



HEFCW Equality Scheme 2008-2010

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Foreword

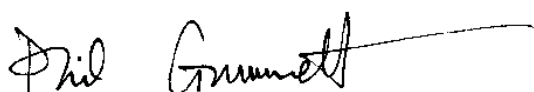
This is HEFCW's first single Equality Scheme, covering the period 2008-10. It sets out plans for meeting HEFCW's statutory responsibilities with regard to the 2000 Race Relations Amendment Act, the 2005 Disability Discrimination Act and the 2006 Equality Act. However, our aims extend well beyond mere compliance.

As the body which funds higher education in universities and colleges in Wales, we recognise the huge benefits which can be gained from improving diversity in the education system and, in particular, in higher education. These are benefits both for the educational institutions themselves and also for the wider economy and society of Wales and beyond.

Higher education institutions have traditionally attracted a diverse range of applicants. We work closely with the institutions to ensure that they are working to secure equality of opportunity for both their students and their staff. This requires action over a wide range of areas and effective coordination. We will monitor institutional actions and sector performance but we will also provide support to enable improvements in sector performance in equality.

In addition, we recognise the work which we need to do as an employer ourselves to improve diversity and to eradicate discrimination and this scheme sets out how we will take forward our employment duty.

We have involved a range of stakeholders throughout the development of our scheme and understand that we must continue to engage people. We see this scheme as an evolving document and we welcome comments and feedback which will assist us in reviewing the scheme and developing our action plan. Please address any comments to Vikki Burge, Disability and Diversity Co-ordinator, HEFCW.



Professor Phil Gummatt
Chief Executive

Who We Are

The Higher Education Funding Council for Wales (HEFCW) is an Assembly Government Sponsored Body, established in May 1992 under the Further and Higher Education Act 1992. We assumed responsibility for funding higher education in Wales in April 1993. We administer funds made available by the Welsh Assembly Government to support education, research and associated activities at eleven higher education institutions and the Open University in Wales. We also provide funds for prescribed higher education courses at further education colleges.

HEFCW is also responsible, under the Education Act 1994, for funding initial teacher training for schoolteachers and accrediting providers of initial teacher training. In addition to our funding responsibilities, we provide advice to the Welsh Assembly Government on the funding needs, aspirations and concerns of the higher education sector in Wales.

We receive an annual remit from the Welsh Assembly which sets out the funding for the higher education sector for the following year, together with associated student numbers. It also sets out the tasks expected of us during the year, with reporting dates.

Our Strategic Aims

Our mission is to promote internationally excellent higher education in Wales, for the benefit of individuals, society and the economy, in Wales and more widely.

Working with partners, we deploy funds from the Assembly and others in order to:

- secure higher education learning and research of the highest quality;
- maximise the contribution of higher education to the culture, society and economy of Wales;
- ensure high quality, accredited teacher training provision across Wales.

In all that we do, we are committed to maintaining and upholding the enduring core higher education values of:

Scholarship and Learning

Sustaining a culture which demands disciplined thinking and intellectual integrity, encourages curiosity, challenges existing ideas and generates new ones.

Civic responsibility

Playing a major role in encouraging good citizenship and in shaping a democratic, inclusive society founded on respect for the rights of the individual and their responsibilities to society as a whole.

Lifelong learning

Enabling individuals to develop their capabilities to their highest potential throughout life.

Sustainability

Working to ensure that the sector develops structurally in a manner that best supports the delivery of the strategic aims and remains internationally competitive.

We have seven strategic aims as follows:

1) Reaching Wider: delivering wider participation and access in support of social inclusion and economic upskilling

We wish to see institutions working collaboratively within the sector and with other parts of the education system and the voluntary sector to improve access for those from communities and groups with a record of low participation in HE.

2) The 'Deal for Students': delivering the highest quality learning and related support

We wish to see a higher education sector which compares favourably with the rest of the UK and overseas providing higher quality learning and teaching.

3) Research Excellence: delivering improved research performance to underpin the knowledge economy and cultural and social renewal

Research is essential for the creation of knowledge and for wealth creation through the application of that knowledge HEFCW's principal aim is to ensure that the research base in Wales is of a quality which compares favourably with the rest of the UK and internationally. This is important both from the point of view of the standing of the Welsh higher education sector, and in order to

enable Welsh higher education institutions to contribute fully to the economy, culture and society of Wales.

4) Benefiting Society and the Economy: delivering more productive relationships between higher education institutions and the public and private sectors, other agencies and local communities

So that the sector:

- Stands well in comparison with others in terms of economic, social and cultural activity; and
- Engages actively and fully with communities, businesses and the public sector in pursuit of the Assembly's core economic and social goals

5) Initial Teacher Training: delivering newly qualified teachers of high quality

We wish to contribute to the Assembly's overall policies and strategy for learning in schools in Wales.

6) Making it Work: The HE Sector in Wales: A strong emphasis on reconfiguration, collaboration, and other measures to sustain improved performance of individual institutions and the HE system as a whole.

A higher education system that, through individual and collaborative activity, offers diverse provision, is widely recognised as serving the needs of Wales, and is competitive at least on a UK-scale.

7) Making It Work: HEFCW

Being an effective public sector body by:

- having the capability and infrastructure that enables us to work effectively internally and with all our stakeholders and partners (especially Welsh Assembly Government and the HE sector in Wales)
- Being an employer of choice.

We identify detailed actions for each of the above strategic aims in our Corporate Strategy & Corporate and Operational Plan (our current Plan can be downloaded from our website). The Plan includes, inter alia, a number of long-term objectives and specific actions relating to equalities and diversity.

Why Have a Single Equality Scheme?

Like other public authorities, HEFCW is required under current legislation to promote equality in the areas of disability, gender and race – collectively referred to as the general duties to promote equality. In addition, we have a number of specific obligations under the legislation. These include a requirement to publish an annual report, including details of the outcomes of monitoring.

With the 2006 Equality Act, and the merging of the Commission for Racial Equality, Disability Rights Commission and the Equal Opportunities Commission into the single Equality and Human Rights Commission (EHRC), there has been a legislative steer towards pan-equality approaches. In this context we have produced this single Equality Scheme (ES). By detailing our commitment to equality and diversity within a single scheme, we aim to provide our staff and 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.

In drafting this single ES, we aim not only to bring together our existing, separate equality schemes and action plans for disability, gender and race, but also to provide information on our developmental work in newer areas of equality, namely age, religion and belief, sexual orientation, and equality more generally. Our single ES therefore goes beyond mere compliance with the current legislation covering disability, gender and race. By engaging with all strands in a coherent and holistic way we hope to reduce bureaucracy, encourage effective implementation, and most importantly ensure that equality is properly mainstreamed into our core activities.

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 in relation to HEFCW's sector 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.

HEFCW's Council is accountable for the operation of the schemes while HEFCW's Management Board has a responsibility to monitor that operation, with the detailed work delegated to its Equality and Diversity Group (EDG).

We are publishing this ES just as the UK government has announced its intention to include a new Equality Bill in the Queen's speech in November 2008, with subsequent publication in Spring 2009. Also there the Welsh Assembly Government has yet to confirm the timetable for the introduction of specific gender duties in Wales (currently the specific duties only apply in England). We will be monitoring developments closely and consider what they mean for both our action plan and the future development of our ES.

The structure of our ES is as follows. Overleaf is a summary table, 'Equality Legislation Overview', which sets out brief details of the general and specific duties in relation to race, disability, and gender. This is followed by a separate section on each of the three strands which provide:

- further information on the underpinning legislation, and its implications for HEFCW as a public body; and
- details of our work in supporting / monitoring the sector in this area.

In a section entitled 'Pan Equality Themes' we set out what we have already done, or are planning to do, with respect to projects and initiatives that span two equality strands or more.

The various Annexes to the ES cover reference to our Equality Action Plan, Relevance of Functions and Policies, details our Equality Impact Assessment documentation and our Equal Pay Audit.

Complementing this ES, we have produced an integrated Equality Action Plan which covers in detail our planned activities in relation to the race, disability, and gender equality duties. This document is updated annually and can be downloaded in full from our website at

http://www.hefcw.ac.uk/About_Us/equal_opportunities.html.

