

## **Annex B**

### **Race Equality Scheme**

1. This Race Equality Scheme was originally published to comply with our statutory duties under the Race Relations (Amendment) Act 2000. It has been updated twice (once fundamentally) since its original publication in 2002, and has now been updated again in order to integrate it into our new Equality Scheme. The amendments mainly serve to remove duplication with the Equality Scheme and to bring the Race Equality Scheme up to date with HEFCE's new strategic plan (HEFCE 2006/13).

### **Overview of race equality at HEFCE**

2. HEFCE is committed to achieving race equality and equality of opportunity for all who learn and work in higher education and for our own staff.

3. For students, we aim to ensure that all those with the potential to benefit from higher education have the opportunity to do so, whatever their background and whenever they need it. We also want to help higher education institutions develop a more demonstrably fair and supportive environment for their staff.

4. We promote diversity and equal opportunities in employment at HEFCE. We aim to have a diverse and well motivated workforce where all colleagues are treated equally and with respect.

### **Context**

5. We understand the challenges that currently face the sector in implementing such wide-ranging legislation as the Race Relations (Amendment) Act 2000 and know there is much to be done across the sector. Some of the monitoring statistics we have collected through the Higher Education Statistics Agency illustrate this well:

- 21 per cent of minority ethnic UK students are studying at post-1992 institutions, compared to 14 per cent in pre-1992 institutions.
- 4 per cent of professor-level academic staff are from minority ethnic groups compared to 8.4 per cent of lecturer-level staff
- of this 4 per cent, there are only 40 staff from Black British or Black African/Caribbean backgrounds (out of a total of 12,285 staff at professor level).

### **Aims**

6. We aim to help the HE sector in England improve the diversity of its students, staff, leaders and governors. We will do this with the support of expert bodies such as the Equality Challenge Unit (ECU), the Higher Education Academy and the Leadership Foundation, who are already putting practical measures in place to help academics support a more diverse student population, update their employment practices and help to develop more leaders for the future from minority ethnic groups. We also have a key performance target in our strategic plan which aims for an increased proportion of staff

from minority ethnic groups in senior positions in HE by 2010-11. We will measure this through the Higher Education Statistics Agency staff record, year on year, and report progress on this target in our annual report and accounts.

7. We understand that this process of change in higher education will be demanding, both for us and the sector. We appreciate that issues of race equality are not clear-cut, and that individuals may have multiple identities (they may be from a minority ethnic group and also have a disability for instance) and that discrimination can affect people in very different ways.

8. Our Race Equality Scheme has been written with these aims in mind. It is backed up by our detailed Equality Action Plan (see Annex A) which allocates responsibility to individuals across the Council for implementing race equality in their areas of work.

### **Status of this Race Equality Scheme**

9. This scheme forms part of our overall Equality Scheme. Therefore there is some cross-referencing between this annex and the overall Equality Scheme. This is to avoid duplication and to streamline our equality processes as far as is possible and appropriate. While we feel that this scheme fulfils our statutory duties, it is meant to be read in the context of our Equality Scheme.

### **Introduction**

10. The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 – referred to as the Act throughout this annex – places a general duty on public authorities to promote race equality. Under the new duty, and through all relevant functions, public authorities are required to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups.

11. The Council is subject to the Act and was required to produce a Race Equality Scheme by 31 May 2002. We have developed a scheme that includes:

- the values, principles and standards that guide our approach to race equality
- the overall strategic aims and objectives adopted to promote race equality
- clear timescales and actions
- how often each part of the scheme and the scheme as a whole will be reviewed
- how complaints about the way we are meeting our duties or other complaints about race equality will be dealt with
- how the scheme relates to our other policies and strategies
- a consultation strategy

- an action plan to ensure that all our staff are aware of the scheme and understand what it involves.

12. We have taken the view that the Race Equality Scheme should form part of our overall Equality Scheme, and be linked to our wider strategic aims and objectives – as long as it can be easily identified, monitored, assessed and reviewed as meeting the requirements of the general and specific duties under the Act.

13. As part of the process of developing the scheme in 2002, independent consultants Focus Consultancy Limited worked with HEFCE senior managers, Board members, staff from ethnic minorities, and a project steering group.

## Context

14. The Race Relations Act 1976 provides the legislative base for anti-racist policies within the UK. The 1976 Act was significantly strengthened as a result of recommendations that came out of the Macpherson Report on the Stephen Lawrence murder inquiry. The Race Relations (Amendment) Act 2000 amended the 1976 Act so as to:

- Prohibit race discrimination in public functions not previously covered by the 1976 Act.
- Place a general duty on specified public authorities to have due regard to the need to promote race equality.
- Give the Home Secretary powers to impose specific duties on public authorities that are subject to the general duty, and to add to the list of bodies to which the general duty applies.

15. A 'racial group' in the 2000 Act is a group of people defined by colour, ethnicity, race, nationality, national or ethnic origins. The new anti-discrimination provisions and the general duty for public authorities listed in the 2000 Act came into effect on 2 April 2001.

16. Schedule 1A to the 1976 Act, as amended, lists the bodies and other persons subject to the general duty.

17. The Macpherson Report gave the definition of institutional racism as:

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

We endorse this definition, and signed the Bristol Joint Declaration on Racial Equality in December 2003 to publicise our acceptance of it. Through the Declaration, we work in partnership with a number of public and private sector organisations in the Bristol area (where our headquarters is located) on shared issues such as minority ethnic

participation in the local labour market, policy impact assessment tools and race equality training.

18. There have also been several advances in race equality law through the European Community, including:

- Article 13 of the Treaty of Amsterdam which conferred upon member states the ability to 'take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'
- Council Directive 2000/43/EC which implements the principle of fair treatment between people irrespective of racial or ethnic origin. It was adopted by EU member states in 2000
- Race Relations Act 1976 (Amendment) Regulations 2003 which redefined indirect discrimination, introduced a new definition of harassment (applicable to both employers and employees), redefined the burden of proof and its application to institutional liability, and removed those exceptions that are contrary to the principle of fair treatment for all.

19. Another relevant piece of legislation (passed on 2 December 2003) was the Employment Equality (Religion or Belief) Regulations which cover direct and indirect discrimination on the grounds of a person's religion or belief. We understand that there are parallels between racial and religious discrimination, but acknowledge that race and religion are not the same issue and are often manifested or experienced separately.

## **Specific duties**

20. The specific requirements in relation to our Race Equality Scheme are as follows:
- a. The preparation and publication of a scheme which sets out how that public authority intends to meet its obligations under the general duty and other specific duties which have been set and are relevant to it.
  - b. An assessment of that public authority's functions and policies which it feels are relevant to the general duty (which must be reviewed at least every three years).
  - c. That public authority's arrangements for assessing and consulting on the impact that any policies it is proposing are likely to have on the promotion of race equality.
  - d. That public authority's arrangements for monitoring its policies for any adverse impact on the promotion of race equality.
  - e. That public authority's arrangements for publishing the results of its:
    - i. Assessment under (b).
    - ii. Consultations under (c).
    - iii. Monitoring under (d).
  - f. That public authority's arrangements for ensuring that those from minority ethnic communities have access to information and to services that it provides.

