

## **Annex C (HEFCE 2006/28)**

### **Gender Equality Scheme**

#### **Overview of gender equality at HEFCE**

##### **Our vision**

1. We have a vision for gender equality for higher education in England that gives women and men real choice and equality of opportunity about where and what they want to learn. We also aspire for HE institutions to be employers of choice for women and men, and for both genders to have equal chances, treatment and pay. We recognise that HE is in a unique position, as it is enabling the learning of this country's future employees, managers and leaders. HE contributes to the growth and health of our society in a number of ways – not least to help us understand and solve problems – and its contribution to pushing forward the understanding of gender equality needs to be celebrated and built on for the future.

##### **Context**

2. We understand the challenges that face the English higher education sector in implementing such wide-ranging legislation as the Equality Act 2006. Although the sector has already worked to achieve gender equality, much still needs to be done at all levels. Some of the monitoring statistics we have collected and published illustrate the current position for women and men studying or working in HE:

- a. A total of 52 per cent of the 270,000 people employed in HE in 2003-04 are female. However, only 16 per cent of all senior academics or professors (1,722 out of a total 10,760) are female.
- b. There is an apparent divide between women and men when it comes to the subject area they are employed in: in physics, only 10 per cent of permanent staff are female as opposed to 60 per cent in subjects allied to medicine.<sup>1</sup>
- c. In the total student population, 59 per cent of undergraduate and postgraduate students are female.
- d. Some gender division exists between subject areas: 15 per cent of engineering and technology students are female, while 83 per cent of students in subjects allied to medicine are female.

##### **Aims**

3. We aim to help the HE sector in England attract and retain female, male and transsexual students and staff in all areas of study, research and work. We will work with organisations such as the Equality Challenge Unit, the Higher Education Academy and the Leadership Foundation to support HEIs in this mission. We also wish to work closely

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<sup>1</sup> Source HESA individualised staff and student records, 2003-04.

in our advisory capacity with the Department for Education and Skills (DfES) and the Secretary of State for Education and Skills to raise the profile of gender equality issues within HE.

4. Our Gender Equality Scheme has been written with these aims in mind. It is backed up by a detailed Equality Action Plan at Annex D which allocates responsibility to individuals across the Council for implementing gender equality in their areas of work.

### **Status of this Gender Equality Scheme**

5. This scheme forms part of our overall Single Equality Scheme (SES). Therefore there is some cross-referencing between this annex and the overall SES. This is to avoid duplication and to streamline our equality processes as far as is possible and appropriate. While we feel this Gender Equality Scheme fulfils our statutory duties, it is meant to be read in the context of our SES. We will as far as possible seek to implement this scheme in conjunction with our schemes for race and disability equality, but clearly it may be necessary or appropriate to take actions separately; gender discrimination can manifest itself in different places and in different ways from disability or race discrimination.

### **Introduction**

6. The Equality Act 2006 included within it a new positive duty on public bodies to promote gender equality. Under the new duty, and through all relevant functions, public authorities are required to have due regard to the need to:

- eliminate discrimination and harassment that is unlawful under the Sex Discrimination Act and discrimination that is unlawful under the Equal Pay Act
- promote equality of opportunity between men and women.

7. We are subject to the duty and are required to produce a Gender Equality Scheme by 6 April 2007. We have developed this scheme for consultation; the final version will be published in December 2006. We aim to develop a scheme that includes:

- the values, principles and standards that guide our approach to gender equality
- the overall strategic aims and objectives adopted to promote gender equality
- clear timescales and actions (set out in the Equality Action Plan at Annex D)
- how often the scheme and action plan will be reviewed and reported on
- how we will handle complaints about the way we are meeting our duties or other complaints about gender equality matters
- our consultation strategy
- a prioritised list of HEFCE functions in relation to gender equality
- our primary sources of information for assessing the impact of our policies on equality for women, men and transsexuals.