Equality Legislation Overview

Meeting the General Duties			
	Race	Disability	Gender
General Duty came into force:	31 May 2002	4 December 2006	6 April 2007
Requires HEIs and Public Authorities to give due regards to the need to:	Eliminate unlawful discrimination		
			(including in relation to gender reassignment)
		Eliminate unlawful harassment on the grounds of disability and gender	
	Promote equality of opportunity and good relations between persons of different racial groups, disabled persons and other persons, and men and women		
		<p>In relation to disability:</p> <ul style="list-style-type: none"> = encourage participation by disabled persons in public life = promote positive attitudes towards disabled persons = take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably 	

Meeting the Specific Duties			
	Race	Disability	Gender
Develop a scheme/policy to explain how the general and specific duties will be met:	Race Equality Scheme	Disability Equality Scheme	There is currently no specific requirement for a Gender Equality Scheme in Wales
	Single Equality Scheme		
Involve/consult relevant stakeholders (including staff, students, visitors, trade union members/officials, staff and student associations):	Consult and involve people from minority ethnic backgrounds, as implied in the need to conduct impact assessments	Actively involve a diverse range of disabled people, and include in the scheme a statement of how disabled people have been involved in its development	Consult women and men
Monitor – gather, analyse and act on data and information:	Monitor the recruitment, career progress/development and retention of staff. HEIs should also monitor the admission, progress and attainment of students and the educational opportunities available to them		Gather and use information on how policies and practices affect gender equality in the workforce in the delivery of services (including education).

Tables from Legislative Requirements Checklist for Single Equality Schemes, Equality Challenge Unit (ECU), November 2007 and used with permission.

Disability Equality

Legislative Background

The Disability Discrimination Act (DDA) 1995, amended by the Disability Discrimination Act 2005, places a statutory General Duty (sometimes referred to as the Disability Equality Duty or DED) on all public authorities to promote disability equality. This means that public authorities must, in carrying out all functions, have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons;
- eliminate discrimination that is unlawful under the Act;
- eliminate harassment of disabled persons that is related to their disabilities;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Although we have not been given additional duties to monitor the HE sector with regard to disability equality, HEFCW recognises that promoting disability equality will improve services for all. Our aim is to make equality a central part of the way HEFCW and the HE sector in Wales works by putting it at the core of our activities.

In addition to the general duties outlined above, the Disability Discrimination Act 2005 imposes a number of specific statutory duties on HEFCW. These are intended to assist public authorities in meeting the General Duty, in particular 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 and publication of a Disability Equality Scheme;
- Implementation of the Disability Equality Scheme (via an action plan in the scheme); and
- Annual reporting, including outcomes of monitoring.

HEFCW's Equality Scheme aims to meet these requirements and contribute to promoting good equality practices and working relationships with institutions in order to meet the needs of disabled people across the HE sector. This Scheme sets out our overall objectives for improving and addressing disability inequalities and the action plan for delivering improvements to access and services. It will therefore help us to achieve a number of objectives:

- To meet the requirements of the Disability Discrimination Act and set out our plans to improve equality of opportunity in higher education in Wales – for staff and students – as well as our own staff;
- Make sure that we are taking the needs and views of disabled people into account when we make access improvements or develop policies; and
- Continuously monitor and improve the ways in which we deliver our activities to disabled people.

HEFCW subscribes to the social model of disability which recognises that the poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal or environmental barriers¹.

HEFCW and the HE Sector

Although HEFCW recognises that, at present, disabled people do not have the same opportunities or choices as non-disabled people², higher education institutions demonstrate their commitment to equality of opportunity in many ways, and not least through their strategies for disabled students. HEIs welcome enquiries and applications from disabled students, and help disabled students participate fully in university life through promoting a fair and inclusive learning and living environment. Institutions cannot by law discriminate against disabled people – including prospective students and staff – on the grounds of their disability and are required to make reasonable adjustments to policies, courses, buildings and services to ensure disabled students are not disadvantaged.

¹ and ³ The Duty to Promote Disability Equality, Statutory Code of Practice, DRC

The Disabled Students' Allowance (DSA) helps full- and part-time undergraduate and postgraduate students with the extra costs they incur as a result of their disability when attending their course and is administered by Local Authorities. The tables below summarise the latest position on the number of HE students in receipt of the DSA across the UK and also on the number of disabled Welsh students studying in Welsh institutions.

	Total full-time first degree students	Number in receipt of DSA	<i>Percent in receipt of DSA</i>	Total full-time undergraduate students	Number in receipt of DSA	<i>Percent in receipt of DSA</i>	Total part-time undergraduate students	Number in receipt of DSA	<i>Percent in receipt of DSA</i>
Total UK	1098219	42168	3.8	1232885	46511	3.8	586096	8454	1.4
Total Wales	62062	3053	4.9	66690	3243	4.9	42765	432	1.0
Total England	888772	34491	3.9	1006295	38391	3.8	495490	7546	1.5
Total Scotland	117513	3710	3.2	128748	3924	3.0	38535	360	0.9
Total Northern Ireland	29872	914	3.1	31152	953	3.1	9306	116	1.2

Source: HESA (Participation of students in higher education who are in receipt of Disabled Students' Allowance (DSA): All undergraduates 2006/07)

	2003/04		2004/05		2005/06	
	No. of students	%	No. of students	%	No. of students	%
Disabled Student's Allowance						
No known disability	123,623	93.8%	127,059	93.2%	128,935	93.2%
Disability, in receipt of DSA	3,092	2.3%	3,407	2.5%	3,872	2.8%
Disability, not in receipt of DSA	3,259	2.5%	3,910	2.9%	3,827	2.8%
Disability, information about DSA not known/not sought	1,864	1.3%	2,000	1.4%	1,757	1.2%
Disabled sub-total	8,215	6.2%	9,317	6.8%	9,456	6.8%
Total	131,838	100.0%	136,376	100.0%	138,391	100.0%

Source: HESA (Disabled Students at Welsh HEIs)

HEIs receive funding from HEFCW for the number of students in receipt of the DSA at their institution. Currently (2007/2008), this *Disability Premium* is set at £220 per eligible student in receipt of a DSA. Institutions are expected to account for the funding through developing and submitting a plan for disabled students. These plans ensure that institutions are able to prepare and make anticipatory adjustments for disabled students, and ensure continuity of services, such as specialist student support arrangements or staff training. They must be linked to an institution's overarching strategy for widening access.

We have also provided £12.2m in disability capital funding, which supported developments required to help HEIs comply with disability legislation. This funding was used for building adaptations (or other estates work) to provide adequate access or facilities for disabled students, and to buy specialist equipment, including IT equipment, to make courses more accessible to disabled students.

As well as funding, we also provide guidance in good practice. In 1997, HEFCW and the Higher Education Funding Council for England (HEFCE) published guidance on base-level provision for disabled students in HEIs. The document aimed to guide institutions on provision for disabled students, act as a benchmark for students and institutions and inform funding policy. In response to numerous requests from the sector, in 2008 the English and Welsh Funding Councils commissioned a new evaluation project, building upon the findings of the previous report. The aim is to establish what progress has been made within the sector over the last ten years, highlight the achievements of institutions and identify areas for improvement.

Involving Disabled People

We recognise that the involvement of disabled people is critical to the success of this Equality Scheme and that the DDA specifically requires us to go beyond merely consulting disabled stakeholders. Involvement will, therefore, be an ongoing activity as we develop our scheme, and guide and shape the sector.

The law defines a disabled person as someone who has a physical or mental impairment, that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities, and includes long-term medical conditions such as cancer, HIV and Multiple Sclerosis,

and we recognise that a person is no longer required to be “registered” as disabled to be protected by the DDA.

As we do not provide a direct service to the public, we have had to proactively seek contributors to help us shape and develop our scheme. We circulated a staff questionnaire which encouraged responses either signed by staff or submitted anonymously. This has given people the option to contribute without fear of reprisal or discrimination, and encouraged several members of staff with hitherto undisclosed disabilities to approach the Disability and Diversity Co-ordinator to discuss in detail their conditions and contribute towards the development of the scheme.

Those who responded expressing an interest in participating were invited to attend the Disability Equality Working Group, where an open agenda encouraged participants – consisting of both internal staff and external stakeholders – to critique the scheme and evaluate the consultation outcomes. This discussion, coupled with the visits to HEIs, has since driven and shaped the disability equality action plan.

A second questionnaire was circulated to staff a year on from the original implementation date of the DED, once again asking their thoughts and comments on the strengths and weaknesses of the scheme prior to amalgamation into the overarching Equality Scheme. Feedback was used to further develop the scheme.

We anticipate that the scheme will evolve and change over time and welcome, at any time, feedback from the sector and/or stakeholders, not just on the scheme and plan themselves but also on how we involve the views of disabled people. We continue to welcome contributions from anyone with an interest in disability, and are actively looking for involvement from disabled people to help us shape and develop this.

