

For contributions

Reporting Period is December 2014 – December 2018

Name of Public Sector Body: Higher Education Funding Council for Wales

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a) 1-2 page overview of key achievements in implementing the public sector equality duty, outlining progress made against the three arms of the PSED:

The Higher Education Funding Council for Wales (HEFCW) is a Welsh Government Sponsored Body, established under the Further and Higher Education Act 1992. As the public body that sits between universities and the Welsh Government, we regulate fee levels at higher education (HE) providers, ensure a framework is in place for assessing the quality of higher education and scrutinise the performance of universities and other designated providers. We distribute resources for higher education teaching and research, and help to deliver Welsh Government priorities for higher education for the wider benefit of society and the economy.

The Higher Education (Wales) Act 2015 (the 2015 Act), sets out HEFCW's enhanced role as 'regulator' of higher education providers in Wales. The 2015 Act provides HEFCW with specific duties relating to: monitoring higher education institutions' compliance with fee and access plans; assessing the quality of education; ensuring institutions' compliance with the Financial Management Code; and providing relevant information and advice to Welsh Ministers. HEFCW's vision, aims and strategic objectives are set out in our corporate documents.

HEFCW's consideration of equality and diversity needs is conducted from the perspectives of being an employer, as well as working with higher education providers as employers and in their relationships with their students.

To meet the general and specific duties HEFCW has:

- created an evidence base relevant to our internal and external functions
- engaged relevant people
- assessed the impact of policies and practices
- introduced gender pay gap reporting
- developed equality objectives
- reported annually on compliance with the duty
- embedded equality into all our functions

Detailed below are two examples of achievements that shows progress made against the three arms of the Public Sector Equality Duty.

Example 1

Universities Fee and Access plans promote Equality of Opportunity

HEFCW Fee and access plan guidance

Any institution that wishes for its courses to be automatically designated for student support is required to submit a fee and access plan for HEFCW approval. A fee and access plan must set out the objectives of an institution as they relate to equality of opportunity and the promotion of higher education and we are developing our approach to the process, through our guidance, year on year.

HEFCW's guidance on fee and access plans for 2017/18 stated that applicants should set out clearly how commitments in an institution's fee and access plan are consistent with, and support as appropriate, its strategic planning documents, including the Strategic Equality Plan

In 2018 /19 HEFCW's guidance stated in relation to equality of opportunity, there should be a clear line of sight between under-represented groups identified and targets that will measure progress in improving their representation in HE. In considering targets for under-represented groups, applicants may wish to include targets relating to attracting, retaining and/or supporting people with protected characteristics where they are under-represented in their institution or in higher education more generally, and to note how this aligns with Strategic Equality Plans or equivalent commitments to equality and diversity.

Example 2 Gender reassignment

In 2015 /16 HEFCW assessed formal policies, practices and initiatives around how disclosure is undertaken by the higher education sector in relation to gender reassignment

HEFCW officers conducted a desk-based review of universities' support for transgender students. The review concluded that all institutions provided online information and guidance specifically aimed at raising awareness of gender reassignment issues. Often information was included within the universities' LGBT webpages where contacts and resources were also provided. A number of institutions, as part of the academic year, included days promoting awareness of gender reassignment issues. Some institutions, when building new premises or adapting existing buildings, have installed gender-neutral toilets. Some have included specific sections on using inclusive language in their code of practice and transgender actions in their Strategic Equality Plans. One institution provided tailored support for people considering transitioning, with counselling, health and well-being services offered and time off for staff or students undergoing medical and surgical procedures. Commonly, a zero tolerance policy on transphobia has been implemented at Welsh HE providers who seek to promote tolerance and diversity.

The October 2015 Equality Challenge Unit (ECU) Welsh Liaison Group meeting of ECU staff, university equality and Human Resources (HR) representatives and HEFCW considered the benefit of some consistent published guidance from the ECU on gender reassignment to inform university policies, practices and initiatives.