- g. That public authority's arrangements for the training of its staff on issues relevant to the general duty and the specific duties.

21. The specific requirements in relation to each further and higher education institution (HEI) are that it should:

- a. (Before 31 May 2002) prepare a written statement of its policy for promoting race equality (its 'race equality policy').
- b. Have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under the Act.
- c. Maintain a copy of the statement and fulfil these duties in accordance with such arrangements.
- d. Assess the impact of its policies, including its race equality policy, on students and staff of different racial groups.
- e. Monitor, by reference to these racial groups, the admissions and progress of students and the recruitment and career progress of staff.
- f. Include in the written statement of its race equality policy how it will publish that statement and the results of its assessment and monitoring under subparagraphs 21d and 21e above.
- g. Take such steps as are reasonably practicable to publish annually the results of its monitoring.

## **Employment duties**

22. There are also the following specific duties relating to employment issues, which apply to HEFCE. (Higher education institutions are subject to slightly different duties with regard to employment.)

- a. Certain public authorities subject to the general duty are required to have in place arrangements for monitoring the ethnicity of:
  - i. Staff in post.
  - ii. Applicants for jobs, promotion and training.
- b. If such a body has more than 150 full-time employees it is required to have in place arrangements for monitoring the ethnicity of staff who:
  - i. Receive training.
  - ii. Benefit or suffer detriment as a result of performance appraisal.
  - iii. Are involved in grievance procedures.
  - iv. Are the subject of disciplinary procedures.
  - v. Are dismissed or leave for other reasons.
- c. A public authority subject to these employment duties must publish annually the results of the above ethnicity monitoring.

23. Section 71C of the Race Relations Act 1976, as amended, confers on the Commission for Racial Equality (CRE) the power to issue codes of practice in relation to any aspect of the general duty, in terms of both the general and specific duties mentioned above. Such codes can be admissible as evidence in proceedings brought under the Race Relations Act.

24. The CRE has published a statutory 'Code of practice on the duty to promote race equality' and a non-statutory guide for institutions of further and higher education (HE). The code came into effect on 31 May 2002, following consultation and approval by Parliament. It will be admissible as evidence in any legal proceedings under the Race Relations Act.

## **Our approach**

25. The Council is a relatively small organisation that deals with a range of complex policy-related initiatives, and services delivered to a wide range of stakeholders. Our scheme must be capable of dealing with that complexity, and the complexity of the issues related to institutional racism. As a result it needs to:

- a. Reflect the structure and focus of the legislation.
- b. Take account of ideas and issues coming out of the CRE code of practice and its good practice guides.<sup>1</sup>
- c. Take account of the work that is already being done in HEFCE and HEIs to promote race equality.
- d. Build as far as practicable on existing plans, initiatives, processes and mechanisms in order to mainstream race equality across the Council's work.

26. We are committed to meeting our obligations under the general duty and acting as a beacon of good practice for the sector. To do so, we will use the specific duties, including this scheme, to make race equality and fair treatment – irrespective of gender, disability, sexuality, age or religious belief – an underpinning theme in the development, delivery and refinement of our policies, initiatives and services, and in the way we manage our staff.

27. The Act and associated CRE guidance aim to put race equality issues at the core of public service delivery as part of good generic management practice, and to ensure that a strategy and action plan are in place to eliminate conscious or unconscious racial discrimination in public institutions.

28. As an accountable body, we have a primary responsibility for ensuring that funds are spent properly to maximum effect. At the same time, HEIs are independent institutions and we are concerned to ensure that accountability requirements placed on them are not excessive or inappropriate, and do not divert them from their main purpose.

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<sup>1</sup> For example the CRE guides 'Conducting Impact Assessments: A Practical Guide' and 'Race Equality and Public Procurement'.

HEIs are directly accountable for ensuring that they meet the requirements of the Act as well as the requirements placed on them by virtue of the Act through the Council.

29. Our Race Equality Scheme is therefore designed to not impose an additional burden on HEIs, nor to substitute for their own strategies and action plans for addressing race equality issues, but to complement these. We intend to achieve this through regular review of the scheme, and by developing the race equality dimension of our support to the sector, including offering information and guidance, and disseminating good practice.

## **Principles and characteristics**

30. Our Race Equality Scheme is based on the following principles:

- a. The scheme should have due regard for our role in the sector, in particular our roles in offering appropriate information, guidance, advice and support for HEIs, and providing advice to the Government and Department for Education and Skills (DfES).
- b. Race equality and diversity equality (and fair treatment) issues should be built into our core strategic aims to maximise the potential positive impact on race equality.
- c. Where the potential impact on race equality is unclear or unknown, additional data should be collected.
- d. The Race Equality Scheme should be used to develop the capacity of the Council and the sector as a whole, and thus reflect good generic management practice.
- e. The scheme will be reviewed annually and remain an active, web-only document to enable responsive updates. Alternative formats (including hard copies) are available on request and we intend to produce a summary leaflet of the Equality Scheme in 2007.

31. The scheme:

- a. Will be promoted and readily accessible to those working in the Council and the sector and to the public, via published documents and our web-site.
- b. Will be brought to the attention of all HEFCE staff in the staff guide and included within induction and a special staff training programme, so that it becomes a core part of our working.
- c. Sets out a timetabled action plan to help us meet our obligations under the Act.
- d. Includes plans and procedures to deal with any complaints about possible failure to meet the general and specific duties, or other complaints about the promotion of race equality.
- e. Includes measures which have been or are being put in place to promote race equality.

32. In relation to the specific duties, the scheme:

- a. Will be reviewed and updated annually, so that it properly reflects priorities and pressures facing the Council.
- b. Will be evaluated annually in terms of the impact on our staff and the development and delivery of policies, initiatives and services.

## Action plan

33. Our Equality Action Plan (see Annex A) sets out all the actions we will be taking as a result of the analysis of our functions and policies. In it, all the actions relating to our Race Equality Scheme are clearly identified. Many of the actions are continuations of or build-on actions from our previous race equality action plans, but they are time-bound and have outcomes attached.

## Assessment of HEFCE functions

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

35. Our functions are designed to meet the requirements of central government stakeholders and to support the sector. While we have few direct dealings with the public, nevertheless our functions could have a significant impact on the capacity of the sector to meet the needs of minority ethnic communities. A qualitative assessment of the relative priority of the functions for the Race Equality Scheme is given in Table 2.

**Table 2 The relative priority of our functions for the Race Equality Scheme**

<b>HEFCE function</b>	<b>Priority for race equality</b>	<b>Rationale</b>
Corporate communications	High	Communications and our public presentation can have a high impact on stakeholders’, staff, potential staff and the public’s regard for HEFCE, and could have a high impact on our ability to promote good race relations and share information about the Council’s activities in this area.
Engaging with HEIs	High	Our direct interaction and support for institutions has a potentially high impact on our ability to promote good race relations and help to eliminate unlawful discrimination in the HE sector.
Human resources	High	Human resources has a high impact on race equality for staff at HEFCE, as there is direct impact on employee resourcing, relations and development.
Research policy	High	This theme has high relevance in race equality due to its strategic focus on research careers and the Research Assessment Exercise (which we have assessed as being of high relevance itself to race equality).
Analytical services	High	Our Analytical Services Group specifies, analyses and reports on all the equal opportunities monitoring data submitted on all members of staff and students in HE. Therefore its work has a very high relevance and priority for race equality.