### **Legislative context**

8. The new duty to promote gender equality has the potential to be the most revolutionary change in sex discrimination in 30 years, since the introduction of the Sex Discrimination Act itself. It will be a key tool for us to contribute to making the public

sector more efficient, effective and responsive to different needs. It can and should be a catalyst to real change in the way that public policy and public services are designed and delivered. Both Government and those who deliver services are increasingly realising that a 'one-size-fits-all' approach no longer meets the needs of 21<sup>st</sup> century Britain.

9. The Equality Act 2006 amends the Sex Discrimination Act 1975 to place 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
- to promote equality of opportunity between women and men.

10. Women and men, including transsexual people, may experience different forms of disadvantage depending on their age, ethnicity, colour, religion/belief, sexual orientation, marital or civil partnership status, and disability status. In order to understand and address questions of gender equality, we may need to consider such complexity and whether particular groups of women or men are experiencing particular disadvantages.

11. This new duty marks another step forward, as it requires us to be proactive in promoting equality for women, men and transsexual people, rather than simply to make adjustments for our staff and service users in order not to discriminate. The duty requires a root and branch overhaul of our policy-making procedures, as well as demanding much greater openness.

12. We recognise that the duty builds on good work already done by higher education institutions (HEIs) to be proactive and anticipate the opportunities and needs of women, men and transsexual students and staff under the Sex Discrimination Act. We have much to learn from HEIs about the processes they used to achieve this, and see a role for the Council in helping to disseminate learning and good practice across the sector.

13. HEFCE's role both as a non-departmental public body and as the principal public funding body for higher education in England has been set out at paragraphs 12-14 of the SES. Thus far, we understand that we are unlikely to be given any additional duties to promote gender equality (such as we were given under the Race Relations (Amendment) Act 2000). If additional duties are included in the Equality Act 2006, we will amend this section of the scheme accordingly. We already analyse data on both staff and students with regards to gender and we publish this annually on our web-site.<sup>2</sup>

14. Unlawful discrimination in the Sex Discrimination Act and Equality Act means:

- a. Direct or indirect discrimination against women and men, in employment and education; in goods, facilities and services and in the exercise of public functions.
- b. Harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave.

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<sup>2</sup> See [www.hefce.ac.uk](http://www.hefce.ac.uk) under Leadership, governance & management/Equality and diversity/Equal opportunities monitoring.

- c. Discrimination on the grounds of gender reassignment in employment and vocational training.
- d. Direct and indirect discrimination in the employment field on the grounds that a person is married or has a civil partner.
- e. Victimisation on the basis of gender.

15. In employment and vocational training, the Sex Discrimination Act also protects individuals who are discriminated against because they:

- intend to undergo gender reassignment
- are currently undergoing gender reassignment
- have already undergone gender reassignment.

16. Transsexual people are protected under existing sex discrimination legislation from discrimination and harassment on the grounds of gender reassignment in employment and vocational training. We are legally required to take this into account when addressing that part of the duty which requires the elimination of unlawful discrimination and harassment.

17. As already discussed, we are a key operator in the English HE sector, but there are other organisations – some partly funded by HEFCE and some not – that also work at a national level to support various aspects of the HE system, for instance learning and teaching. We regard our key partners in implementing the duty to promote gender equality to be:

- Equality Challenge Unit (ECU)
- Equal Opportunities Commission (EOC)
- Higher Education Academy
- Leadership Foundation for HE
- Action on Access (the widening participation national co-ordination team)
- Higher Education Statistics Agency (HESA)
- Universities and Colleges Admissions Service (UCAS).

18. We will work proactively with these organisations to share information about gender equality in HE (for instance, with the Leadership Foundation for HE about its research and projects to improve the numbers of women competing for senior management and leadership positions).

## **Specific duties**

19. The specific requirements in relation to our Gender Equality Scheme are as follows:

- a. Publish a Gender Equality Scheme, by 6 April 2007, identifying gender equality goals and showing the actions we will take to implement them.
- b. Consult our employees and stakeholders as appropriate in drawing up our gender equality scheme.
- c. Monitor progress and publish annual reports on progress.