Gender Equality

Legislative Background

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
- promote equality of opportunity between men and women.

Despite thirty years of individual legal rights for men and women there remains widespread discrimination – both intentional and not – and persistent gender inequality. For example, women are frequently disadvantaged by policy and practices that do not recognise their greater caring responsibilities and men can be disadvantaged by workplace cultures that do not recognise a man's childcare contribution to his family³. Transsexual people, who are also protected by the duty, may be victims of harassment and discrimination. This general duty should help the public sector to identify and respond to those differences, make sure that they tackle discrimination and prevent harassment and ensure that all areas of work promote equality between men, women and transsexual people.

In addition to the general duty outlined above, the Equalities Act 2006 imposes on public authorities a number of specific statutory duties. These are intended to assist all public authorities in meeting the General Duty, in particular by setting out what they should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. The core requirements are:

- Prepare, publish and implement a Gender Equality Scheme by 30 April 2007;
- Consult employees and stakeholders as appropriate in drawing up the gender equality scheme;
- Publish the scheme setting out goals and planned outcomes;
- Monitor progress and publish annual reports on progress;

³ Equal Opportunities Commission, Gender Equality Duty Code of Practice Great Britain

- Review the scheme every three years;
- Develop and publish a policy on developing equal pay arrangements between men and women – including measures to promote equal pay, ensure fair promotion and development opportunities and tackle occupational segregation;
- Conduct and publish gender impact assessments, consulting stakeholders appropriately; and
- Develop and publish arrangements for identifying developments that justify conducting a formal gender impact assessment.

At the time of writing (July 2008), these specific duties are only applicable in England and no timetable is yet available for the introduction of specific gender duties in Wales. However, following the advice of the Equal Opportunities Commission (EOC) to public authorities in Wales we prepared our Gender Equality Schemes (GES) by the April 2007 deadline in line with England. Our GES outlined HEFCW's gender equality objectives and the action being taken to achieve them. Thirty public authorities in Wales, including HEFCW, also carried out Gender Equality Duty projects in advance of the implementation date for the duty.

HEFCW's Equality Scheme meets these requirements and contributes toward our aim of promoting good equality practices and working relationships with institutions. This scheme sets out our overall objectives for improving and addressing gender bias and the action plan for delivering improvements to gender disadvantage. It will therefore help us to achieve a number of objectives:

- meet the requirements of the Equalities Act and set out our plans to improve equality of opportunity in higher education in Wales – for staff and students – as well as our own staff;
- make sure that we are taking the needs and views of interested stakeholders into account when we make access improvements or develop policies; and
- continuously monitor and improve the ways in which we deliver our activities to ensure that there is no gender bias.

Gender Equality Objectives

In addition to the actions included in the action plan we have identified four key objectives to promoting gender parity both within the HE sector in Wales and our in own organisation.

Internal Gender Equality Objectives

Equal Pay Audit

As part of ELWa (now part of the Department for Children, Education and Lifelong Learning and Skills within the Welsh Assembly Government) in 2001/2002, we were the first public authority in Wales to complete a comprehensive equal pay audit. Our Human Resources staff worked alongside the then Equal Opportunities Commission (EOC) to undertake a full Equal Pay audit as part of the EOC's Gender Equality Duty Pilots Project. HEFCW's Equal Pay Review aimed to address the gap between men's pay and women's pay, whilst additionally examining ethnicity, disability and age as part of the review.

Full details about the audit and its outcomes can be found in **Annex A**. Our actions to take forward any issues raised by the audit can be found in our action plan.

Flexible Working Scheme Pilot

In line with our commitment to valuing diversity, HEFCW recognises that flexible working hours bring benefits to both employees and the organisation. This pilot Flexible Working Hours Policy provides arrangements for a flexible system of attendance to help employees across HEFCW to manage their daily hours of work to suit their individual needs and the needs of the organisation.

As women are frequently disadvantaged by policy and practices that do not recognise their greater caring responsibilities⁴, allowing the different pattern of their working lives through a Flexi-Working Scheme that eliminates a 'core hour' culture enables all employees with caring responsibilities greater freedom and work/life balance.

The scheme was piloted for six months and was approved after an evaluation at the end of this period by HEFCW's Management Board.

⁴ Equal Opportunities Commission, *Gender Equality Duty Code of Practice Great Britain*

External Gender Equality Objectives

Women in Senior Roles

Many Welsh women face obstacles or barriers to achieving the same opportunity as their male counterparts. These barriers include stereotyping, discrimination, the pay gap and a lack of affordable care for children and the elderly. In this context, we wish to raise awareness of equality issues in the sector to ensure that these ongoing issues are acknowledged and addressed.

Student Recruitment into non-traditional gender subjects

Following patterns in other parts of the education sector, the proportion of female students in higher education has been increasing and has now overtaken that of male students. In this context, widening access initiatives will be focussing on recruitment into non-traditional subjects - for example, encouraging females to consider traditionally male-dominated subjects e.g. maths and science, and males to consider fields such as modern foreign languages. HEIs are also aware of the need to engage disaffected young males in post-16 learning.

Progress on these gender equality objectives is reported by way of our annual Equality and Diversity Report, usually published in December.

Equal Pay Arrangements

HEFCW adheres to a clear pay policy that details our specific pay scales and staff progress through the scale based upon performance measured against key activities, objectives and behaviours. Our performance scheme is governed by a policy and guidelines to ensure that employees are rated fairly and transparently, and all line managers are trained appropriately in appraisal skills.

When a new employee joins HEFCW, their line management – advised by our HR Department – will determine the appropriate pay scale position in relation to existing staff in similar roles and at similar stages of development, and the individual's own qualifications and experience.

Additionally, we also have in place:

- An Equal Opportunities code of practice;
- An Equality and Diversity Policy;
- A Dignity and Fair Treatment at Work Policy; and
- Fair Treatment Advisers.

As part of our performance management scheme, HEFCW promotes specific values and behaviours upon which employee performance is measured, which helps to ensure that employees are treated fairly and with dignity.

Diversity training is held annually which ensures existing employees received training every other year and new staff at the next annual event.

Race Equality

Legislative Background

The 1976 Act was significantly strengthened by the Race Relations (Amendment) Act (RRAA) in 2000 as a result of recommendations that came out of the Macpherson Report on the Stephen Lawrence murder inquiry. The Council has acknowledged the need to address institutional racism and has accepted the definition given in the Macpherson Report:

'The collective failures of an organisation to provide an appropriate and professional service to people because of their colour, culture, ethnic origin, [which] can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people'.

The Race Relations Act 1976, as amended by the RRAA, 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.

The RRAA 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. The duty aims to make the promotion of racial equality central to the way public authorities work. This includes in policy and service delivery (planning, policy making, service delivery, regulation, inspection and enforcement), as well as in employment.

In addition, specific duties are placed on certain bodies, including HEFCW, so that authorities responsible for delivery of important public services have to make arrangements that will help them to meet their general duty. This included the preparation of properly timetabled and realistic plans for meeting these duties by 31 May 2002, set out in a

Race Equality Scheme and action plan. We produced our own RES by the end of May 2002 in line with legislative requirements.

This Equality Scheme sets out our arrangements for meeting both the General Duty and the Specific Duties, looking both externally, in terms of our relationship with higher education institutions in Wales, and more widely, and internally, in our role as an employer.

The General Duty

The Code of Practice on the Duty to Promote Racial Equality notes four guiding principles for public authorities

- Promoting racial equality is obligatory for all [listed] public authorities;
- Public authorities must meet the duty to promote race equality in all relevant functions;
- The weight given to race equality should be proportionate to its relevance;
- The elements of the duty are complementary (all necessary to meet the whole duty).

Race equality will be more relevant to some public functions than others. We therefore need to assess whether and how race equality is relevant to each of our functions, which may entail identifying those that involve or affect the public. A proportionate approach may mean giving greater consideration and resources to functions that could have most effect on the public and that could affect racial groups in different ways.

The three parts of the general duty (listed above) complement each other and may overlap. All three parts should be dealt with separately.

To meet our general duty we need to:

- Identify which of our functions, policies, processes and procedures are relevant to the duty;
- Set priorities and targets within these functions, as part of our plan for action, based on their race equality relevance and the potential for unlawful racial discriminatory practice to occur;
- Incorporate specific duty requirements into those functions assessed as relevant to the general duty;
- Consider how the policies, processes and procedures might be changed, where necessary, to meet the general duty, and make the changes.