Widening participation	High	Our widening participation activity aims to both widen and increase participation among under-represented groups in HE and ensure that access to HE is open to everyone, whatever their background. This area has a very high relevance to our scheme.
Leadership, governance and management	High	The LGM team has overall responsibility for the Race Equality Scheme and for equal opportunities issues for staff in HE.
Learning and teaching	High	Supporting learning and teaching activities in HE has a high impact on race equality: there is some relevance (for example the impact on race equality of special funding initiatives such as the Centres for Excellence in Teaching and Learning) and in some curriculum development areas, supported by the Higher Education Academy.
Business and community interaction	Medium	This policy area has some relevance, particularly in specific funds which support community engagement by institutions, but the business interaction side has a lower relevance, hence the medium rating.
Finance, planning and procurement	Medium	Some areas, notably corporate planning and procurement, have medium-high impact on race equality, although the finance/payments division has almost no impact, hence the medium rating.
International collaboration and development	Medium	This has a medium impact as members of staff in this team regularly engage with colleagues from countries across the world by undertaking visits and welcoming people to the UK. They also have a role in advising other colleagues making visits about different countries' cultures.
Assurance service (including audit, estates and institutional finance)	Low	Some areas, such as estates and institutional finance, have a very low relevance to race equality, while others – such as audit – have a medium relevance as their work involves making judgements about the management of an institution and compliance with legislation.
Information technology and systems	Low	The IT and systems team within the Council has almost no impact on race equality, except for the support it provides in updating web pages or facilitating staff surveys.
Knowledge management	Low	The knowledge management team has minimal impact on race equality, beyond its role in promoting information on race equality (by disseminating articles, books and so on) and relaying queries from members of the sector or public.

## HEFCE policy development for race equality

36. A key area of activity to implement our Race Equality Scheme will be impact assessment of our policies on race equality. Our overall approach to impact assessment for all our strategic aims and policy areas is described in paragraphs 50-54 of the Equality Scheme. Areas we have categorised as 'high priority' for impact assessment for race in each of our strategic themes are described below, and link to the prioritisation of our functions for race at paragraph 35 of this annex. We currently provide a race equality impact assessment of our major policy areas to the DfES. That document was updated in August 2006 and is available on the DfES web-site.<sup>2</sup> All policies, categorised as high, medium or low, are described in the Equality Action Plan at Annex A.

**Table 3 Our priority policies for race impact assessment, by strategic aim**

<i>Enhancing excellence in learning and teaching</i>	
<b>Priority policies for race 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 race equality through our funding mechanisms.
Quality assurance	We are in a position to support the sector in a culture of continuous improvement and in ensuring equality of outcome for all racial groups. Our quality assurance policies are therefore a high priority for race impact assessment.
Professional development	Teaching in HE is a skilled profession which must be adequately recognised and rewarded. The effective provision of learning and teaching to all students and the support of all teachers through programmes of continuing professional development have potentially a high impact on the student experience and are therefore a high priority for impact assessment.
Workplace learning	As part of our strategy on employer engagement, we are developing an approach to workplace learning that will contribute both to economic success and widening access to HE. It is our hope to support people in the workplace that do not have HE qualifications, to gain such qualifications and participate in HE. It is possible that this initiative will have a positive impact on some racial groups who have not traditionally had high participation rates in HE, as it provides another route to study.
<p>Note: The key data sources for helping us to assess the impact on race equality of these policies are:</p> <ul style="list-style-type: none"> <li>• National Student Survey</li> <li>• HESA individualised student record</li> <li>• Youth Cohort Study</li> </ul>	

<sup>2</sup> See [www.dfes.gov.uk/hegateway/uploads/Race\\_Impact\\_Assessment\\_August\\_2004.pdf](http://www.dfes.gov.uk/hegateway/uploads/Race_Impact_Assessment_August_2004.pdf)

- Destination of Leavers from HE survey.

*Widening participation and fair access*

<b>Priority policies for race impact assessment</b>	<b>Rationale</b>
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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 under-represented racial groups, especially with regard to raising their aspirations for HE and supporting HEIs to eliminate the barriers barring some applicants from entering HE.
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Note: The key data sources for helping us to assess the impact on race equality of these policies are:

- UCAS data about applicants to HE
- HESA individualised student record
- LSC individualised learner record (which relates to learners in further education sector)
- Aimhigher evaluation information, such as project outputs and case studies
- summer schools/European Social Fund information on participation (monitoring can be analysed by race).

*Enhancing excellence in research*

<b>Priority policy for race impact assessment</b>	<b>Rationale</b>
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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.
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Note: The key data source for helping us to assess the impact on race equality of this policy is the HESA individualised staff record.

*Enhancing the contribution of HE to the economy and society*

<b>Priority policies for race impact assessment</b>	<b>Rationale</b>
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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 race equality issues.
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Note: The key data source for helping us to assess the impact on race equality of this policy is the HE-Business and Community Interaction survey.

*Sustaining a high quality HE sector*

<b>Priority policies for race impact assessment</b>	<b>Rationale</b>
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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
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	the continuous improvement of leadership, governance and management will support the development of people and the organisational culture. Evidence has shown that staff from minority ethnic groups are often subject to detriment in employment, therefore this is a high priority area for impact assessment.
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. Race equality for all, and our statutory duty to promote race equality, are clearly high priorities here.
<p>Note: The key data sources for helping us to assess the impact on race equality of these policies are:</p> <ul style="list-style-type: none"> <li>• HESA individualised staff record</li> <li>• findings from the 2005 Equal Opportunities Research Programme<sup>3</sup></li> <li>• ‘The higher education workforce in England: a framework for the future’, (HEFCE 2006/21).</li> </ul>	
<i>Enabling excellence</i>	
<b>Priority policies for race impact assessment</b>	<b>Rationale</b>
People management	This links to HEFCE’s role as an employer of over 250 people, and we believe it is important for the organisation’s effectiveness that we develop and reward high performance. 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 staff of all racial groups is our goal, and therefore our people management policies are a high priority for race impact assessment.
<p>Note: The key data sources for helping us to assess the impact on race equality of these policies are:</p> <ul style="list-style-type: none"> <li>• HEFCE’s human resources database</li> <li>• annual staff survey</li> <li>• recruitment and selection monitoring data.</li> </ul>	

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

## **Our monitoring arrangements**

37. The Act places a statutory duty on us to monitor the HE sector for any adverse and differential impact of a HEFCE-sponsored policy or service on a minority ethnic community. There is also a specific duty on us to monitor, by racial group, the numbers of teaching staff in the HEIs we are responsible for, and to publish annually, as far as possible, the results of that monitoring. We have decided to exceed this requirement by monitoring all types of staff employed by HEIs, and all students undertaking programmes of higher education. The establishment and maintenance of robust monitoring arrangements, for existing and proposed policies that are relevant to the general duty, is critical to enable us to meet our obligations under the specific duties.

