

Meeting
14/03/08

Agenda Item
13

Reference No
HEFCW/08/16

1 Issue

- 1.1 This paper attaches the draft HEFCW Equality Scheme (ES) (**Annex A**) which amalgamates HEFCW's Disability, Gender and Race Equality Schemes, while also reporting on our approach to pan-equality activities. Council is accountable for the operation of its schemes while HEFCW's Management Board has a responsibility to monitor that operation, with the detailed work delegated to its Equal Opportunities Sub-Group (EOSG).

2 Corporate Planning Implications / Rationale for paper

- 2.1 In line with current legislative requirements (detailed 7.2 – 7.5), and our corporate aim 'Making It Work', we presently produce three different equality schemes and action plans – one for Disability (updated annually in December), one for Gender (updated annually in April) and one for Race (updated annually in June).
- 2.2 By detailing our equality and diversity activities within a single scheme, we aim to provide our stakeholders with a clear and transparent account of the initiatives steering the equality agenda both in the Higher Education sector in Wales and ourselves as an employer.

3 Recommendation(s)

- 3.1 The Council is invited to:
- i) comment on the draft Equality Scheme (ES) attached to this paper; and
 - ii) agree to delegate authority to the Chief Executive to finalise the ES for publication.

4 Timing for decisions

- 4.1 We plan to publish the scheme in April 2008. Any additional comments on the report, following Council's consideration, may be received by 21 March 2007.

5 Council members' interests

- 5.1 No conflicts of interests have been declared in advance of the meeting.

6 Further information

- 6.1 Contact Vikki Burge (Tel 029 2068 2218; E-mail: vikki.burge@hefcw.ac.uk)

7 Legislative Background

- 7.1 The Race Relations Act 1976, as amended by the **Race Relations (Amendment) Act** (RRAA) in 2000, places a general duty on a range of public bodies to eliminate unlawful racial discrimination, promote equality of opportunity and promote good race relations between people of different racial groups. It also specifies that – as with many other public authorities – the funding councils, including HEFCW, and institutions within the HE sector are bound by this duty in everything they do.
- 7.2 In addition, specific duties are placed on certain bodies, including HEFCW, so that authorities responsible for the delivery of important public services have to make arrangements that will help them to meet their general duty. This includes preparing and maintaining a Race Equality Scheme (RES) and action plan.
- 7.3 The Disability Discrimination Act (DDA) 1995, amended by the **Disability Discrimination Act 2005**, imposes a number of specific statutory duties on the Council which are intended to assist all public authorities in meeting the General Duty, particularly by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. The core requirements are the preparation, implementation and publication of a three-year Disability Equality Scheme (DES) and Action Plan, and annual reporting on its progress.
- 7.4 The Equality Act 2006 amends the Sex Discrimination Act 1975 to promote gender equality. The general duty, which came into effect on 6 April 2007, places a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women. Specific duties for the **Gender Equality Duty** (GED) were introduced in England in April 2007. No timetable is yet available for the introduction of specific gender duties in Wales. We followed advice from the Equal Opportunities Commission (EOC) which recommended that public authorities in Wales prepare their Gender Equality Schemes (GES) by the April 2007 deadline in line with England. This should outline the authority's gender equality objectives and the action that is being taken to achieve them. Thirty public authorities in Wales – of which HEFCW was one – also carried out Gender Equality Duty projects in advance of the implementation date for the duty.
- 7.5 The Employment (Equality) Age Regulations 2006 came into force on 1 October 2006, making age discrimination unlawful in the UK for the first time. The Equality Act 2006 also outlaws discrimination on both the grounds of religion or belief (Employment Equality (Religion or Belief) Regulations 2003) and sexual orientation (Employment Equality (Sexual Orientation) Regulations 2003) from 30 April 2007. Public authorities in the UK also have obligations to promote and protect human rights, and all public authorities must act in a way that is compatible with the European Convention on Human Rights. This means treating individuals fairly, with dignity and respect, while also safeguarding the rights of the wider community.

8 HEFCW Equality Scheme

- 8.1 Recently the three equality commissions – Commission for Racial Equality, Disability Rights Commission and the Equal Opportunities Commission – merged to become the single Equality and Human Rights Commission (EHRC). The EHRC was established to:
- bring together equality experts to act as a single source of information and advice;
 - to be a single point of contact for individuals, businesses and the voluntary and public sectors;
 - to help businesses by promoting awareness of equality issues, which may prevent costly court and tribunal cases;
 - tackle discrimination on multiple levels - some people may face more than one type of discrimination; and
 - give previously under-represented groups, such as older people, a powerful national body to tackle discrimination.
- 8.2 With the 2006 Equality Act, there has been a legislative steer towards pan-equality approaches to this agenda and it appears that there is increasing pressure to drive forward equality more holistically than previous single, individual strand approaches.
- 8.3 After careful consideration of the different approaches and requirements of all three existing duties – disability, gender and race – we have amalgamated our schemes into a single overarching equality scheme (or ES). The aim of this document would be not simply to bring together our existing equality schemes and action plans, but also to provide information on our work in the areas of age, religion or belief and sexual orientation and equality more generally.
- 8.4 Although there are similarities within the different strands of equalities legislation, there are also significant differences in the current statutory obligations that need to be met. Differences exist between the duties on implementation dates, gathering information, action plans, objective setting, reporting arrangements and consultation and involvement, as well as HEFCW's monitoring role. We ensure that while we co-ordinate our equalities work wherever possible – particularly to promote a unified approach, cross-strand working and address multiple identities – each equality strand retains its own distinct identity within the ES, ensuring that we do not lose sight of the individual requirements of the legislation.
- 8.5 We have approached HEFCE, SFC and the Welsh Assembly Government, all of whom have produced – or are currently in the process of producing – their own ESs, to seek their views and guidance to aid the development of our own scheme.
- 8.6 Following Council's comments and approval, the scheme will then be impact assessed and put out for public consultation for four weeks in March 2008.