- d. Review the scheme at least every three years.
- e. Develop and publish a policy on developing equal pay arrangements between women and men – including measures to promote equal pay and ensure fair promotion and development opportunities to tackle occupational segregation – which we will review at regular intervals (for example every three years).
- f. Conduct and publish gender impact assessments, consulting appropriate stakeholders, covering all major proposed developments in employment, policy and services.
- g. Develop and publish an arrangement for identifying developments that justify conducting a formal gender impact assessment.

20. HEIs have a specific duty to assess the impact of their policies and practices on educational opportunities available to and achievements of female, male and transsexual students. The EOC has advised HEIs that 'educational opportunities' should be interpreted broadly, to include aspects across the breadth of activities made available by the HEI.

21. This may mean HEIs need to gather information on the following, analysed by gender:

- access to HE programmes
- attainment of formal qualifications
- numbers of students in different subject areas or course types
- instances of bullying and harassment.

## **The employment duty**

22. To meet the duty to promote gender equality we must eliminate discrimination and harassment in our employment practices and actively promote gender equality within our workforce. It is expected that in practice this will involve a cycle of data collection, analysis of data, developing an action plan, implementing the plan and monitoring the outcomes to inform further action. We will need to involve the workforce in the process and agree a timescale in which to take action.

23. The areas we would like to focus on initially are:

- recruitment and selection
- the concentration of women and men in particular areas of work or pay bands
- work/life balance policy and implementation
- managing leave for parents and carers
- managing pregnancy and return from maternity leave
- sexual and sexist harassment
- transsexual staff and potential staff
- grievance and disciplinary procedures
- equal pay
- access to training and development opportunities.

## **Development of our Gender Equality Scheme**

24. We have developed this scheme and Action Plan in conjunction with our new Disability Equality Scheme and the revision of our Race Equality Scheme. This has enabled us to take a 'whole-system approach' to the process and to create a Single Equality Scheme which provides an overarching view of our three equalities schemes and shapes our overall equality and diversity strategy. The steps we have gone through to date are:

- in October 2005, we commissioned the Office of Public Management (OPM) to meet every HEFCE team individually to brief them about the new duties and undertake some initial equality action planning with them. OPM produced draft equality action plans for each team, which have fed into the Gender Equality Action Plan, and a report for the Council which summarises key themes and issues arising from the team meetings
- in January 2006 we formed an internal HEFCE project team to take the equality schemes forward with representation from our leadership, governance and management (LGM), widening participation (WP) and regional teams
- we met with the National Union of Students' (NUS) Women's Officer and Lesbian, Gay, Bisexual and Trans (LGBT) support staff member in February 2006 to get their feedback on our approach to our scheme and to hear about the key issues for women and transsexual students currently in HE
- we consulted on the draft of this scheme with the Council's recognised trade union, the Public and Commercial Services union (PCS).

25. Public authorities will be expected to provide evidence that due regard has been paid to the duty to promote gender equality in relation to their core functions of policy development, service design and delivery, and employment. We have involved a range of national organisations for and of women, men and transgender people in the development of our scheme, as well as representatives of groups of people that will be directly affected by it. By engaging with representative groups – for example the NUS Women's and LGBT officers and committee, who are elected by students who define themselves to be in that group – we are engaging in a meaningful and appropriate way with individuals and organisations that have the largest stake and recognition of our role in HE. We welcome feedback on this approach and we recognise the need to be flexible in how and when we involve different groups of people and organisations.

## **Reporting on progress**

26. We have set out in the SES at paragraphs 46-49 how all of our equality schemes will be published, consulted on and promoted both internally and externally. In relation to the specific duties of the Equality Act 2006, we will take the following actions:

- report on the Gender Equality Scheme annually to the HEFCE Board in conjunction with reports on the schemes for race and disability equality in December each year
- review and update the Equality Action Plan annually so that it properly reflects the priorities and pressures facing the Council, showing which actions have been

completed and, if they have not, the reasons why. The outcomes of the actions taken will also be reported

- fundamentally review and re-issue the Gender Equality Scheme every three years.

27. This consultation on our equality schemes has been published in hard copy, with alternative formats available via the HEFCE web-site and on request. We plan to publish subsequent schemes and action plans on the web only (to better enable regular updating).