38. We are committed to developing a monitoring framework that does not impose undue burdens on institutions, and does not seek to collect any data additional to that already being requested or collected as part of HEIs' own monitoring requirements. The monitoring information we do collect will be published, in summary form, on the HEFCE web-site and in other appropriate publications.

39. If we note any particular problems or discrepancies in the monitoring data collected that indicates an HEI is not complying with the Act, we can offer guidance and support to that institution, in partnership with the ECU, to enable it to rectify any problems. We have no enforcement powers under the Act.

40. The scheme will supplement where necessary, on a sector-wide basis, the direct work being undertaken by individual HEIs to explore whether policies and services impact differentially and adversely on those from minority ethnic communities. These tools could include, as appropriate:

- a. Measurement of levels of access to particular programmes.
- b. Quantitative and qualitative data gathering.
- c. Analysis of specific issues or emerging problem areas across the sector.
- d. Discussion forums.
- e. Identification and dissemination of good practice.

## **The consultation process**

41. We aim to ensure that key stakeholders understand, participate in, and own the Race Equality Scheme. We will follow the process set out in the Equality Scheme at paragraphs 48-49 and aim to re-visit these in the light of emerging guidance on consultation and communication models of good practice in the context of the Act.

## **Arrangements for publishing the scheme, results of consultations and progress reports**

42. We intend to publish on our web-site:

- a. The Race Equality Scheme, which will also be available in hard copy on request.
- b. The results of consultations in relation to the scheme.
- c. Results of consultations on the race equality dimension of any new policy or initiative.
- d. The annual equality report submitted to the HEFCE Board.

43. We will also publicise through specialist media, including those used by minority ethnic audiences, the availability of the above publications.

## **Enforcement**

44. If a public organisation does not meet the general duty, its actions (or failure to act) can be challenged by a claim to the High Court for judicial review. A claim for judicial review can be made by a person or group of people with an interest in the matter, or by the CRE.

45. If the CRE (or in the future, the Commission for Equality and Human Rights) is satisfied that a public authority has failed to comply with any of its specific duties, the CRE 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 that are being taken in response. The CRE 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 CRE can ask the courts to order compliance.

46. Our arrangements for handling complaints against the Council are outlined in paragraphs 70-71 of the Equality Scheme.

## **Annex C**

### **Disability Equality Scheme**

#### **Overview of disability equality at HEFCE**

1. The Council supports the Government's aim for disability equality as set out in its report 'Improving the Life Chances of Disabled People', namely that: 'disabled people in Britain should have full opportunities and choices to improve their quality of life and be respected and included as equal members of society'. We recognise that successful participation in higher education can be an important step in realising this aim.

2. Our aim is that disabled people in higher education face no segregation or unequal treatment, and in fact may need to be treated more favourably than other people to ensure equality, and in order for the aims of the disability equality duty to be achieved. We also want to support an environment where disabled students have genuine freedom of choice in where they learn, based on their personal preferences and academic strengths. Our aim for disability in the sector more broadly is one where everyone has the opportunity to access higher education and fulfil their potential in a culture characterised by inclusiveness and respect.

#### **Context**

3. We understand the challenges that face the English higher education sector in implementing such wide-ranging legislation as the Disability Discrimination Act 2005, and we know there is much to be done at all levels. Some of the monitoring statistics we have collected and published illustrate the current position for disabled people studying or working in HE in England:

- a. According to the British Labour Force Survey, there are 6.8 million people of working age (that is, men aged 16-64 and women aged 16-59) in Britain who have a disability, which represents 20 per cent of the working population. In England, there are 5.7 million disabled people of working age.<sup>4</sup>
- b. Of the 270,000 people employed in the HE sector in 2003-04, 2.3 per cent have declared a disability.<sup>5</sup>
- c. In 2003-04, 4.8 per cent of first year students declared a disability (which equates to nearly 40,000 students out of a total first year student cohort of 845,000).<sup>6</sup>
- d. Of these disabled students, 40 per cent have dyslexia and a further 20 per cent have an unseen disability.

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<sup>4</sup> Source: Disability Rights Commission, Disability Briefing March 2006.

<sup>5</sup> Source: HESA Staff Record 2003-04.

<sup>6</sup> Source: HESA Student Record 2003-04.

## **Aims**

4. We aim to help the HE sector in England attract and retain more disabled students and staff. We will work with partner 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 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 disability equality issues within HE. Specifically, we have a key performance target in our strategic plan which aims for an increased proportion of disabled staff in senior positions in HE by 2010-11. We will measure this through the Higher Education Statistics Agency staff record, year on year, and report on progress against this target in our annual report and accounts.

5. Our Disability Equality Scheme has been written with these aims in mind, and we have taken a rigorous and structured approach to the scheme. It is backed up by a detailed Equality Action Plan (see Annex A), which allocates responsibility to individuals across the Council for embedding disability equality throughout their areas of work.

## **Status of this Disability Equality Scheme**

6. This scheme forms part of our overall Equality Scheme. Therefore there is some cross-referencing between this annex and the overall Equality Scheme. This is to avoid duplication and to streamline our equality processes as far as is possible and appropriate. While this scheme fulfils our statutory duties, it is meant to be read in the context of our Equality Scheme.

## **Introduction**

7. The Disability Discrimination Act 2005 - referred to as the DDA 2005 throughout this annex – places a general duty on public authorities to promote disability equality. Under the new duty, and through all relevant functions, public authorities are required to have due regard to the need to:

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

8. The Council is subject to the DDA and is required to produce a Disability Equality Scheme by 4 December 2006. We developed our scheme for consultation alongside our Equality Scheme and Gender Equality Scheme. This is the final version of the Disability Equality Scheme. We aimed to develop a scheme that includes:

- the values, principles and standards that guide our approach to disability equality
- the overall strategic aims and objectives adopted to promote disability equality
- clear timescales and actions (set out in the Equality Action Plan at Annex A)



- how often the scheme and action plan will be reviewed and reported on
- how complaints about the way we are meeting our duties or other complaints about disability equality matters will be dealt with
- our involvement and consultation strategy
- a prioritised list of HEFCE functions in relation to disability equality
- our primary sources of information for assessing the impact of our policies on equality for disabled people.

9. This Disability Equality Scheme forms an integral part of our overall Equality Scheme and should be read in conjunction with it. It cross-refers to sections in the Equality Scheme to avoid duplication. It is our aim to have a holistic and streamlined approach to our positive duties to promote race, disability and gender equality. We will as far as possible seek to implement this scheme in conjunction with our schemes for race and gender equality, but clearly it may be necessary or appropriate to take actions separately; disability discrimination can manifest itself in different places and in different ways to gender or race discrimination.

## **Legislative context**

10. The Disability Discrimination Act (DDA) 1995 has been amended by the Disability Discrimination Act 2005 so that it now places a duty on all public bodies to promote disability equality. We recognise that the DDA 1995 was an important step towards achieving equality for disabled people, but disability equality has not had the same statutory emphasis or history as sex or race discrimination (the Sex Discrimination Act and Race Relations Act are both over 30 years old). The Government commissioned a Disability Rights Task Force which reported in 1999 ('Towards Inclusion: Civil Rights for Disabled People') and recommended a number of amendments to the DDA 1995. This resulted in the DDA Amendment Regulations (2003), which came into force on 1 October 2004.