In November 2016 the [ECU published guidance on trans gender](#) issues aimed at staff and students in higher education institutions across the UK, Trans staff and students in HE and colleges: improving experiences.

b) Trends and challenges relating to one or more aspects of equality identified in the reporting period. If there is felt to be a lack of progress in a certain sphere, please state what the obstacles and challenges have been and identify potential solutions where possible

HEFCW monitors internal staff data for all protected characteristics. We also monitor University staff and student data that is published through the Higher Education Statistical Agency (HESA).

An example of a trend that has been highlighted in this year annual equality report is the increase of students declaring themselves as having mental health conditions.

- **Brief outline on your observations of the trend.**

Analysis of characteristics of students at Welsh higher education providers for the academic years 2014/15 to 2016/17 shows the number of students declaring themselves as having a mental health condition, such as depression, schizophrenia or anxiety disorder increased by 54%, and as having a social/communication impairment such as Asperger's syndrome/other autistic spectrum disorder increased by 43%. These remain small numbers but the percentage increases are high.

- **Does it affect one or more protected group?**

Yes, mental health conditions intersect with other protected characteristics.

- **Is the impact positive or negative?**

Student's declaration of mental health conditions can be seen as both a positive and negative.

Positive in terms that students feel comfortable to disclose mental health conditions and are not being stigmatised as a result.

Negative in terms of students not being well enough to continue their studies, possible increase in funding used by Universities to support students with mental health conditions and possible media portrayal that Universities are unhealthy places.

Universities have a range of support mechanisms in place to assist students with mental health issues in terms of educational outcomes, whilst referring as appropriate to National Health Service (NHS) and social services where students are unable to undertake and complete their educational study.

HEFCW is working closely with representatives from higher education to consider possible collaborative actions at national level (see also 'Step Change' below).

Challenges:

University Gender Pay Gap reporting

- Brief outline on your observations/evidence of the challenge.

Universities are autonomous bodies which are covered by PSED but are not public bodies. University Gender Pay Gap reporting in Wales is therefore variable in terms of the methodology used, whilst meeting the PSED requirements. Cardiff University has voluntarily opted to use a similar mechanism to that utilised by universities in England to provide a standardised approach. Other universities in Wales have adopted different approaches. HEFCW is considering issuing guidance for Welsh Universities to use the same methodology used by English universities, in the March 2019 equality annual reporting cycle.

- **Does it affect one or more protected group?**
The reporting currently only covers only gender.
- **Is it specific to your work remit/area or is it more generic?**
This is classed as a generic area of HEFCW's work.
- **Is it related to a particular specific equality duty, for example, engagement or collating relevant information?**
Yes, pay gap reporting is covered under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, regulation 11.
- **What is a potential solution?**
There are two possible solutions:
 1. HEFCW or the EHRC to issue sector guidance for Universities to use a similar methodology as that used in England, to provide consistent reporting.
 2. Welsh Government to amend the Welsh Public Sector Equality Duty to reflect a standardised approach in reporting pay gaps.
- **Have you tested the solution within your organisation?**
Yes, this year HEFCW used the English gender pay gap reporting methodology for internal staff, and published the results.
- **Additional challenge**
Alignment of the equality annual reporting requirements and Well-being of Future Generations (Wales) Act 2015.

The Welsh duty requires HEFCW to publish the equality annual report by 31 March. There is also a requirement for HEFCW to publish a Well-being of Future Generations annual report, which in 2019 will be embedded into HEFCW's organisational annual reporting timetable, usually finalised in September each year.

A more flexible approach to equality annual reporting would enable the equality reporting to be embed into HEFCW's organisational reporting timeframes. This approach would also be beneficial for Universities who operate on an academic timetable and find the 31 March equality reporting timeframe out of sync with University operational cycle.

c) Examples of any research that has been undertaken and other sources of evidence utilised to fulfil the PSED.