We recognise that this is a continuous process, through which the Council's approach to race equality will be further developed.

Specific Duties

In addition, HEFCW is one of the public bodies that was required to produce a Race Equality Scheme by 31 May 2002, revising the scheme at least once every three years. The Race Equality Scheme must state:

- Functions and policies, or proposed policies, assessed as relevant to performance of the general duty; and
- Arrangements for
 - assessing and consulting on the likely impact of proposed policies on the promotion of race equality;
 - monitoring policies for any adverse impact on the promotion of race equality;
 - publishing the results of such assessments, consultations and monitoring;
 - ensuring public access to information and services;
 - training staff in connection with the duties imposed.

We annually assess our functions, policies and procedures for relevance to all the equality duties, including race, and use this information to inform our Equality Impact Assessment timetabling. All new policies and procedures, as well as those undergoing scheduled review/revision, are also assessed.

As part of the specific duties related to its role as employer, HEFCW is required to include in the RE Scheme arrangements for meeting its employment duty.

Staff Training

We recognise the need for appropriate training for all staff to address processes, attitudes and behaviour across our organisation.

Our arrangements for training staff responsible for managing and delivering the Council's race equality agenda as a whole are set out in the section *Pan-Equality Themes*, which details the way in which HEFCW will meet its specific employment duty.

Communication and Consultation

HEFCW's current arrangements for consultation on its policies are focused on higher education institutions. However, consultation documents are distributed widely and copies placed on the website. In addition, HEFCW is building relationships with black and ethnic minority organisations, including those related to refugees and asylum seekers, gypsies and travelers, which can contribute to policy development in higher education in Wales. HEFCW is keen to take account of good practice in consultation on race equality matters.

Our full Communication and Consultation Strategy can be downloaded from our website at

http://www.hefcw.ac.uk/About_Us/equal_opportunities.htm.

HEFCW and the HE Sector

HEFCW is required to publish data related to the performance of the higher education sector, which we use for monitoring, and this is published on the web site together with this Scheme. This data can be found on at website at the following address:

http://www.hefcw.ac.uk/About_Us/equal_opportunities.html.

As part of its monitoring role, HEFCW currently asks institutions to submit their Race Equality Annual Reports for analysis and feedback via the strategic planning process. In 2007 we also requested an additional report on proposed actions arising from the Gus John Partnership report (http://www.hefcw.ac.uk/LearningTeaching_Docs/W0740HE_circ.pdf) by November 2007. Individual feedback has been given to higher education institutions and generic feedback prepared, taking into account the responses to GJP recommendations. This too is published on our web site.

The performance of institutions is monitored by HEFCW's Equality and Diversity Group (EDG), and reported to both Management Board and Council.

Pan-Equality Themes

Legislative Background

As true equality of opportunity means more than the promotion of disability, gender and race equality, in addition to the specific duties we regard the following legislation as critical to the further development of our equality agenda:

- Employment Equality (Age) Regulations 2006;
- Employment Equality (Sexual Orientation) Regulations 2003; and
- Employment Equality (Religion or Belief) Regulations 2003.

These laws do not have positive duties to promote equality associated with them but they do apply to employment and the provision of further and higher education. We must therefore ensure that through our functions, policies and employment practices that we are not discriminating on any of these grounds.

HEFCW as an Employer

Data Gathering and Monitoring

We are committed to a policy of equality of opportunity for all and fostering a working environment that is fair, supportive and inclusive. HEFCW does not accept any form of unlawful or unfair discrimination. This includes harassment, victimisation, bullying, or discrimination on the grounds of, for example, race, colour, nationality, ethnic/national origins, religious beliefs, political opinions, marital/parental status, gender, sexual orientation, age, physical/mental disabilities, or the imposition of conditions or requirements which disadvantage individuals and which cannot be shown to be justifiable. This commitment is manifest in recruitment, selection, appraisal, training and development, pay and every other aspect of employment.

In order to meet our employment duties we undertake equality monitoring in the following areas:

- ⇒ Recruitment and Selection: initial enquiry rates; job application rates; sources of applicants; selection success rates at each stage of the recruitment and selection process (including for staff seeking promotion opportunities through fair and open competition).
- ⇒ Employment: Representation by grade and gender by team, and type of work; the numbers making use of the grievance procedure, and the outcome of those procedures; actions under and outcomes following the disciplinary procedure; dismissals, resignations and other reasons for leaving; outcomes following the performance appraisal process.
- ⇒ Training and Development: Applications for, and participation in training and development courses.

Where any detriment or benefit is found as a result of the monitoring exercises, we will, through our HR section, address the issue(s) and report on actions taken in response to the findings.

Consultation with our staff will be undertaken through the Works Council, and through other bodies such as our Equality and Diversity groups, including our EDG and Staff Equality Forum, the latter of which provides an opportunity for staff to discuss issues pertaining to them.

HEFCW undertakes regular equality monitoring of our staff and applicants. However, as a small organisation, we are sometimes not able to publish our data without identifying individuals in an inappropriate manner. Consequently, conclusions are made within HR and then fed up to the EDG, Management Board and Council for action.

Data is published on an annual basis on our website (http://www.hefcw.ac.uk/About_Us/equal_opportunities.htm), subject only to respecting HEFCW's obligation to safeguard the confidentiality of individual's data.

Staff Training

In order to foster an environment of true equality we work with staff to educate and equip them with high-quality training opportunities. In addition to routine cyclical equality and diversity training for new starters and refresher training every two years, we have also provided training for all staff right across the organisation in effective equality impact assessing and their roles and responsibilities under the equalities

legislation. Additional equality and diversity training has also been provided for our Council members.

Staff Attitude Survey

HEFCW runs an annual Staff Attitude Survey, the aim of which is to gather staff views on HEFCW as an organisation so that it can consider how to further develop and improve and identify the things that it already does well. The Survey is completely anonymous and confidential and is administered online and in house. The results are analysed and presented to the Management Board and Works Council and published to all staff.

Support for Employees

HEFCW will, over the next three years, be striving to attain the 'Two Ticks' disability symbol awarded by Jobcentre Plus to recognise us as an employer who has agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees.

We are committed to meeting, and going beyond our statutory employment duties, developing our policies and procedures to ensure the equality of opportunity for all our staff. This is supported by the HEFCW's Equality and Diversity Policy, Code of Practice on Equalities and Harassment policy, all of which are regularly reviewed and revised where necessary.

Further to this commitment to eradicate harassment and bullying in the workplace, we strive to foster a working environment that is safe, friendly and welcoming for everyone. In addition to our anti-discrimination and harassment policies, HEFCW also provides staff access to Fair Treatment Advisers. The Role of the Fair Treatment Adviser is:

- To provide a first point of contact;
- To be a source of information;
- To provide advice where behaviour is not perceived to be in line with our HEFCW Values;
- To listen to concerns in a non-judgmental way;
- To discuss issues of bullying and harassment;
- To advise of all options in line with the Bullying and Harassment Policy;
- To maintain confidentiality as far as is reasonably practicable;
- To support staff through the process, including the formal complaint process should this route be taken.

Employee Assistance Programme (EAP) Service

HEFCW also provides all staff with access to the EAP, a service that provides either telephone-based information or short-term telephone or face-to-face counselling support.

The key benefits of the EAP include:

- Completely free of charge - the service is paid for by HEFCW
- Available 24 hours a day, 7 days a week, 365 days a year - at any time of the day or night, at weekends and over bank holidays, staff are able to speak with one of EAP's professionals
- Extranet Service
- Unlimited support
- Independent, impartial source of support

The EAP can provide support on a wide range of work and personal issues. Although there is no exhaustive list, some examples include:

- Relationship problems (personal and at work)
- Financial/Debt issues
- Legal matters
- Consumer issues
- Pressure/Stress
- Anxiety/Depression
- Work overload
- Bullying
- Bereavement

Reasonable Adjustment Policy

In 2008 we developed specific guidelines for staff to inform them of our policy on disclosure and their rights under the DDA, as well as detailing the types of support available – technical aids, software, flexible working patterns/ hours, physical adjustments etc. – for disabled employees. This included an explicit Reasonable Adjustment Policy to enable an employee to formally request a reasonable adjustment under the Disability Discrimination Act.

Estates

HEFCW has undertaken a full DDA/Accessibility Audit of the HEFCW's premises. This audit will assist the Head of Estates in prioritising alterations and improvements to the physical environment of the HEFCW's offices.

Action taken in response to the Audit can be found on our Action Plan.