11. This new positive duty marks another important stage as it requires public bodies to be proactive in promoting equality for disabled people, rather than simply to make reasonable adjustments for their staff and service users in order not to discriminate. The duty requires a root and branch overhaul of policy-making procedures within public authorities 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 needs of disabled students under the Special Educational Needs and Disability Act 2001 (otherwise known as SENDA or DDA Part 4). We have much to learn from HEIs about the processes they used to achieve this, and see a role for us and our partners in helping to disseminate learning and good practice across the sector.

13. Our 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 10-12 of the Equality Scheme. We have not been given additional duties to monitor any aspect of the HE sector with regard to disability equality (such as our duty to monitor under the

Race Relations (Amendment) Act 2000). We already analyse data on both staff and students with regards to disability and we will continue to publish this annually on our web-site.

14. We subscribe to the social model of disability, as it is described in the Statutory Code of Practice issued by the Disability Rights Commission (DRC):

'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 barriers.'<sup>7</sup>

15. The legal definition of a disability is:

'A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'<sup>8</sup>

16. We will use the social model and legal definition of disability in all our internal and external communications about disability. We will also promote the social model with partner organisations and the HE sector. We will await the results of the DRC's recent consultation on the definition of disability<sup>9</sup> before refining our approach to the models or definitions of disability any further.

17. As already discussed, HEFCE is a key operator in the English HE sector, but other organisations – some partly funded by HEFCE and some not – 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 DDA 2005 to be:

- Equality Challenge Unit (ECU)
- Higher Education Academy
- Leadership Foundation for HE
- Action on Access (the widening participation national co-ordination team)
- Higher Education Statistics Agency (HESA)
- UCAS, the universities and colleges admissions body.

18. We will work proactively with these organisations to share information about disability in HE (for instance, with UCAS about the number of disabled applicants to HE) and to promote or co-sponsor initiatives in the sector.

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<sup>7</sup> The Duty to Promote Disability Equality: Statutory Code of Practice, England and Wales, Disability Rights Commission 2005, paragraph 1.6.

<sup>8</sup> The Duty to Promote Disability Equality: Statutory Code of Practice, England and Wales, Disability Rights Commission 2005, Appendix B.

<sup>9</sup> Available on the DRC web-site [www.drc-gb.org](http://www.drc-gb.org)

## Local and national context

19. Our Disability Equality Scheme is situated within our local context (as a predominantly Bristol-based employer) and also within the national context for HE in England, where we have funding and policy-making responsibilities. We look to local information from the British Labour Force Survey to help understand this context, and note that there are 554,000 disabled people of working age in the South West region. This equates to 19 per cent of the working population in this region. HEFCE employs around 260 staff, of whom about 2 per cent have declared themselves disabled. In common with many organisations, we may have an under-disclosure issue which we will seek to address through this scheme.

20. In the English HE sector, 2.3 per cent of the 270,000 people employed in 2003-04 have declared themselves to be disabled. This compares unfavourably with the national estimates of 20 per cent of the working population in the British Labour Force Survey. It is likely that there is an under-reporting and under-disclosure of disability in HE, probably for a range of reasons. We have issued guidance on equality monitoring<sup>10</sup> to the HE sector and conducted research on the attitudes and experiences of disabled staff in HE in 2005.<sup>11</sup> An anonymous survey conducted as part of the research found that 5 per cent of staff declared a disability according to the legal definition, and 15 per cent declared health problems that did not constitute a disability.

## Specific duties

21. The specific requirements in relation to our Disability Equality Scheme are as follows:

- a. To publish a Disability Equality Scheme, by 4 December 2006, which demonstrates how we intend to fulfil our general and specific duties.
- b. To involve disabled people in the development of the scheme.
- c. To include in the scheme a statement of:
  - the way in which disabled people have been involved in the development of the scheme
  - our methods for impact assessment
  - the steps which we will take towards fulfilling the general duty (the 'action plan')
  - our arrangements for gathering information in relation to employment, and, where appropriate, our delivery of education and our functions
  - our arrangements for using the information gathered, in particular in reviewing the effectiveness of our action plan and in preparing subsequent Disability Equality Schemes.

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<sup>10</sup> HEFCE 2004/14, 'Equality and diversity monitoring in higher education institutions'.

<sup>11</sup> 'Non-disclosure and hidden discrimination in higher education' (HEFCE equal opportunities and diversity project two), Institute of Employment Studies 2005.

- d. Within three years of the scheme being published, to take the steps set out in our action plan (unless it is unreasonable or impracticable for us to do so) and to put into effect the arrangements for gathering and making use of information.
- e. To publish a report that summarises the steps taken under the action plan, the results of our information gathering, and the use to which we have put the information.

22. HEIs have an additional specific duty to assess the impact of their policies and practices on the 'educational opportunities' available to and the achievements of disabled students. The Disability Rights Commission has advised HEIs that 'educational opportunities' should be interpreted broadly, to include aspects across the breadth of activities made available by the HEI. It has also noted that the definition of disability under the DDA 2005 is different from the eligibility criteria for special educational needs provision.

23. This may mean HEIs need to gather information on the following (this list is not exhaustive and HEIs should determine their own priorities):

- attainment of formal qualifications
- gaining positions of responsibility
- numbers of disabled students in different subject areas or course types
- instances of bullying and harassment
- the extent to which positive attitudes towards disabled people have been promoted
- numbers of disabled staff recruited
- the extent to which disabled staff take up opportunities for training and professional development compared to non-disabled staff
- the extent to which disabled staff are retained compared to non-disabled staff.

## **The employment duty**

24. The DDA 2005 requires employers to undertake specific information-gathering on the effect of an organisation's policies and practices on the recruitment, development and retention of disabled employees.

25. Therefore, we are committed to monitoring, analysing information and taking appropriate action with regard to the following:

- applicants (successful and unsuccessful) for jobs at the Council
- applicants for training and promotion opportunities
- workplace treatment generally, such as involvement in disciplinary and grievance procedures
- information related to termination of employment (such as redundancies, dismissals, resignations, end of fixed-term contracts).

26. Our Equality Action Plan highlights the areas where further information needs to be obtained or collected from scratch. We will undertake such monitoring and analysis to ensure there are no differential outcomes for disabled and non-disabled people. If there are differential outcomes, we will investigate the reasons for them and, if necessary,

implement remedial actions. We will build on work already undertaken by our human resources team under the RR(A)A 2000 to monitor these areas so as to ensure our processes are also sufficient to capture disability information.

## Development of our Disability Equality Scheme

27. We have developed this Disability Equality Scheme and action plan in conjunction with our new Gender 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 an 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 shown in Table 4.