## Action plan

28. Our Equality Action Plan (see Annex D) sets out all the actions we will be taking as a result of the analysis of our functions and policies. As this is our first Gender Equality Scheme, all the actions relating to it are for the future, but they are time-bound and have outcomes attached. The Action Plan will be monitored annually at the same time as our internal team plans are monitored and reported on.

## Assessment of HEFCE functions

29. The assessment of our functions, to establish which are appropriate for inclusion within the scheme, is an important stage in the scheme's development and maintenance.

30. Our functions are designed to meet the requirements of central government stakeholders and to support the sector. While we have few dealings with the public, nevertheless our functions could have a significant impact on the capacity of the HE sector to meet the different needs of its female, male and transsexual students, staff and other users. A qualitative assessment of the relative priority of our functions is given in Table 7.

**Table 7 The relative priority of our functions for the Gender Equality Scheme**

HEFCE function	Priority level	Rationale
Corporate communications	High	Press and communications can have a high impact on regard for HEFCE by stakeholders, staff, potential staff and the public. Therefore actions in this area can do much to enable us to fulfil our duty to promote positive attitudes towards the role of women, men and transsexuals.
Engaging with HEIs	High	Our direct interaction and support for institutions has a potentially high impact on our ability to promote gender equality in HE.
Human resources	High	This has a high impact on equality for female, male and transsexual staff and potential staff at HEFCE.
Analytical services	High	Our Analytical Services Group specifies, analyses and reports on many aspects of equal opportunities data drawn from the HESA records of staff and students in HE.
Widening participation	High	Our WP activity aims to both widen and increase participation among under-represented groups in HE and to ensure that access to HE is open to everyone, whatever their background or gender.
Leadership,	High	The LGM team has lead responsibility for implementing the

governance and management		scheme. It also leads on policy related to equality for HE staff and all aspects of leadership, governance and management within HEIs.
Learning and teaching	High	Implementing policy to enhance learning and teaching in HE has a potentially high impact on ensuring equality of opportunity for learners, regardless of their gender, through different teaching methods or new technologies. There are a range of policy initiatives and funding streams to enable this.
Research policy	Medium	Work is being undertaken on the research careers of individual researchers in HE, but most of the policy work focuses on large initiatives such as the 2008 Research Assessment Exercise, which will need impact-assessing for gender equality.
Business and community interaction	Medium	This policy area has a medium relevance to gender equality, particularly with regard to its funding streams which support community engagement and volunteering schemes within HEIs. The business interaction side has a lower relevance, but does offer the opportunity to demonstrate and encourage best practice within the private sector.
Planning	Medium	The planning function has a medium impact on gender, as it assists with collating and monitoring of the equality action plans and is responsible for major corporate processes such as the HEFCE strategic plan and our submissions to the Government's Comprehensive Spending Reviews.
Procurement	Medium	Because the duty to promote gender equality applies to those functions which are carried out through procurement, it is essential that our procurement process ensures that those awarded contracts meet all legal obligations set out in the duty.
Information technology and systems	Low	Our IT and systems function has a low impact on gender equality.
Assurance (including audit, estates and institutional finance)	Low	Areas such as audit and institutional finance have a low impact.
Finance	Low	The activities of distributing funds to institutions and processing payments and invoices are generally considered to be of low relevance to gender equality.
International collaboration and development	Low	The function of engaging and liaising with colleagues from countries across the world, ie by undertaking visits and receiving visitors to the UK, has a low impact on gender equality.
Knowledge management	Low	The knowledge management team's work has a low impact on gender equality, beyond its role in promoting information resources on gender to staff and to directing relevant queries from the sector to the right people.

## **Background to gender equality work at HEFCE**

31. Although there has been no statutory duty to promote gender equality in HE until now, much work has been undertaken over the last 20 years. This work has focused on trying to balance the situation for women and men in terms of both fields of study and employment within the HE sector generally.

32. One initiative we help set up and fund (although it is now funded by the Royal Society) is the Athena project. The project works to support women currently working in science, engineering and technology subjects, and helps to promote opportunities for women who seek to work in the area. Athena offers annual awards to institutions that show innovation and high level commitment in this area; examples can be found at: [www.athenaproject.org.uk/casestudies.htm](http://www.athenaproject.org.uk/casestudies.htm).