Procurement

HEFCW will ensure that, through its procurement policies and procedures, contractors or subcontractors providing a service to the Council are aware of their obligations to adhere to HEFCW's commitment to eliminate unlawful discrimination on the grounds of age, disability, gender, race/ethnicity, religion/belief and sexual orientation and promote equality of opportunity and good relations between all sections of society.

HEFCW and the HE Sector

Despite its small size, HEFCW deals with an array of policy initiatives related to higher education and has wide-ranging interactions with public and private bodies, both within Wales and nationally. It is important that our Equality Scheme reflects that role, the relevant legislation and the need to work closely with the HE sector in Wales.

HEFCW is committed to meeting its obligations under the legislation and, in doing so, works closely with the HE sector to develop and disseminate good practice. It will use the specific duties (including this scheme) to make equality a core issue in the development and implementation of policies and services, and evaluate and refine those approaches to advance the equality agenda, including those matters related to the employment of institutions' and its own staff. Processes and procedures to be implemented to secure this are included in the attached action plan, which is revised annually.

HEFCW will work together with funded institutions to achieve the following:

- Employment of staff, including at senior level, and increased participation in higher education from under-represented groups;
- Continued development of support systems for staff and students, including policies and procedures on discrimination and harassment;
- Establishment of base line information about the current recruitment position and setting targets for improvement;
- Development of human resources strategies which include consideration of equal opportunities issues.

The following paragraphs set out the HEFCW's view regarding the need for further action for the sector under each of its strategic aims.

Reaching Wider – delivering wider participation and access in support of social inclusion and economic upskilling.

Our work on widening access is designed to support institutions to increase the recruitment and retention of students from groups currently under-represented in higher education. We provide funding to institutions for pre-entry initiatives and aspiration-raising, as well as for student support for applicants from non-traditional backgrounds once enrolled. In addition, we fund four regional 'Reaching Wider' partnerships which facilitate collaborative approaches between institutions and with other bodies.

The 'Deal' for Students – delivering the highest quality learning and related support

All students expect the highest quality learning and related support. However, there may be particular areas of learning and teaching which impact adversely on particular groups. Institutions will be required to consider this as part of the review of their learning and teaching strategies. Part of this action will depend upon appropriate role models and support mechanisms to be introduced. These may, or may not, be similar to those required in a widening access context.

Research Excellence – delivering improved research performance to underpin the knowledge economy and cultural and social renewal

HEFCW's Research Funding method is currently considered to be of low relevance overall with regards to equality. However, issues regarding equality have been taken into account in the review of research assessment, where these arise from the wide consultation which has already taken place. In addition, matters relating to the building of research capacity will recognise the equality dimension. Matters related to the quality of support for postgraduate students will also need to take into account the equality dimension.

Benefiting the Economy and Society – delivering more productive relationships between higher education institutions and the public and private sectors, other agencies and local communities

HEFCW expects all institutions to pay due regard to this agenda and associated legislation in the preparation of their Third Mission Strategies. HEIs need to take account of issues related to equality in a wide range of third mission areas that includes (but is not restricted to): services to business; skills and employability; entrepreneurship and community/cultural engagements. Institutions are also encouraged to consider equality when developing links with the Sector Skills Councils in Wales and in their participation in HEFCW's GO Wales initiative.

Initial Teacher Training - delivering newly qualified teachers of high quality

Recruitment of teacher trainees has been challenging in some secondary subject areas in recent years and recruitment of males into primary education, even more so. Yet this is essential to provide effective role models in schools – both male and female. HEFCW has commissioned work that has looked at good practice in this area, and lessons are being learned from this work. HEFCW will continue to encourage institutions to ensure that the make-up of their course cohorts reflects the populations and schools that they serve. HEFCW will work with partners to improve recruitment, including with the sector Education Workforce Recruitment Forum Wales.

Making it Work – A strong emphasis on reconfiguration, collaboration, and other measures to sustain improved performance of individual institutions and the higher education system as a whole

In its role in monitoring institutional performance and effectiveness, the Council is concerned to ensure, as a minimum, that institutions are meeting their statutory obligations. More than this, HEFCW is keen to encourage institutions to build equal opportunities into their human resources practices. Although we appreciate that responsibility for effective implementation of equality duties cannot lie with one individual or team alone, we have identified equal opportunities as a specific feature of human resource strategies and will encourage institutions to consider gender equality matters in all HR functions.

Following a consultation circular issued in July 2005 that sought the views on future arrangements for a HEFCW-funded service to co-ordinate disability matters across HEIs in Wales, a new HEFCW Disability and Diversity Co-ordinator was appointed. The postholder provides advice and guidance to higher education institutions on their duties towards disabled students and staff, and for equality and diversity more generally. It also supports HEIs in directing their funding effectively,

fosters the development and dissemination of good practice and innovation in equality and diversity, particularly in the policies and provision for disabled students, and contributes to sector development and HEFCW policy on disability and equal opportunities in higher education.

Additionally, we fund the Equality Challenge Unit (ECU), a service that supports the higher education sector in its mission to realise the potential of all staff and students whatever their race, gender, disability, sexual orientation, religion or age, to the benefit of those individuals, higher education institutions and society. The ECU was established in 2001 to promote equality for staff employed in the higher education sector and expanded its role in 2006 to cover equality and diversity issues for students as well as staff.

The Unit is funded by Universities UK, GuildHE, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales and the Department for Employment and Learning in Northern Ireland. The Scottish Funding Council also funds the Unit to collaborate with Equality Forward in Scotland.

Equality Impact Assessments

Public Authorities have a legal responsibility to assess the impact of their policies on equality groups, and to set out how they will monitor or address any possible negative impact.

The purpose of an impact assessment is to improve the work of HEFCW by making sure we do not discriminate in our services, functions, policies and employment and, where possible, we do all we can to promote equality and good relations between different groups. It also assists those of us drafting policy to carefully consider the likely impact of our work and take action to improve it and ensure that, as far as possible, we eliminate any negative consequences. The more attention paid to impact assessing, the more likely it is that the policy will be successful.

To understand why Equality Impact Assessments (EIAs) are necessary requires an understanding that equality is **not** about treating everybody the same. In some instances, you may be required to treat some groups of individuals differently in order for them to achieve parity or the same outcome. Conducting EIAs is a way to safeguard our policies, functions, procedures and strategies and ensure that we do not intentionally or

unintentionally discriminate against anyone, or put them at a disadvantage. An EIA is a way to make sure that individuals and teams think carefully about the likely impact of policies or procedures, strategies, functions and services, to identify any unmet needs, and to provide a basis for action to improve services where appropriate.

Completing an EIA is not dissimilar to working through a Risk Assessment as it involves anticipating and assessing the implications of a policy, strategy, procedure or function on a wide range of different individuals. They should not be carried out in isolation and should involve the advice and support of others, including internal and external stakeholders. It systematically assesses and records the actual, potential or likely impact of a policy – or a significant change in a policy – on different groups of individuals. The consequences of policies and projects on particular groups are analysed and anticipated so that, as far as possible, any negative consequences can be eliminated or minimised and opportunities for ensuring equality can be maximised.

Our Equality Impact Assessment documentation, both for screening and full impact assessments, can be found in **Annexes B and C** of this document.

We also examine the implications for diversity and equal opportunities for each paper submitted to our Council and Management Board, seeking assurance that the proposals do not disadvantage particular groups, and confirmation that they include positive actions to ensure the equal rights of such groups.

In addition to reviewing our list of Functions and Policies (more details of which can be located in **Annex D** of this document) we have developed internal guidance and documentation to assist staff. Working closely with Heads of Teams we have identified our policies and procedures and devised a timetable to impact assess them accordingly. Our screening outcomes, and any pending public impact assessments, can be found on our website at

http://www.hefcw.ac.uk/About_Us/equal_opportunities.htm.

