

Sue Webber MSP, Convener

T3.60

The Scottish Parliament

Edinburgh

EH99 1SP

By email: ECYP.committee@Parliament.Scot

Our ref: 1315828

13 October 2023

Dear Convener,

We write further to our email dated 27th September 2023 in response to your request for our comments on the outcomes of the Section 23 Agreement between the EHRC and the Scottish Qualifications Authority (SQA).

Please note that due to the EHRC's disclosure obligations in the Equality Act 2006 (the Act) and the confidentiality provisions of the Section 23 Agreement with the SQA, we are restricted on the information we can provide to the Committee. Under section 6 of the Act, the disclosure of information gathered under a Section 23 Agreement is a criminal offence (subject to some exceptions).

Please see our recent [media statement](#) on the conclusion of the Agreement, published yesterday on 12 October 2023.

The Committee's understanding is correct that the EHRC entered into the Section 23 Agreement with the SQA on 21 September 2021 and it committed the SQA to "abide by the Equality Act 2010 and meet its

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obligations under the Public Sector Equality Duty (PSED), which entails completing consistent Equality Impact Assessments (EqIAs) for its current policies and practices over the next two years.” The Agreement committed the SQA to complete outstanding Equality Impact Assessments for its legacy policies and practices. The SQA also agreed to improve its approach to carrying out assessments for any new policies it may develop.

Having formally monitored delivery of the action plan over the two-year period, we are now content that the SQA has met the terms of the Agreement and will now be consistent in its conduct of Equality Impact Assessments.

The SQA has now completed the review of its outstanding Equality Impact Assessments. It has also developed training and guidance on completing such assessments and created a new governance structure for their routine completion.

Yours sincerely

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