9 Advantages and Disadvantages

- 9.1 In October 2007 the Equality Challenge Unit (ECU) published a briefing on single Equality Schemes. Within this document the ECU summarised the advantages and disadvantages of an ES as follows:

Advantages	Disadvantages
Can help to rationalise processes in relation to the race, disability and gender duties	Risk that the specific legal requirements in relation to race, disability and gender are not properly complied with
Can facilitate the identification of meaningful equality priorities	Possibility that the differences and distinctive mechanisms of the equality strands may be underplayed and watered down
Can make it easier to align equality objectives with an institution's overall strategic plans	The differences in legal requirements may create a hierarchy of interests in equality strands
Can help to ensure that multiple identities are explicitly taken into account	It may not be possible to identify easily who is responsible for the scheme
Can demonstrate the commonality of experience of different equality groups	Varying timetable in relation to implementation of policies/schemes may lead to confusion in strategic planning
Can help to make it easier to engage staff in the content and delivery of the scheme	May make it more difficult for staff to administer one document effectively across an institution

Source: ECU Briefing - The Production of Single Equality Schemes, November 2007

10 Action Plans

- 10.1 In line with current legislative requirements (detailed 7.1-7.5) we presently produce three different action plans – one for Disability (updated annually in December), one for Gender (updated annually in April) and one for Race (updated annually in June).
- 10.2 To complement the streamlining of our equality schemes, we will be combining all three of our equality action plans into one, single document whilst continuing to be mindful of the requirements of the individual duties and reporting by way of our Equality and Diversity Report, published annually in December. The ECU advises that a single equality action plan must report on its disability actions for the period December 2006-2009, and, in line with the legislation in England, gender actions should be reviewed at least once every three years from April 2007.
- 10.3 Outcome/progress reports on our equality action plan can be found at http://www.hefcw.ac.uk/About_Us/equal_opportunities.htm.

11 Financial Implications

- 11.1 There are no direct financial implications arising from this paper. Various funding streams, already approved by Council, cover the costs of equality and diversity policy matters, including support for the UK Equality Challenge Unit (ECU). The Disability and Diversity Co-ordination budget line covers the Co-ordinator post and related costs. Requests for the scheme in accessible formats, such as Braille, electronic/audio CD, or in community languages can also be met by the Disability and Diversity Co-ordination budget line.

12 Communications Implications

- 12.1 The final Equality Scheme will be published and clearly identifiable on HEFCW's web site.
- 12.2 We will need to ensure that the scheme is available in a variety of formats – online, large print and, on request, on electronic CD – to ensure that these documents are accessible to people with visual impairments and/or learning difficulties. The report should also be available in Welsh, as per our Welsh Language Scheme. The anticipated cost of transcribing these materials annually would be minimal and could be produced on request and in a timely manner.

13 Equality and Diversity Implications

- 13.1 All strands of equality legislation intend to foster and develop equality and celebrate diversity. The document aims to not only report on our activities under our existing equality schemes and action plans, but also provide information, where applicable, on our work in the areas of age, religion and belief, sexual orientation and equality more generally, while also detailing our intentions to go beyond mere compliance of the legislation. This means that, wherever possible, issues pertaining to one equality strand should link in with and complement other equality policies, functions and procedures including those outside of dedicated legislative frameworks.
- 13.2 The Equality Scheme will be screened in line with our Impact Assessment procedures and we will actively gather comment and involvement from internal and external stakeholders. It is likely that this document will require a full Equality Impact Assessment.

14 Risk Assessment

Risk	Action to Address Risk
Amalgamating the schemes improperly may leave HEFCW at risk of litigation	Ensure that good practice guidelines are sought and reflected in final scheme, and put scheme out to external consultation in line with our Equality Impact Assessment procedures.
Dealing separately with each of	Engaging with all strands in a

Risk	Action to Address Risk
these six equality strands can risk leading to an emphasis on bureaucracy rather than action ¹	coherent and holistic way can reduce bureaucracy, encourage effective implementation, and most importantly ensure that equality is properly mainstreamed into core institutional activities. ²
Not producing and updating our Disability Equality Scheme, Gender Equality Scheme or Race Equality Scheme and/or Action Plans will leave the HEFCW vulnerable to legal action.	Updating our ES and publishing the Equality and Diversity Report annually, to include our annual monitoring, will ameliorate this risk.
Not providing the scheme in a range of accessible formats contravenes our Accessible Information Policy and may also leave the Council vulnerable to prosecution.	Transcribing the document into a variety of accessible formats on request will negate this possibility. We need to ensure there is clarity of procedures whenever we receive such a request.

¹ and ² Nicola Dandridge 2007, Equality Challenge Unit Website