Table 4 **Actions to develop our Disability Equality Scheme**

<b>Date</b>	<b>Action</b>
December 2003	Briefed our Chief Executive's Group about the forthcoming DDA and secured its agreement to produce a new scheme and action plan for the Council.
January 2004	Established contact with the DRC to jointly set up a higher education stakeholder group to discuss the requirements of the new public sector duty.
February 2004	Joined the DRC's public sector reference group to represent the interests of the HE sector in wider public policy discussions about the DDA 2005. Both this group and the higher education stakeholder group have engaged closely with the DRC about the format and content of the Code of Practice and other guidance documents.
January 2005	Briefed stakeholders such as HEFCE's human resources team and the HEFCE Board about their new responsibilities and duties under the DDA.
October 2005	Commissioned the Office of Public Management (OPM) to meet with every HEFCE team individually to brief them about the new duties and undertake initial equality action planning with them. OPM produced draft equality action plans for each team, which have fed into the Equality Action Plan, and a report for the Council, which summarises key themes and issues arising from the team meetings.
December 2005	Set up 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.
February 2006	Established a working group with our counterparts at the DfES and the Learning and Skills Council (LSC) to ensure a joined-up approach to disability equality is taken across all three organisations.
March 2006	Met with the head of the Disabled Students Campaign of the National Union of Students (NUS) in February 2006 to get feedback on our approach to our Disability Equality Scheme and to hear about the key issues for disabled students currently in HE.
March 2006	Held a consultation seminar with representatives from HE organisations, such as the Higher Education Academy, as well as groups for and of disabled people to discuss key disability issues for HE and future involvement mechanisms.
May 2006	Consulted on the scheme with the Council's recognised trade union, the Public and Commercial Services Union (PCS).
May 2006	Held a meeting with the NUS Disabled Student Committee where they were involved in setting our priorities for impact assessment and in giving general feedback about their experiences in HE.

May 2006	Held a workshop where disabled members of staff and students from HEIs were involved in setting our priorities for impact assessment and in giving general feedback about their experiences in HE.
June 2006	Sought approval of the scheme and Equality Action Plan from the HEFCE Board.
July 2006	Published the scheme and Equality Action Plan for public consultation.

28. We have aimed to involve disabled people as meaningfully as we could throughout the development of our Disability Equality Scheme. In our role as a funding council we do not provide a direct service to the public, or even to individuals within the HE sector, so we have needed to proactively seek disabled volunteers from the sector who were willing to get involved with the content of the scheme. We have also involved a range of national organisations for and of disabled people in the development of the scheme, as well as disabled people who will be directly affected by it. By dealing with representative groups – for example the NUS’s Disabled Students Campaign, whose chair is disabled and elected by disabled students – we are involving, in an appropriate way, the 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 disabled people and organisations.

## Reporting on progress

29. We have set out in the Equality Scheme 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 DDA 2005, we will take the following actions:

- report on the Disability Equality Scheme annually to the HEFCE Board in conjunction with reports on the schemes for race and gender equality in December each year
- review and update the Disability 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 Disability Equality Scheme every three years. The first review is due to start in September 2009 and be completed in December of that year.

30. The consultation on our equality schemes was published in hard copy, with alternative formats available via the HEFCE web-site and on request. This document and subsequent schemes and action plans will be published on our web-site only (to better enable regular updating).

31. The HEFCE Chief Executive and Board have ultimate responsibility for ensuring this scheme is implemented. Day-to-day responsibility is shared between the LGM and WP teams. This is because equality for disabled people cuts across our policy areas for people management and participation in HE.

## Disability Action Plan

32. Our Equality Action Plan (see Annex A) 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 Disability Equality Scheme, all the actions relating to it are for the future, but they are time-bound and have outcomes attached. The Equality Action Plan will be monitored annually.

## Assessment of HEFCE functions

33. The assessment of our functions, to establish which are appropriate for inclusion within the scheme, is an important stage in its development and maintenance. We have involved disabled people in setting these priorities and have sought further feedback through a specific question in the consultation.

34. 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 needs of its disabled students, staff and other users. A qualitative assessment of the relative priority of our functions is given in Table 5.

**Table 5 The relative priority of our functions for the Disability Equality Scheme**

HEFCE function	Priority level	Rationale
Corporate communications	High	Press and communications can have a high impact on the regard for HEFCE among 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 disabled people and to encourage participation of disabled people in public life. Another way we could make a positive impact is to improve the accessibility of our communications.
Engaging with HEIs	High	Our direct interaction and support for institutions has a potentially high impact on our ability to promote disability equality in HE.
Human resources	High	This has a high impact on equality for disabled 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 disability status. The WP team also share lead responsibility for implementation of the Disability Equality Scheme.
Leadership, Governance and Management	High	The LGM team shares lead responsibility for implementing the scheme with the WP team and leads on policy related to equality for HE staff and all aspects of leadership, governance and management within HEIs.
Learning and	High	Implementing policy to enhance learning and teaching in HE has a

teaching		potentially high impact on supporting disabled learners through accessible curricula.
Information technology and systems	High	Like communications, our IT and systems function has a high potential impact on disability equality with regard to accessibility of IT services for HEFCE staff and for the accessibility of our web-site to both internal and external stakeholders.
Research policy	High	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 disability equality.
Business and community	Medium	This policy area has a medium relevance to disability equality, particularly with regard to its funding streams which support community engagement and volunteering schemes within HEIs, but the business interaction side has a lower relevance.
Planning	Medium	The planning function has a medium impact on disability, as it assists with embedding actions from the equalities action plans in major corporate processes such as the HEFCE strategic plan and our submissions to the Government's spending reviews.
Procurement	Medium	To fulfil the duty we will re-examine our procurement processes and guidance to ensure they are promoting disability equality where necessary and appropriate.
Assurance (including audit, estates and institutional finance)	Medium	Some areas of this activity, eg estates, have a high impact due to the disability capital funding for HEIs to make adjustments to their physical infrastructure, but other areas such as audit and institutional finance have relatively low impact; so a net result of medium.
Finance	Low	The activities of distributing funds to institutions and processing payments and invoices are generally considered to be of low relevance to disability 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 reasonably low impact on disability equality.
Knowledge management	Low	The knowledge management team's work has a minimal impact on disability equality, beyond its role in promoting information resources on disability to staff and to directing relevant queries from the sector to the right people.

## Background to HEFCE's policy on disabled students

35. HEFCE has a long established policy to support disabled students to access, progress and succeed in higher education.

36. We provide funding to improve provision for disabled students, which is apportioned to the higher education institutions and further education colleges that we fund as part of their block grant. More information about how the allocation is calculated can be found at [www.hefce.ac.uk](http://www.hefce.ac.uk) under Widening participation/Disabled students. The



allocation reflects the proportion of students that each institution recruits who receive the Disabled Students Allowance (DSA). In 2006-07, this will be a total of £12.6 million. The DSA is granted by the DfES; more information about this is available on the DfES Student Support web-site.<sup>12</sup>

37. Figures on the participation of students in higher education in receipt of the DSA are published by HESA on its web-site [www.hesa.ac.uk](http://www.hesa.ac.uk). In 2003-04 there were 22,830 undergraduate students in England in receipt of the DSA, which represents 3.1 per cent of the total undergraduate student population.<sup>13</sup>

38. Between 1999 and 2005, we made available special initiative funding to HEIs and FECs to support provision for disabled students. In the most recent round (2003-05) we funded 54 projects. In particular, we funded work to produce resources relating to the learning and teaching of disabled students.