HEFCW have contributed to a range of research and publications, which supports equality and diversity.

Research

HEFCW part-fund the work of the Equality Challenge Unit (ECU). In March 2018, the Equality Challenge Unit, the Higher Education Academy and the Leadership Foundation for Higher Education merged to become [Advance HE](#).

Over the reporting period the ECU/Advance HE have published a range of literature that supports HEFCW and Universities in advancing equality and diversity across the HE sector.

The ECU/ Advance HE owns and manages the [Athena Swan charter mark](#). Six universities in Wales have attained the bronze charter mark. The charter mark recognises universities' work to advance the representation of women in science, technology, engineering, mathematics and medicine. The [ECU Athena Swan evaluation in 2011](#) identified the positive impact of the award on organisational structures and cultural change in HEIs, with increases in the proportion of women, better representation of women on committees, improvements in transition from postdoctoral research to first academic posts, working practices and supporting women's career progression and growth in women's networking.

Research conducted

Example 1

[GENDER-NET analysis report: award schemes, gender equality and structural change Published: 19/11/2015](#)

- High level summary of the purpose of the research and the outcome / conclusion reached.

The research, which comprised interviews with key people involved in award applications at institutions and award scheme programme sponsors and managers, looked at gender equality award schemes in the research sector in Europe, as well as some international schemes. The report explores whether it would be desirable, and how it might be possible, to create a transnational gender equality award to achieve gender equality in research careers.

- Brief explanation on what use has subsequently been made of the research, if any (for example, inform policy / spending decision).

The report shows that the evidence is in favour of the development of a transnational award scheme, and recommends that a joint transnational award or incentive on gender equality be developed jointly by representatives from across Europe, with regard to: conditionality of EU-level funding to holding the transnational award; a focus on gender and specificity to research and higher education; appropriate resourcing for sustainability; and consideration of extending existing successful award schemes (eg ECU's Athena SWAN Charter) Europe-wide to maximise impact.

Based on the recommendations, work is being done in the GENDER-NET project to develop a possible framework for a transnational award. This will also include consideration of whether the award scheme should include the integration of gender analysis in research contents and programmes, based on other work carried out in the GENDER-NET project

Example 2

- Title of research and date undertaken, together with links to where it has been published.

[Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#)

[Guidance for higher education institutions: how to handle alleged student misconduct](#)

[Changing the culture: one year on – An assessment of strategies to tackle sexual misconduct, hate crime and harassment affecting university students](#)

- High level summary of the purpose of the research and the outcome / conclusion reached.

HEFCW worked collaboratively with Universities UK (UUK) and other UK funding bodies and part-funded a report which presents the independent research assessing strategies to tackle sexual misconduct, hate crime and harassment affecting university students. Some of the key findings from the qualitative research study are given below:

Significant but highly variable progress appears to have been made across the higher education sector in tackling student-to-student sexual misconduct since the Taskforce's report was published in 2016. The majority of the 20 participating providers in the study are in the process of implementing, or have already implemented, improved preventative strategies designed to raise awareness and encourage reporting, through student and staff training, and revised reporting systems and support for students when disclosures are made. However, seven of the 20 are at a considerably earlier stage of developing policy and practice in this area than the others.

Progress has been driven among participating providers by the momentum created by the UUK Taskforce's recommendations and the surrounding publicity and dissemination activities. Most of the participating providers have also reviewed and are in the process of enhancing their disciplinary processes and procedures to comply with the framework set out in [new guidance](#), which requires substantial changes to be made.

A great deal of good emerging practice is evident and UUK has been active both in its own well-received thought leadership in this area, and in facilitating the sharing and dissemination of this emerging good practice and additional briefing notes and guidance across the sector.

