

# Evaluation of the Equality Challenge Unit

**Report to HEFCE by SQW Limited**

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# Executive summary

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## Introduction

1. SQW Ltd was commissioned by the Higher Education Funding Council for England (HEFCE) in January 2005 to carry out an evaluation of the Equality Challenge Unit (ECU). Our evaluation used the Unit's aims as criteria against which to measure its success. We also sought additional criteria via consultations, in order to evaluate the Unit's additional activities and to assess the direction in which the Unit's work might go in future, including the possibility that its role might no longer be required after 31 December 2006.
2. A number of the Unit's aims have been satisfied. In particular the awareness of the sector with respect to equal opportunities is now high and the provision of high quality materials for each of the main equality areas is close to completion.
3. The optimum focus for the Unit's work is now seen by the sector as support in implementation, best practice and institutional change. For this to succeed the Unit will need to develop a strategy which considers the key change processes in the sector, the primary change agents external to institutions, and those within institutions, and the way in which it needs to work with different stakeholders to engage with those change processes.

## The location of the Unit

4. A substantial proportion of respondents believed that a separate unit is necessary. We have put forward two options for further consideration:
  - a. **Maintain the status quo.** The present arrangements provide potential for synergy with other UK-wide policies and the location is convenient as part of a UK-wide body with a base in London. Current arrangements are complex but the existing location has been adequate in the past and remains an option for the future.
  - b. **Independence.** An independent unit would require legal status and the most appropriate in these circumstances would be a company limited by guarantee. Other higher education (HE) sector units have this legal form and it is a well known and well understood structure. Such a structure would provide clarity of aims, objectives and decision making processes. The status quo option would also require some of these matters to be set out more formally. The Unit, including members of the management board with whom we have discussed this option, is favourable to this approach.

## The Unit's brief

5. The Unit's brief has been imprecisely specified and it has largely set its own agenda. The contractual relationship with the Unit's funders is unclear. Different stakeholders have different views about the direction it should take but there is a consensus that the Unit should now focus on the following:
  - a. **The implementation of good practice** and the culture change which that might imply. There is a strongly expressed view that the Unit should engage in supporting implementation and generating good practice. It should do so by listening to higher education institutions (HEIs) and working with them to achieve their aims. The HEIs are aware of the legal and moral requirements they face but need support in meeting them.
  - b. **Monitoring and benchmarking.** The Unit has not taken on a wide monitoring role. The Unit's current aims include a role in benchmarking and new Higher Education Statistics Agency (HESA) statistics will significantly ease the burden of doing so. The consensus is that the Unit should be a source of data for the sector to benchmark itself and should facilitate different benchmarking options. The Unit's monitoring role would be restricted to reviewing and collecting data from HEIs, and other HE bodies such as HESA, to put forward an overall 'state of the nation' summary. In fulfilling this role the Unit would be undertaking public accountability measures on the effectiveness of the sector.
  - c. An **advisory and awareness raising role.** This is the role it has carried out so far and our findings suggest that these activities can now take a lower priority in the Unit's work.

## Governance

6. There is a need to reflect on the role of different stakeholders in the governance of the Unit in order to ensure that the sector feels greater ownership of it:
  - a. Employers' and institutional needs are articulated through the funding bodies' nominees to the Board.
  - b. Unions are not currently *represented* in the Unit's governance structure though trade union perspectives are currently available through co-opted membership. It is important to ensure that this group of stakeholders are engaged fully with the Unit.
  - c. HEIs are seen as the primary clients but are not involved in determining the Unit's agenda except at arm's length through the funding bodies' nominees. With the shift of focus proposed there may be a need to find opportunities to consult with HEIs more directly and systematically.