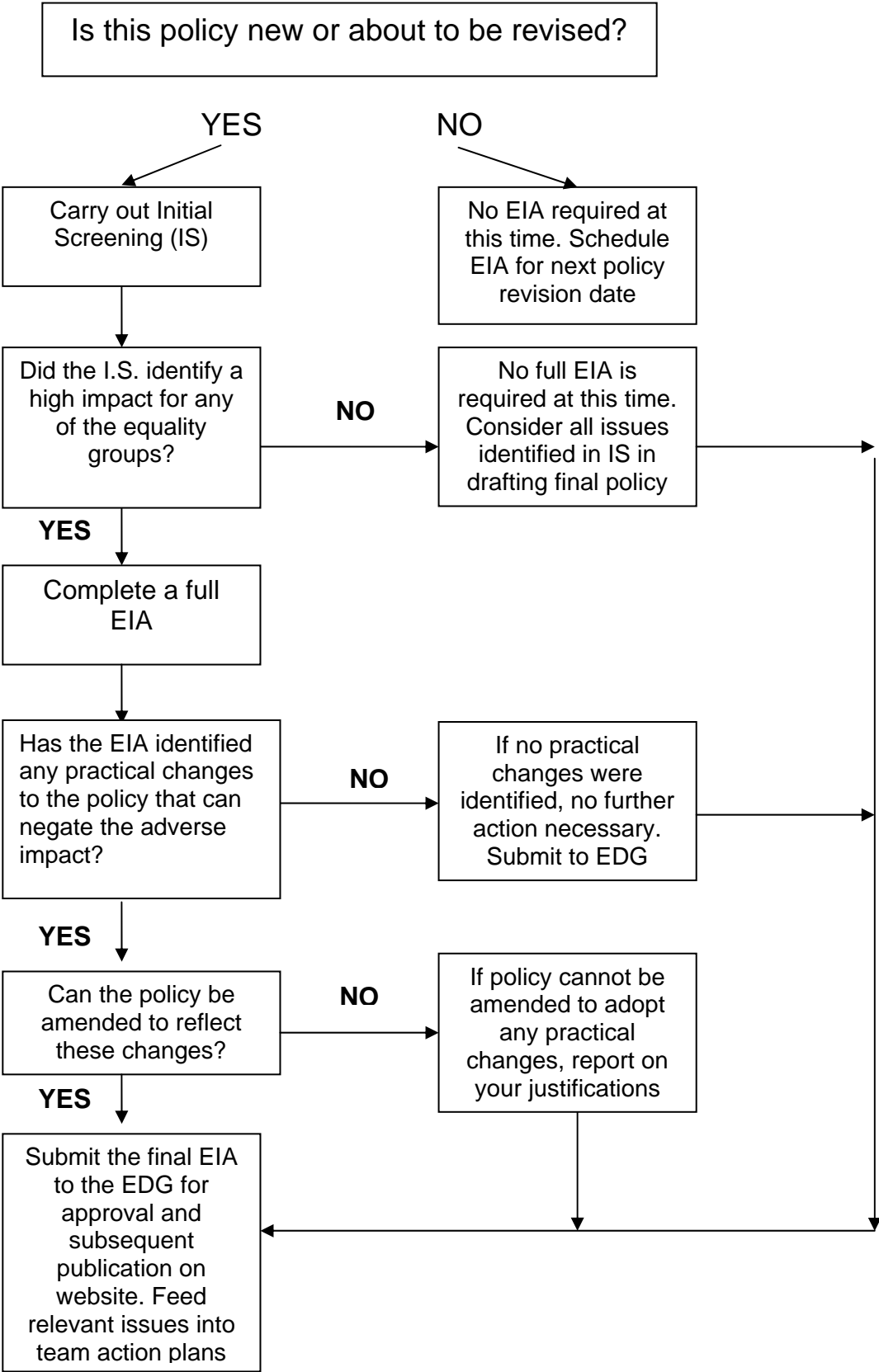
Involvement and Consultation for Impact Assessments

In order to ensure that our Impact Assessments accurately take account of the impact(s) on equality groups, we will consult with external groups and organisations. This can be from the higher education institutions themselves to equality organisations, charities and commissions, advocacy agencies and individual staff and students. Placing the consultation on HEFCW's websites, both internet and intranet, will also

provide interested stakeholders who have not been directly approached the chance to participate and respond.

Some equality duties, the Disability Equality Duty for example, place a greater emphasis on this and require public authorities to not only consult with stakeholders, but to actively engage them in the development, drafting and finalising of relevant policies and procedures.

EIA Process



Involving Stakeholders

We recognise that the involvement and consultation of appropriate stakeholders is critical to the success of this Equality Scheme. However, as we wish to go beyond merely consulting stakeholders, involvement will be an ongoing activity as we develop our scheme and guide and shape the sector.

As we do not provide a direct service to the public, we have had to proactively seek contributors to help us shape and develop our scheme. In addition to our Equality and Diversity Group, who initially steered the scheme and actions, we also brought together representatives from national and local organisations for and of disabled people (such as the Equality Challenge Unit (ECU), Skill (National Bureau for Students with Disabilities) and the ECU's Welsh Liaison Group (which comprises of HEI Equality and Diversity Managers) for their views.

We also visit HEIs across Wales (and directly-funded Further Education Institutions (FEIs)), participating in some institutional equality steering groups, to enable the views of students and staff within the sector to feed into the Council's own action plan. A draft copy of the scheme was impact assessed and circulated to interested stakeholders across the sector, including each HEI, and the feedback received was used to revise, amend and shape the document.

Mindful that some interested stakeholders may be reluctant to come forward and participate if they are apprehensive about the repercussions of alleged discrimination, we encourage any interested individuals to liaise directly and confidentially with our Disability and Diversity Co-ordinator.

As we anticipate that the scheme will evolve and change over time we welcome, at any time, feedback and contributions from anyone with an interest in all aspects of equality.

Monitoring Progress

Enforcement of the specific duties of the RRAA, DDA and Equality Act remain the responsibility of the Equality and Human Rights Commission (EHRC). In Wales, enforcement of the gender legislation is also the responsibility of the Welsh Assembly Government. Although it does not fall to HEFCW to formally monitor disability or gender equality within the sector, the Council may decide, in order to assist the sector in developing good practice, to invite institutions to submit their schemes and plans via the strategic planning process for analysis and feedback, or take other action to support institutions in meeting their statutory responsibilities.

HEFCW's Equality Scheme will be reviewed annually and revised as appropriate, drawing on feedback and guidance from stakeholders and responding to the needs and requests of the HE sector in Wales. We warmly invite comments on the scheme at any time, even outside of formal consultation periods.

The impact and performance of the Equality Scheme will be monitored regularly by HEFCW's Management Board and its EDG, and reported on annually to both groups. Performance will also be reported both to HEFCW's Council and publicly each year via the Equality and Diversity Annual Report. The Action Plan and subsequent outcomes will be published and included on our website, as well as transcribed into a range of alternative and accessible formats.

Communication

HEFCW is committed to communicating with our stakeholders and staff in formats that best suit individual needs and preferences. We will provide on request all key documents and policies in a variety of formats, including Large Print (customised to the recipient's specific needs), CD/disk, Braille, online and on audio tape (including DAISY formats) and accept correspondence electronically (e.g. email, online communication form), via disk and in Braille. British Sign Language (BSL) Interpreters for meetings and seminars with Council staff are arranged on request. We also encourage hard of hearing or deaf individuals to contact us via BT's TypeTalk service.

We have drafted an Accessible Information Policy (AIP) to sit alongside our Style Guide, our Communication and Consultation Strategy and our Welsh Language Policy. The AIP aims to encourage all staff to think carefully about the production of printed documents, both internally and externally, and to be considerate of different disabilities/learning difficulties and individuals reading English as a second or other language whilst writing and publishing Council papers and documents. Our Communications Strategy also states a commitment to developing a portfolio of pictures and case studies for us in appropriate publicity, including positive images of diversity.

Confidentiality and Disclosure

Disclosure of any personal information must be handled with due sensitivity and with regard to preserving confidentiality. Information regarding a person's age, disability, ethnicity, religious belief and sexual orientation is classed as sensitive under the Data Protection Act and even if a member of staff chooses to disclose to the Disability and Diversity Co-ordinator or HR, any private information about them cannot be shared elsewhere without prior consent.

Some disabled staff may be reluctant to disclose because they feel that it may place them at a disadvantage in terms of recruitment and selection, promotion, access to training and development opportunities. It is therefore important for HEFCW to promote positive attitudes towards disability and to create a culture in which disabled people feel comfortable and confident about disclosure.

Complaints

Complaints regarding the operation of the HEFCW Equality Scheme will be taken under HEFCW's Complaints' Procedures and should be addressed, in the first instance, to the Clerk to the Council at the address below.

Contact Us

To discuss any aspect of this document in confidence, please don't hesitate to contact us through HEFCW's Disability and Diversity Co-ordinator at:

Higher Education Funding Council for Wales,
Linden Court,
The Orchards,
Ilex Close,
Llanishen,
CF14 5DZ.