39. The outcomes of all the special initiative projects and many resources are available to all HEIs on the Action on Access web-site [www.actiononaccess.org](http://www.actiononaccess.org).

40. We have also helped HEIs to invest in their physical infrastructure and to make anticipatory adjustments to ensure that disabled students, staff and others (for example, members of the public) can access their facilities. In May 2003 we published 'Project capital round three: invitation to apply for funds' (HEFCE 2003/26). Of the £494 million allocated to improve capital and IT infrastructure to support learning and teaching, £117 million was allocated to improve provision for disabled students. This money helped HEIs to respond to their new duties under the Disability Discrimination Act 1995 and its extension in the Special Educational Needs and Disability Act 2001.

41. The National Disability Team (NDT) was established by HEFCE in 2000 to monitor and manage the special initiative projects for disability and to provide general support to HEIs to enable them to better support disabled students. The NDT's contract came to an end in December 2005, and we redirected its resource into three organisations:

- Action on Access (the WP co-ordination team) to embed disability work into the WP agenda, including outreach
- the Higher Education Academy to support learning and teaching
- the ECU to ensure the embedding of disability provision in the context of broader equalities developments.

This arrangement has been called the 'Disability Equality Partnership'.

42. Through the Disability Equality Partnership, we feel we can continue to gather evidence to further understand the barriers faced by disabled students and encourage improvements to institutional policy and practice to address these barriers.

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<sup>12</sup> [www.dfes.gov.uk/studentssupport/students/stu\\_students\\_with\\_d\\_1.shtml](http://www.dfes.gov.uk/studentssupport/students/stu_students_with_d_1.shtml)

<sup>13</sup> [www.hesa.ac.uk/pi/0304/dsa.htm](http://www.hesa.ac.uk/pi/0304/dsa.htm)

## Impact assessment

43. A key area of activity to implement our scheme will be impact assessment of our policies on disability equality. Our overall approach to impact assessment for all our strategic aims and key policy areas is described in paragraphs 50-54 of the Equality Scheme. We have categorised particular areas as ‘high priority’ (through our discussions with disabled people, as well as examining our own evidence) for impact assessment for disability in each of our strategic themes. These are described below, and link to the prioritisation of our functions for disability in Table 5 in this annex. Other policies, categorised as medium or low, are described in the Equality Action Plan at Annex A.

Table 6 **Our priority policies for disability impact assessment, by strategic aim**

<i>Enhancing excellence in learning and teaching</i>	
<b>Priority policies for disability 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 all students in England and we must ensure that there is no negative impact on disabled people through our funding mechanisms.
Quality assurance	The Quality Assurance Framework includes guidelines on good practice in learning, teaching and student support. This has a potentially high impact on disabled students, as it is closely linked to their experience of HE.
Professional development	Teaching in HE is a skilled profession which must be adequately recognised and rewarded. The effective provision of learning and teaching to all students and the support of all teachers through programmes of continuing professional development have potentially a high impact on the student experience and are therefore a high priority for impact assessment.
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. We know there are correlations between increasing age and disability and that different modes of delivery for HE are likely to impact some disabled students, who are more likely to require greater flexibility or different modes of learning (eg, distance, work based or e-learning) to succeed in HE.
<p>Note: The key data sources for helping us to assess the impact on disabled people of these policies are:</p> <ul style="list-style-type: none"> <li>• National Student Survey</li> <li>• HESA individualised student record</li> <li>• Youth Cohort Study</li> <li>• Destination of Leavers from HE survey</li> </ul>	

<ul style="list-style-type: none"> <li>Labour Force Survey.</li> </ul>	
<i>Widening participation and fair access</i>	
<b>Priority policies for disability impact assessment</b>	<b>Rationale</b>
Increasing demand for HE through funding the national Aimhigher programme	Aimhigher aims to raise the aspirations and develop the abilities of people from groups that are under-represented in HE. Aimhigher builds 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 potential students who have a disability, especially with regard to raising their aspirations for HE and supporting HEIs to eliminate the barriers discouraging disabled applicants from entering HE.
Disabled students policy	Disabled students are a key part of our WP agenda. We provide funding (detailed at paragraphs 36-40 of this annex) to HEIs to support disabled students, and we provide funding to the Disability Equality Partnership to support institutions to develop provision and practice for disabled students.
<p>Note: The key data sources for helping us to assess the impact on disabled people of these policies are:</p> <ul style="list-style-type: none"> <li>UCAS data about applicants to HE</li> <li>HESA individualised student record</li> <li>LSC individualised learner record (which relates to learners in the further education sector)</li> <li>Aimhigher evaluation information, such as project outputs and case studies</li> <li>summer schools/European Social Fund information on participation (monitoring can be analysed by disability).</li> </ul>	
<i>Enhancing excellence in research</i>	
<b>Priority policy for disability 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.
<p>Note: The key data source for helping us to assess the impact on disabled people of this policy is the HESA individualised staff record.</p>	
<i>Enhancing the contribution of HE to the economy and society</i>	
<b>Priority policies for disability 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 disability equality issues.
<p>Note: The key data source for helping us to assess the impact on disabled people of this policy is the HE-</p>	

Business and Community Interaction survey.	
<i>Sustaining a high quality HE sector</i>	
<b>Priority policies for disability 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 will support the development of people and the organisational culture. We must ensure that the contribution and development needs of disabled staff are equally valued and nurtured.
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. Equality for disabled people and our statutory duty to promote disability equality are high priorities here.
<p>Note: The key data sources for helping us to assess the impact on disabled people of these policies are:</p> <ul style="list-style-type: none"> <li>• HESA individualised staff record</li> <li>• findings from the 2005 Equal Opportunities Research Programme<sup>14</sup></li> <li>• 'The higher education workforce in England: a framework for the future'.<sup>15</sup></li> </ul>	
<i>Enabling excellence</i>	
<b>Priority policies for disability 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. 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 disabled staff is our goal, and therefore our people management policies are a high priority for disability impact assessment.
<p>Note: The key data sources for helping us to assess the impact on disabled people of these policies are:</p> <ul style="list-style-type: none"> <li>• HEFCE's human resources database</li> <li>• annual staff survey</li> <li>• recruitment and selection monitoring data.</li> </ul>	

<sup>14</sup> See HEFCE 2005/19, 'Equal opportunities and diversity for staff in higher education'.  
<sup>15</sup> HEFCE 2006/21, published in July 2006.

## **Evidence gathering**

44. We have listed the key data and information requirements linked to the policy areas we have prioritised (through involvement of disabled people and our own assessments) for impact assessment. Where we do not have the data we need to undertake disability impact assessments, we may collect additional information. This is a situation where 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 of this might be:

- surveys posted on web-sites or mailbase groups used by disabled staff or students in HEIs
- focus groups of disabled people convened by the Council, perhaps jointly with other agencies such as the Learning and Skills Council or DfES
- structured interviews with disabled people
- use of a forum or 'think tank' of disabled people.

## **Involving disabled people**

45. Our commitment to consultation is outlined in paragraphs 48-49 of the Equality Scheme. We recognise, however, that the DDA requires us to go further than simple consultation and to actively involve disabled people in both developing and implementing our Disability Equality Scheme.

