal Opportunity Policy in place which meets the legislative requirements. With this in mind, we expect to be able to mainstream the equality duties through SQA Accreditation’s approved awarding bodies, including the elimination of unlawful discrimination, the advancement of equality of opportunity, and fostering good relations, with all protected characteristics.</p> <p>Our audits focus on whether the awarding body is meeting our regulatory requirements, which include their accreditation licence, the regulatory principles and regulatory directive. Audits can cover all regulatory principles but equally we can do a scoped audit which focuses only on certain principles. Scoped audits will vary across awarding bodies in terms of which principles are considered based on any previous issues/intelligence that we have. Since complaints form a criterion for audit, SQA Accreditation can perform a scoped audit in response to evidence that unlawful discrimination is occurring based on any protected characteristic. Positive impact recorded.</p>

Once these routes to address failures are exhausted, the Regulatory Sanctions policy would be applied to force an approved awarding body to correct the non-compliances. Therefore, having a positive impact on equalities. Alternatively, the policy would be used to withdraw awarding body approval where non-compliance persisted.

Advance Equality of Opportunity

Within our regulatory principles, we have a principle which states that “The awarding body must ensure that its systems and processes for the identification, design, development, implementation and review of qualifications and assessments are fit for purpose”. When reviewing this principle at awarding body, we want to ensure that the assessments are inclusive, free from bias and do not discriminate. We would also expect that the awarding body has in place a policy and a process for alternative assessment arrangements, when required. Through our provider monitoring visits, we would want to see evidence of the implementation of the assessments and also evidence of any alternative assessment arrangements being in place.

We also require awarding bodies and their providers to have an Equal Opportunity Policy in place which meets the legislative requirements. With this in mind, we expect to be able to mainstream the equality duties through SQA Accreditation’s approved awarding bodies, including the elimination of unlawful discrimination, the advancement of equality of opportunity, and fostering good relations, with all protected characteristics.

Our audits focus on whether the awarding body is meeting our regulatory requirements, which include their accreditation licence, the regulatory principles and regulatory directive. Audits can cover all regulatory principles but equally we can do a scoped audit which focuses only on certain principles. Scoped audits will vary across awarding bodies in terms of which principles are considered based on any previous issues/intelligence that we have. Since complaints form a criterion for audit, SQA Accreditation can perform a scoped audit in response to evidence that unlawful discrimination is occurring based on any protected characteristic. Positive impact recorded.

Once these routes to address failures are exhausted, the Regulatory Sanctions policy would be applied to force an approved awarding body to correct the non-compliances. Therefore, having a positive impact on equalities. Alternatively, the policy would be used to withdraw awarding body approval where non-compliance persisted.

Foster Good Relations

Within our regulatory principles, we have a principle which states that “The awarding body must ensure that its systems and processes for the identification, design, development, implementation and review of qualifications and

	<p>assessments are fit for purpose”. When reviewing this principle at awarding body, we want to ensure that the assessments are inclusive, free from bias and do not discriminate. We would also expect that the awarding body has in place a policy and a process for alternative assessment arrangements, when required. Through our provider monitoring visits, we would want to see evidence of the implementation of the assessments and also evidence of any alternative assessment arrangements being in place.</p> <p>We also require awarding bodies and their providers to have an Equal Opportunity Policy in place which meets the legislative requirements. With this in mind, we expect to be able to mainstream the equality duties through SQA Accreditation’s approved awarding bodies, including the elimination of unlawful discrimination, the advancement of equality of opportunity, and fostering good relations, with all protected characteristics.</p> <p>Our audits focus on whether the awarding body is meeting our regulatory requirements, which include their accreditation licence, the regulatory principles and regulatory directive. Audits can cover all regulatory principles but equally we can do a scoped audit which focuses only on certain principles. Scoped audits will vary across awarding bodies in terms of which principles are considered based on any previous issues/intelligence that we have. Since complaints form a criterion for audit, SQA Accreditation can perform a scoped audit in response to evidence that unlawful discrimination is occurring based on any protected characteristic. Positive impact recorded.</p> <p>Once these routes to address failures are exhausted, the Regulatory Sanctions policy would be applied to force an approved awarding body to correct the non-compliances. Therefore, having a positive impact on equalities. Alternatively, the policy would be used to withdraw awarding body approval where non-compliance persisted.</p>
Age	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of age, beyond those listed above, as they apply to all characteristics.</p> <p style="text-align: center;">Advance equality of opportunity</p> <p>No evidence that this policy could impact on advancing equality of people based on age.</p> <p style="text-align: center;">Foster good relations</p> <p>No evidence that this policy could impact on fostering good relations between people across age groups.</p>
Protected Characteristic	General Equality Duty

Disability	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of disability, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	Positive impact: Through our provider monitoring visits, we would want to see evidence of the implementation of the assessments and also evidence of any alternative assessment arrangements being in place. Alternative assessment arrangements are measures taken by awarding bodies to ensure that learners with disabilities, or those with other circumstances can effectively access the qualification, which forms part of our Regulatory Requirements. Where awarding bodies fail to do so, may lead to Sanctions being imposed through the policy to further prevent continued discrimination, thus a positive impact of the policy to date.
	Foster good relations
	We have no evidence that there is an impact
Protected Characteristic	General Equality Duty
Race	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of race, beyond those listed above, as they apply to all characteristics.
	No actions recorded
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact

Protected Characteristic	General Equality Duty
Religion or Belief	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of religion or belief, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact
Protected Characteristic	General Equality Duty
Sex	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of sex, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
We have no evidence that there is an impact	
Protected Characteristic	General Equality Duty
Sexual Orientation	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010

	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of sexual orientation, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact
Protected Characteristic	General Equality Duty
Gender Re-assignment (Gender identity and transgender)	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of gender reassignment, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact
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
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of marriage or civil partnership, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity

	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact.
Protected Characteristic	General Equality Duty
Pregnancy / Maternity	Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of pregnancy and maternity, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact.
	Foster good relations
	We have no evidence that there is an impact.
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
	There is no evidence to support any impact towards eliminating unlawful discrimination, victimisation, or harassment on the basis of care experience, beyond those listed above, as they apply to all characteristics.
	Advance equality of opportunity
	We have no evidence that there is an impact
	Foster good relations
	We have no evidence that there is an impact

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.