Tel: (029) 2068 2218
Fax: (029) 2076 3163
TypeTalk: (0870) 240 95 98
Email: equality@hefcw.ac.uk

Correspondence is welcome in English or Welsh print, via email, in Braille or on CD/computer disk.

Acronyms, Abbreviations and Glossary of Terms

AGSB	Assembly Government Sponsored Body
ASPB	Assembly Sponsored Public Body
AIP	Accessible Information Policy
BSL	British Sign Language
CRE	Commission for Racial Equality
DDA	Disability Discrimination Act
DED	Disability Equality Duty
DES	Disability Equality Scheme
DRC	Disability Rights Commission
DSA	Disabled Students' Allowance
EHRC	Equality and Human Rights Commission (also sometimes referred to as CEHR)
ECU	Equality Challenge Unit
EDG	Equality and Diversity Group
ES	Equality Scheme
EOC	Equal Opportunities Commission
FE	Further Education
FoI	Freedom of Information Act
GES	Gender Equality Scheme
GED	Gender Equality Duty
HE	Higher Education
HEFCE	Higher Education Funding Council for England
HEFCW	Higher Education Funding Council for Wales
HEI	Higher Education Institution
HESA	Higher Education Statistics Agency
HR	Human Resources
LA	Local Authority
RRAA	Race Relations Amendment Act 2000
SENDA	Special Educational Needs and Disability Act (2001)
SFC	Scottish Funding Council
Skill	National Bureau for Students with Disabilities (not an acronym)
SLDD	Students with Learning Difficulties and Disabilities
WAG	Welsh Assembly Government

Annex A

Equal Pay Arrangements

ACAS carried out a review of pay, grading and job evaluation in the context of equal pay within HEFCW. Below details the findings of ACAS' Equal Pay audit, as reported in March 2007.

A meeting was arranged where ACAS outlined their general approach including their strong belief that employees should be consulted and communicated with as part of the exercise. Following the initial discussions they were asked to submit a proposal to undertake such a review. The proposal was duly submitted and accepted and it was agreed that ACAS would:

- Review HEFCW's current job evaluation scheme and report back the findings; and
- Carry out an equal pay audit and report back the findings and conclusions.

The exercise to involve, where necessary:

- An analysis of the workforce composition by gender in the grade they occupy;
- An examination of the payment structure;
- An examination of the benefits enjoyed and whether they varied;
- Special payments, merit payments and how they are awarded;
- Starting pay, time in grade and progression;
- Hours worked and total earnings;
- Identifying jobs with similar levels of skills and knowledge;
- The identification of pay gaps significant enough to justify further investigation; and
- Length of service and its correlations with pay.

Methodology

Before starting the exercise ACAS sought and was provided with a breakdown of individuals' job titles, grade, salary, hours worked, hourly pay equivalent, allowances or special payments, overtime, an analysis of pay awards by gender for 2005/2006, details of the pay and grading system, the Job Sizing Instrument's Guidelines and Job Sizing lines for all posts in HEFCW.

The information was collated, and jobs placed in rank order according to salary paid (hourly rate equivalent to take into account variations in hours

worked). Gender, grade, length of service and pay awards also featured to assist the analysis. The tables below show the results.

Having collated the information it was examined in line with the EOC's Equal Pay Toolkit to establish whether there were any evident areas of concern. Details of the examination together with comments are shown below.

HEFCW Equal Pay Review – March 2007

	Area Examined	Issues Identified	Comments
1	Workforce composition by grades within grades	None Apparent	
2	Payment Structure	None Apparent	
3	Benefits Received	None Apparent	
4	Special Payments or Bonuses	None Apparent	
5	Starting Pay Time in Grade and Progression	Some Variation	Some reliance on market forces but no evidence of gender bias
6	Hours Worked and Total Earnings	None Apparent	
7	Whether Pay Gaps are Significant to require further Investigation	Job Nos 25, and 30/34	Minor anomalies in pay system but not related to gender
8	Length of Service and Correlation with Pay	Some variation	Relative positions of others in grade may need consideration

The pay and grading policy allows for market premia to be taken into account to determine the entry point into a particular grade, and there are rules governing this. The effect of this arrangement is that on occasions a “leap-frogging” effect takes place whereby individuals already serving in the grade find themselves being paid less than newcomers and this appears to have happened. There is no suggestion of gender bias but from experience it can create a sense of not being felt fair. The comment

is not made as a criticism, but merely as a reminder that due regard for employees already in the grade should also form part of the consideration. In my view the use of market premia to determine an individual's position in the grade should be used sparingly.

Having analysed the information provided, to finalise the review the actual practice in relation to pay and grading was compared against the following series of questions and established to be:

HEFCW PAY AND GRADING PRACTICE

Is the average pay for men and women equal in each grade?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
On average are men and women recruited into pay grades at the same point?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
On average are men and women promoted into pay grades at the same point?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Do men and women on average progress at the same rate within grades?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are additional benefits for merit generally distributed equally between men and women?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are the same principles and guidance applied for using market rates for all internal jobs?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Is there an Equal Pay Policy?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

The pay system is based on ten zones. Jobs deemed to be broadly similar by job evaluation grouped within the zones and paid according to the same pay scale, each zone consisting of six incremental steps, progress being determined by an individual assessment within the Management and Performance Development Scheme (MOPD), step six being the rate for the job. At the time of the review the first two steps in Grade J (the lowest grade) were not being used thereby effectively changing that grade to four steps.

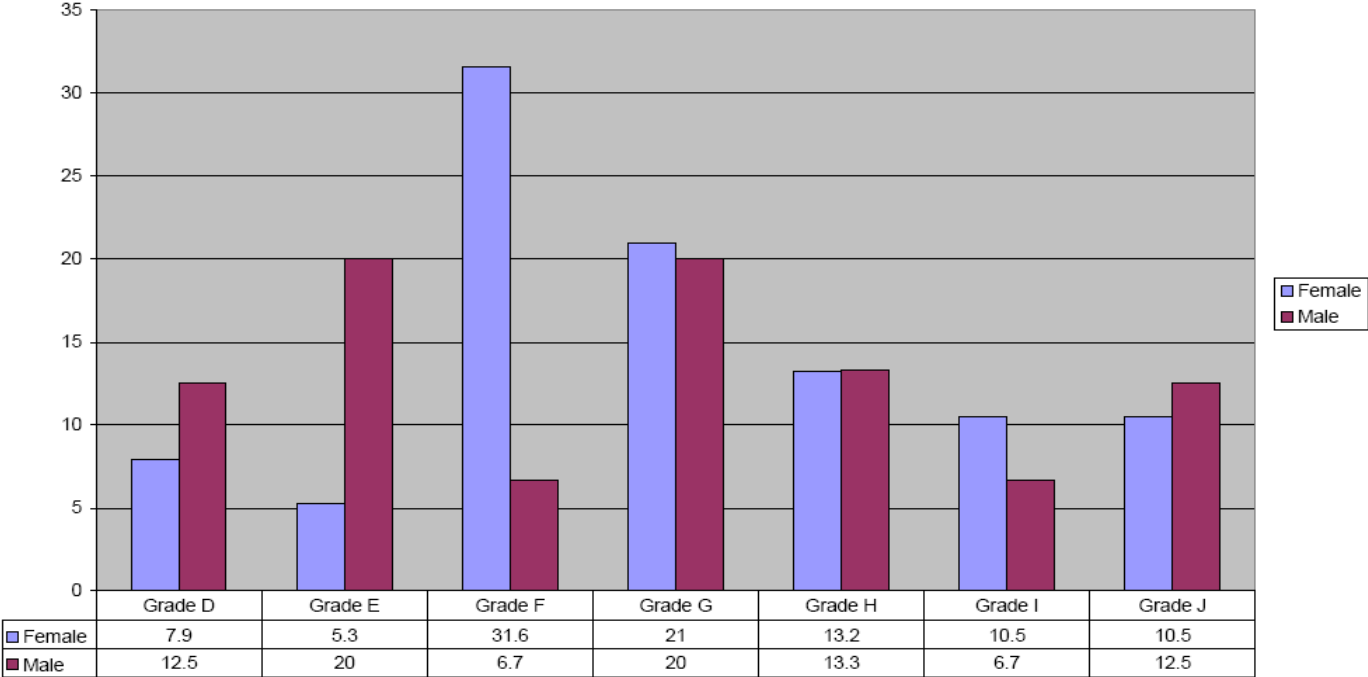
Job Evaluation

Provided a job evaluation scheme meets certain standards it will provide an objective basis of determining job value and will provide a defense to equal value claims. In essence these standards are that the scheme is analytical, non-discriminatory and appropriate to the jobs it covers.