33. An example of good practice comes from Oxford Brookes University. It won the British Computer Society Prize and 2004 Royal Society Athena Award for its use of information technology in a mentoring scheme. The scheme matched European women in mathematics, from undergraduate through to junior academic staff level, with more experienced mathematicians. The scheme made use of web technology to connect geographically isolated people. It provided mentees with the opportunity to communicate with role models and to get impartial advice on careers, balancing family, career and gender issues in the workplace.

34. With regard to subject choice for students, we recently agreed to fund a new project managed by the Royal Academy of Engineering to encourage women (and other under-represented groups) to study engineering at HE level. There are four elements to the project:

- a. To engage with 9-19 year-old students in 15 secondary schools in south London and 35 feeder primary schools, removing the barriers to them studying engineering at university by providing flexible entry and exit points to courses, with defined progression routes from a variety of starting points (such as GCSEs, HNDs, A-levels, vocational qualifications).
- b. To use face-to-face and other targeted marketing to promote engineering HE courses to students in the target groups, including adult learners.
- c. To engage with selected HEIs to develop new or improved engineering curricula that will attract more students from the target groups (including women).
- d. To demonstrate real and achievable engineering career destinations for students of the project.

## **Impact assessment**

35. A key area of activity to implement our Gender Equality Scheme will be impact assessment of our policies on gender equality. Our overall approach to impact assessment for all our strategic aims and key policy areas is described in paragraphs 50-54 of the SES. We have categorised particular areas as 'high priority' for impact assessment for gender equality in each of our strategic themes. These are described in Table 8, and link to the prioritisation of our functions for gender equality in Table 7. Other

policies, categorised as medium or low, are described in the Equality Action Plan at Annex D.

**Table 8 Our priority policies for race impact assessment, by strategic aim**

<i>Enhancing excellence in learning and teaching</i>	
<b>Priority policies for gender impact assessment</b>	<b>Rationale</b>
Learning and teaching funding allocation	We allocate around 60 per cent of our overall funding through our formula funding for teaching (£4,228 million in 2006-07). This funding, while not ring-fenced, is benefiting hundreds of thousands of students in England and we must ensure that there is no negative impact on gender equality through our funding mechanisms.
Flexible, lifelong and work-based learning	The profile of students in HE is changing, with nearly 55 per cent of undergraduate students now aged over 21, and 45 per cent studying part time. With greater numbers of mature learners in the system, the sector will need to cater for people with greater caring responsibilities who are more likely to require greater flexibility or different modes of learning (eg, distance, work based or e-learning) to succeed in HE.

Note: The key data sources for helping us to assess the impact on gender equality of these policies are:

- National Student Survey
- HESA individualised student record
- Youth Cohort Study.

<i>Widening participation and fair access</i>	
<b>Priority policies for gender impact assessment</b>	<b>Rationale</b>
Increasing demand for HE through funding the national Aimhigher programme	Aimhigher's aims are to raise the aspirations and develop the abilities of people from groups that are under-represented in HE. Aimhigher partnerships build cross-sector relationships which break down the barriers which institutions and systems can unwittingly create for learners. This programme has a potentially large impact on all potential students, especially with regard to raising their aspirations for HE and supporting HEIs to eliminate the barriers discouraging female or male applicants from entering HE.

Note: The key data sources for helping us to assess the impact on gender equality of these policies are:

- UCAS data about applicants to HE
- HESA individualised student record
- LSC individualised learner record (which relates to learners in the learning and skills sector)

- Aimhigher evaluation information, such as project outputs and case studies.

<i>Enhancing excellence in research</i>	
<b>Priority policy for gender impact assessment</b>	<b>Rationale</b>
2008 Research Assessment Exercise	The 2008 RAE is a major exercise for the UK funding councils and almost all HEIs. It also has a large potential impact on the amounts of research funding received by an HEI, as well as on individual members of staff and their research careers.

Note: The key data source for helping us to assess the impact on gender equality of this policy is the HESA individualised staff record.