To date, the majority of higher education providers have focussed predominantly on tackling student sexual misconduct. Tackling hate crime and harassment tends to have a lower profile and priority status within most providers in the study, compared with efforts to address student-to-student sexual misconduct and violence against women in particular. Most cover other forms of harassment as part of general misconduct policies and processes, and via equality statements. Generally, hate crime and harassment has not been the primary focus of enhanced preventive strategies, such as awareness raising campaigns and training, or of improved reporting strategies. This is beginning to change, and some providers have begun tackling it relatively recently. Nonetheless, the findings suggest that tackling these issues will require further support and time to achieve the same level of prominence and effort to drive change.

Handling reports of alleged incidents of staff-to-student sexual misconduct tend to be within the remit of human resources (HR) departments, rather than student support or similar functions within higher education providers, which in most cases handle student-to-student misconduct. There is far less evidence among the participating providers of new prevention and responsive strategies being developed to address staff-to-student sexual misconduct in the same way as those addressing student misconduct. Moreover, the results of the study suggest that students are less clear about how and where to report incidents of staff-to-student misconduct and seek support, than they are in the case of student-to-student misconduct. The ongoing efforts of various lobbying and campaign groups along with further work by UUK in this area are likely to continue to raise awareness of this issue.

Providers report barriers to progress where further support would be helpful including in areas such as: the sustainability of funding for resources and initiatives; the extent to which training for students and academic staff can be rolled out widely enough across larger providers particularly to make a difference; providers' concerns over their ability to deal with high volumes of disclosures being made where awareness raising and improved reporting mechanisms bring this about; the need for better clarity and a consistent approach across providers in particular aspects of handling disclosures and providing support to students; and in some cases concerns over the risks around potential future appeals and challenges to disciplinary panels' decisions.

- Brief explanation on what use has subsequently been made of the research, if any (for example, inform policy / spending decision).

The research was presented to the Welsh Higher Education Equality Liaison Group, to support University policy development.

- Recent publications (2018) that support the Welsh Universities in promoting and delivering the PSED.

ECU / Advance HE

[Research insight - The experiences of lesbian, gay and bisexual staff in UK higher education.](#)

[Public sector equality duty: specific duties for Wales Implications for higher education institutions](#)

[Equality in higher education: statistical report 2018](#)

[An inclusive approach to careers advice and guidance for disabled students](#)

[Intersectional approaches to equality and diversity](#)

<https://www.universitiesuk.ac.uk/stepchange>

[UUK Guidance for universities on preventing student suicides](#)

d) Actions you are taking to promote and advance gender equality in your organisation.

Please provide:

- **Details of actions you are taking to promote gender equality.**

In making advances, HEFCW continues to undertake anonymous recruitment, where personal details are removed to minimise bias as far as

possible. HEFCW also has a number of work life balance policies which support and encourage employees. We have flexitime, homeworking and flexible working patterns, along with supportive special leave policies. These support our staff in being able to have both the desired work life balance as well as furthering their career, whilst meeting work expectations.

- **Details of your organisation's gender pay differences.**

HEFCW's mean gender pay gap of 3.3% is encouraging as it is significantly lower than the national percentage. The median gender pay gap of -23.4% demonstrates better how HEFCW employs more women than men and how, at the mid-point, females are earning more. The total number of staff employed in March 2017 was 46. At that scale, data analysed into quartiles are susceptible to distortion because of the impact of individual salaries. This largely explains the difference between the mean and median values. In fact, there are more female employees than male in our Management Team and more males than females on our lowest grade. All staff, apart from the Chief Executive, are on standardised salary scales, which have limited incremental points, and no staff receive bonus payments. The figures in each of the quartiles demonstrates the greater number of females employed, with the highest proportion in the Upper Middle quartile.

This is the first year that the calculation has been carried out and it will be interesting to review the position for 31 March 2018 and future years to track any changes and put in place any mechanisms required to continue to build a diverse and inclusive workplace

- **Links to where your pay differences are published online**

HEFCW's gender pay gap reporting has been included in the 2016 -17 [equality annual report](#) (annex Annex A iii) and published on 31 March 2018 via the HEFCW website.