46. The DDA's specific duties require the Council to involve disabled people in writing our scheme. We must also include a statement about how we have done this: the statement is in paragraph 28 above. In all our involvement activities, we aimed to find out:

- what barriers and unsatisfactory outcomes face disabled people in HE, including problems in accessing HEFCE information or services
- what our priorities should be for disability impact assessment
- how best to involve disabled people in the future.

47. We want to involve disabled people in the implementation and ongoing development of our scheme. We propose to do this in a number of ways, some of which are already described under 'Evidence gathering' above. We have convened a Disability Advisory Group made up of disabled people from the sector. The group has been involved in setting our priorities, and we hope to work with it on implementation issues. We want to keep the various organisations for and of disabled people involved in our work, but we are mindful of 'consultation fatigue' and therefore are formulating an approach with the ECU about how to utilise this expertise most effectively.

48. Our core commitments around our duty to involve disabled people are:

- involve disabled people in developing our Disability Equality Scheme and in any future changes to it
- involve disabled people in implementing the scheme, and to welcome challenges to our 'business as usual'

- ensure that all involvement activities are fully accessible and facilitated where appropriate
- ensure that involvement is timely, transparent and genuine.

## **Enforcement**

49. If a public body does not comply with the general duty, its actions, or failure to act, can be challenged by a claim to the High Court for judicial review. A claim for judicial review could be made by a person or a group of people with an interest in the matter, or by the DRC (or the Commission for Equality and Human Rights from late 2007).

50. If the DRC is satisfied that a public authority has failed to comply with any of its specific duties, the DRC 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 DRC 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 DRC can ask the courts to order compliance.

51. Our arrangements for handling complaints against the Council are outlined in paragraphs 70-71 of the Equality Scheme.

## Annex D

# Gender Equality Scheme

### Overview of gender equality at HEFCE

1. Our aim for gender equality for higher education in England is that men and women have 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 men and women, 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 men and women 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 men and women 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>16</sup>
- c. In the total student population, 41 per cent of undergraduate and postgraduate students are male.
- 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, leaders and governors. 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 in our advisory capacity with the Department for Education and Skills

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<sup>16</sup> Source HESA individualised staff and student records, 2003-04.

(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 A which allocates responsibility to individuals across the Council for implementing gender equality in their areas of work. We also have a key performance target in our strategic plan which aims for an increased proportion of women in senior positions in HE by 2010-11. We will measure this through the Higher Education Statistics Agency staff record, year on year, and report progress on this target in our annual report and accounts.

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

5. This scheme forms part of our overall Equality Scheme. Therefore there is some cross-referencing between this annex and the overall Equality Scheme. 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 Equality Scheme. 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 consulted on this scheme and this is the final version. We aimed 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 A)
- 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' no longer meets the needs of twenty-first 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 men and women.

10. Men and women, 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 men or women are experiencing particular disadvantages.

11. This new duty marks another step forward, as it requires us to be proactive in promoting equality for men, women 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 men, women 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 10-12 of the Equality Scheme. 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 website.<sup>17</sup>

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<sup>17</sup> See [www.hefce.ac.uk](http://www.hefce.ac.uk) under Leadership, governance & management/Equality and diversity/Equal opportunities monitoring.

14. Unlawful discrimination in the Sex Discrimination Act and Equality Act means:
- a. Direct or indirect discrimination against men and women, 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.
  - 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)
- UCAS, the universities and colleges admissions body.

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 men and women – 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 men and women 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 an 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 men, women 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 Equality Scheme 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 equality scheme has been published on the HEFCE web-site. 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 A) 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 Equality 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, governance and management	High	The LGM team has lead responsibility for implementing the 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	High	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 embedding actions from the equalities action plans in major corporate processes such as the HEFCE strategic plan and our submissions to the Government's 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.
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## 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 men and women in terms of both fields of study and employment within the HE sector generally.

32. One initiative we helped 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 Equality Scheme. 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 A.

Table 8 **Our priority policies for gender 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.
Professional development	Teaching in HE is a skilled profession which must be adequately recognised and rewarded. The effective provision of learning and teaching to all students and the support of all teachers through programmes of continuing professional development have potentially a high impact on the student experience and are therefore a high priority for impact assessment.
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.
<p>Note: The key data sources for helping us to assess the impact on gender equality of these policies are:</p> <ul style="list-style-type: none"> <li>• National Student Survey</li> <li>• HESA individualised student record</li> <li>• Youth Cohort Study.</li> </ul>	
<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.
<p>Note: The key data sources for helping us to assess the impact on gender equality of these policies are:</p> <ul style="list-style-type: none"> <li>• UCAS data about applicants to HE</li> <li>• HESA individualised student record</li> <li>• LSC individualised learner record (which relates to learners in the further education sector)</li> <li>• Aimhigher evaluation information, such as project outputs and case studies.</li> </ul>	
<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.
<p>Note: The key data source for helping us to assess the impact on gender equality of this policy is the HESA individualised staff record.</p>	
<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.
<p>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.</p>	
<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 men and women 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.
<p>Note: The key data sources for helping us to assess the impact on gender equality of these policies are:</p> <ul style="list-style-type: none"> <li>• HESA individualised staff record</li> <li>• findings from the 2005 Equal Opportunities Research Programme<sup>18</sup></li> <li>• ‘The higher education workforce in England: a framework for the future’ (HEFCE 2006/21).</li> </ul>	
<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.
<p>Note: The key data sources for helping us to assess the impact on gender equality of these policies are:</p> <ul style="list-style-type: none"> <li>• HEFCE’s human resources database</li> <li>• annual staff survey</li> <li>• recruitment and selection monitoring data.</li> </ul>	

## 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 men and women convened by the Council, perhaps jointly with other agencies such as the Learning and Skills Council or DfES
- structured interviews with men and women
- open consultations on gender issues and the inclusion of gender issues in consultations on other matters.

<sup>18</sup> HEFCE 2005/19.

## **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:

- 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, or 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 70-71 of the Equality Scheme.

## List of abbreviations

<b>CEHR</b>	Commission for Equality and Human Rights
<b>CRE</b>	Commission for Racial Equality
<b>DDA</b>	Disability Discrimination Act
<b>DfES</b>	Department for Education and Skills
<b>DRC</b>	Disability Rights Commission
<b>DSA</b>	Disabled Students' Allowance
<b>ECU</b>	Equality Challenge Unit
<b>EOC</b>	Equal Opportunities Commission
<b>HE</b>	Higher education
<b>HEFCE</b>	Higher Education Funding Council for England
<b>HEI</b>	Higher education institution
<b>HESA</b>	Higher Education Statistics Agency
<b>LGM</b>	Leadership, governance and management
<b>LLN</b>	Lifelong Learning Network
<b>LSC</b>	Learning and Skills Council
<b>NDT</b>	National Disability Team
<b>NUS</b>	National Union of Students
<b>OPM</b>	Office of Public Management
<b>PCS</b>	Public and Commercial Services Union
<b>QAA</b>	Quality Assurance Agency for Higher Education
<b>RAE</b>	Research Assessment Exercise
<b>RR(A)A</b>	Race Relations (Amendment) Act 2000
<b>WP</b>	Widening participation