ACAS were unable to comment upon whether the Job Sizing instrument is fit for purpose but its outcomes do not demonstrate any evidence of gender bias. Schemes should be exclusive to the needs of the organisation but ACAS' ability to comment on the current scheme's suitability for HEFCW was constrained by their lack of knowledge of the

organisation and the intricacies and application of the job evaluation system. However, management of financial (budgetary) resource does appear to have quite a significant impact on the end result, thereby providing jobs with that responsibility a high grading, which may of course meet the requirements of HEFCW job evaluation.

% Distribution by Gender Within Grades



- i) 29.6% of the employee population are men
- ii) 43.75% of the male employees occupy Grade A – E
- iii) 13.2% of the female employees occupy Grades A – E. These are statements of fact rather than suggestion of discrimination.

Conclusions

The purpose of the exercise was to review the current job evaluation system and to carry out an equal pay review primarily to establish whether any gender-based discrimination exists. The EOC Code of Practice states that in order to fulfill its duty Public Bodies must be able to demonstrate that they have considered the need to take action on pay discrimination by comparing the pay of men and women doing equal work to identify any pay gaps and to eliminate these pay gaps that cannot satisfactorily be explained on grounds other than sex. That has now been done and the review has demonstrated that there is no evidence of discrimination within the pay system which in ACAS’ view is ethical.

The Pay System

One point worthy of consideration is the pay system in relation to the Age Discrimination regulations, which suggest that up to five years is a justifiable period for employees in normal circumstances to attain the maximum or rate for the job. The regulations suggest that periods longer than this may be open to challenge. As the present pay scales are based on a six step (years) process it would be beneficial to change these arrangements at some time in the near future. The costs could be controlled by carrying out the exercise as part of the normal annual pay review. If this is decided upon it may also be worth questioning whether jobs in the lower grades even require five years to reach the maximum.

Job Evaluation

The results produced by the application of the Job Sizing instrument show no discriminatory indication, however, if there are some concerns about its fitness for purpose ACAS suggested a joint review by those within the organisation familiar with its operation, which they would be prepared to facilitate if considered helpful.

Annex B

Equality Impact Assessment (Screening)

This form should be used by managers and policy authors within their area of responsibility to carry out Equality Impact Assessments (EIAs) in relation to Age, Disability, Gender, Racial or Ethnic Group, Religious Belief and Sexual Orientation. The EIA should also be used to consider the implications of a policy for the Welsh Language.

The word 'policy' is taken to include policies, strategies, plans, projects, procedures and criteria, both formal and informal, internal and external.

1. Name of policy

2. What is the aim(s), objective(s) and/or purpose of the policy?

3. Who is the policy author?

4. Who would benefit from this policy? Who are the benefactors?

5. Names of Initial Screening Impact Assessment Team:

1.	2.
3.	4.
5.	6.

Date Screening EIA Undertaken: _____

6. Does the policy disadvantage/impact on any of the following groups?
 (For more guidance on assessing impact, please consult the Equality Impact Assessment Guidance)

	Yes	No	List the problems identified and the evidence supporting your findings
Age			
Disability			
Gender			
Racial Group			
Religious Belief			
Sexual Orientation			
Welsh Language			

7. Can these disadvantages be managed by changing the policy? (Put N/A if any equality groups above were assessed as having no disadvantage)

	What changes can be made to the policy to negate the issues raised in Question 6?
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

8. What cannot be changed? Can this be justified? If so, how?

e.g. Disabled people can be treated more favourably under the 2005 DDA. If a policy appears to treat disabled people more favourably than other equality groups, the disadvantage may be justifiable.

9. In your view is the result of this screening significant enough for a full EIA?

Yes – give FULL details	No – give FULL details

10. If yes, date of Full EIA

If no, date screening will be reviewed

Prompt Questions

This is not an exhaustive list of sample questions and they may not all be applicable to your policy. It serves only to assist teams in generating discussion. In answering these questions, remember that you will need to **evidence** your conclusions.

- Does this policy promote the equality of opportunity? If so, how? If not, can anything be changed so that it does?
- What is being done to ensure that there are equal outcomes for individuals from different groups or communities?
- Are stereotypes reinforced or challenged by this policy?
- What are the consequences for the people from different groups?
- Does this policy treat full- and part-time workers differently?
- How can this policy better encourage participation in public life for all?
- How does this promote good relations between the equality groups?
- Do you have evidence (statistics, evaluations, findings, surveys, research) to justify your decisions? If not, can you locate it?
- Will any changes you make to the policy to address the disadvantage to one equality group adversely affect another?
- Does this policy segregate individuals from the equality groups?
- What is the aim of the policy and how will the aims be achieved?
- How does this policy contribute to wider organisational goals?
- How does this policy relate to other policies, strategies etc?
- What internal policy stakeholders have been identified (other departments, Welsh Language Scheme staff etc)?
- What external policy stakeholders have been identified (equality groups, CRE, DRC, voluntary sector, governmental bodies etc)?
- Does this policy treat men/women, disabled/non-disabled, ethnic minorities, English speakers/Welsh speakers etc. differently? If so, how? Why? Is it justifiable?
- Does it have the potential to contribute to promoting the Welsh language? Can particular actions be taken or adaptations made to enable this?
- Does this policy disadvantage individuals not fluent in English?

Annex C

Equality Impact Assessment (Full)

This form should be used by managers and policy authors within their area of responsibility to carry out Equality Impact Assessments (EIAs) in relation to Age, Disability, Gender, Racial or Ethnic Group, Religious Belief and Sexual Orientation. The EIA should also be used to consider the implications of a policy for the Welsh Language.

The word 'policy' is taken to include policies, strategies, plans, projects, procedures and criteria, both formal and informal, internal and external.

1. Name of policy

2. Who is the policy author?

4. Date of initial screening (please attach)

5. Names of Full Screening Impact Assessment Team:

1.	2.
3.	4.
5.	6.

Date of first full EIA meeting undertaken: _____

6. What issues were identified in the initial screening?

Delete accordingly	List the problems identified and the evidence supporting those findings
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

7. What, if any, additional evidence do you require?

Delete accordingly	Evidence required	Where can you find it? <i>e.g. HESA, CEHR etc.</i>
Age		
Disability		
Gender		
Racial Group		
Religious Belief		
Sexual Orientation		
Welsh Language		

8. What questions should be asked during a public consultation?

Delete accordingly	Questions
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

9. What groups/organisations should be consulted/involved during the full EIA process?

Delete accordingly	Names of groups/organisations <i>(please consult the Disability & Diversity Co-ordinator for assistance)</i>
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

10. Consultation Details

<p>Date EIA put out to public consultation:</p> <p>Date consultation closed:</p>
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Date of next EIA meeting undertaken: _____
 (To discuss consultation responses)

11. What findings were identified during the consultation?

Delete accordingly	
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

12. Can these disadvantages be managed by changing the policy?

Delete accordingly	What changes can be made to the policy to negate the issues raised in Question 11?
Age	
Disability	
Gender	
Racial Group	
Religious Belief	
Sexual Orientation	
Welsh Language	

13. What cannot be changed? Can this be justified? If so, how?

e.g. Disabled people can be treated more favourably under the 2005 DDA. If a policy appears to treat disabled people more favourably than other equality groups, the disadvantage may be justifiable.

14. Date EIA results submitted to EIA Co-ordinator

15. Date EIA findings published

16. Date of next EIA review date

Annex D – Equality Action Plan

Our action plan sets out the priorities we have identified and is updated annually. Each target is outcome focused, time-constrained and identifies the key post-holder responsible for driving that action forward. The plan is monitored and reported on by way of our Annual Report, usually produced in January.

As our action plan is updated annually, the document is prepared separately from this equality scheme. The full action plan – including regular updates on actions points throughout the year – can be located and downloaded from our website at http://194.81.48.132/About_Us/equal_opportunities.htm. Copies of the action plan in accessible formats, including CD, Braille and print, are available upon request.

Annex E – Relevance of Functions and Policies

We annually assess our functions, policies and procedures for relevance to all the equality duties, and use this information to inform our Equality Impact Assessment timetabling. All new policies and procedures, as well as those undergoing scheduled review/revision, are also assessed.

Full details of our completed and scheduled equality impact assessments across all areas of our work, both externally and internally facing, can be located on our website at http://194.81.48.132/About_Us/equal_opportunities.htm.