<i>Enhancing the contribution of HE to the economy and society</i>	
<b>Priority policies for gender impact assessment</b>	<b>Rationale</b>
Meeting new economic and social challenges – the social dimension	We want to focus more on our support to HE to contribute to wider social agendas. This includes its contribution to civic life and developing civilising values; social, community and environmental support, and regeneration. This wider social agenda could embrace gender equality issues.

Note: The key data source for helping us to assess the impact on gender equality of this policy is the HE-Business and Community Interaction survey.

<i>Sustaining a high quality HE sector</i>	
<b>Priority policies for gender impact assessment</b>	<b>Rationale</b>
Developing people and organisational culture	As a knowledge-based sector, the performance of the people who work in HE is critical. They represent its biggest cost and most significant asset. The actions we have set out to support the continuous improvement of leadership, governance and management should also support the development of people and the organisational culture. The position of both women and men within HEIs needs to be monitored and analysed, and specific initiatives supported.
Equality and diversity for people employed in HE	We have committed to working in partnership with HEIs on improvements in equal opportunities and diversity, as we do on other aspects of people development – although in these areas we also have legal responsibilities to monitor the sector. Our duty to promote gender equality is highly relevant in this area.

Note: The key data sources for helping us to assess the impact on gender equality of these policies are:

- HESA individualised staff record

- findings from the 2005 Equal Opportunities Research Programme<sup>3</sup>
- 'The higher education workforce in England: a framework for the future' (HEFCE 2006/21).

<i>Enabling excellence</i>	
<b>Priority policies for gender impact assessment</b>	<b>Rationale</b>
People management	This links to HEFCE's role as an employer of 260 people, and we believe it is important for the organisation's effectiveness that we develop and reward high performance. We believe that everything we do needs to take place within a supportive learning culture where there is a high respect for individual needs and diversity. Equality across all outcomes for all staff is our goal, and therefore our people management policies are a high priority for gender impact assessment.

Note: The key data sources for helping us to assess the impact on gender equality of these policies are:

- HEFCE's human resources database
- annual staff survey
- recruitment and selection monitoring data.

## **Evidence gathering**

36. We have listed the key data and information requirements linked to the policy areas we have prioritised for impact assessment. Where we do not have the data we need to undertake gender impact assessments, we may collect additional information. However, we would need to balance our requirements for impact assessment against the ongoing pressure we are under to reduce the accountability burden. There are ways of collecting the information and evidence we need which do not place a burden on the sector as a whole and we will seek to explore this. Examples might be:

- surveys posted on web-sites or mailbase groups used by staff or students in HEIs
- focus groups of women and men convened by the Council, perhaps jointly with other agencies such as the Learning and Skills Council or DfES
- structured interviews with women and men
- open consultations on gender issues and the inclusion of gender issues in consultations on other matters.

## **Enforcement**

37. The EOC and the forthcoming Commission for Equality and Human Rights (CEHR) have formal powers to enforce the duty to promote gender equality. However their primary action will be to support and help authorities meet their needs. If a public authority fails to meet the requirements set out by the duty after informal correspondence with the EOC or CEHR there are two courses of action that can then be taken to enforce the duty:

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<sup>3</sup> HEFCE 2005/19.

- a. If a public authority (including a private or voluntary organisation exercising public functions) does not comply with the general duty, its actions or failure to act can be challenged through an application to the High Court for judicial review. An application could be made by the EOC or (from late 2007) the CEHR, by a person or group of people with an interest in the matter. However we would hope that such an individual or group of people would raise any concerns with us directly.
  
- b. If the EOC or (from late 2007) the CEHR are satisfied that a public authority has failed to comply with any of its specific duties, the EOC or CEHR may serve a 'compliance notice'. This will require the public authority to comply with its specific duties, and to inform the serving body within 28 days of measures taken. The EOC or CEHR can also require the public authority to provide written information verifying compliance. If after three months the public authority has not complied with the notice, the EOC or CEHR can ask the courts to order compliance.

38. Our arrangements for handling complaints against the Council are outlined in paragraphs 69-70 of the SES.