- d. Practitioners' networks are a clear option for consultation. The new governance structure removed the unwieldy mechanism then in place for carrying this out. Informal consultation appears to be widespread but it may be useful to incorporate consultation with for example, the Higher Education Equal Opportunities Network (HEEON) and the Universities Personnel Association (UPA) more formally.
  - e. Liaison groups for Scotland, Wales and Northern Ireland are currently established as forums for the general exchange of information. There is likely to be benefit from constituting the liaison groups so that they can contribute more formally to the Unit's agenda. There may be benefit in considering liaison groups for England. It is not clear whether they should be based on the English regions or some other organising principle.
  - f. The key point is to find a means through which it is possible to *listen* to the concerns of HE in an open and effective way.
7. The management board needs to take a closer role in devising strategy for the Unit and giving clear direction. The Board has so far taken a light touch approach and given the Unit autonomy to develop its own objectives. The Board has a responsibility to give guidance on the direction most appropriate for the sector and to seek ways, perhaps through a clearer feedback mechanism to the nominating bodies, to gather intelligence about the relevant issues from the sector. Decisions about the most appropriate location for the Unit should require these issues to be articulated more precisely.

#### **Unit longevity and review**

8. If the Unit refocuses in the way we have described we would not expect its work to be finished for at least three-to-five years, certainly until the Commission for Equality and Human Rights is fully established.
9. With proper accountability procedures, a major review of the Unit will be unnecessary until, as in the case of this review, the Unit is close to the end of its agreed funding period.

#### **Recommendations**

10. The Unit, working with the management board, should refocus its activities on generating, supporting and implementing good practice. In doing so it will need to begin with three questions:
  - What will the world of higher education look like once the Unit has completed its task?
  - What change processes can be harnessed to get closer to this desired outcome?

- Who are the key change agents in these processes?
11. We do not underestimate this task. It is challenging and will require reflection on organisational change in HE. The sector is asking for support in implementing change in equal opportunities practice and calling on the Unit to support it. Our consultations indicate that the Unit has not so far operated extensively in this domain.
  12. The Unit should actively seek to benchmark the sector's equal opportunities performance and to provide guidance and support to HEIs as they benchmark for themselves.
  13. The Unit's remit should be extended to cover student issues (but not including curriculum issues and widening participation). In discussion with the Unit's funders, there will be a need to scope the implications of this extension, in the light of realistic (and therefore limited) increases in funding.
  14. The Unit's publications should be made available in Welsh, subject to the agreement of the Higher Education Funding Council for Wales (HEFCW) and the availability of funding from it.
  15. The Unit should develop key performance indicators which give a clearer sense of the Unit's impact on equal opportunities (EO) practice. Some of this would simply involve distinguishing between the scale and type of contact the Unit has with the sector, who instigated the contact and what the origins of the contact were. It may be helpful to develop other qualitative measures of the Unit's performance.

# 1 Introduction

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- 1.1 SQW Ltd was commissioned by the Higher Education Funding Council for England (HEFCE) in January 2005 to carry out an evaluation of the Equality Challenge Unit (ECU). HEFCE was acting on behalf of the six funders of the Unit, which, in addition to HEFCE, are the Higher Education Funding Council for Wales (HEFCW), the Scottish Funding Council (SFC), the Department of Employment and Learning for Northern Ireland (DELNI), Universities UK (UUK) and the Standing Conference of Principals (SCOP).
- 1.2 Our brief was to:
- report on and evaluate the Equality Challenge Unit's (ECU's) activities and results in 2002-04 against its business plan and key performance indicators (KPIs)
  - evaluate the Unit's current KPI effectiveness
  - gauge satisfaction and perception of the Unit's key user groups and stakeholders
  - recommend whether the ECU should be engaged in policy matters relating more generally to people issues in HE (i.e. some student-related issues also)
  - make recommendations relating to the inclusion of students
  - assess likely future demands on the ECU
  - review the business model options of the ECU and make recommendations about its long-term position.
- 1.3 The ECU is due to finish operating on 31 December 2006. The Unit is roughly 60% of the way through its extended period of operation and it is timely to review how effective it has been and whether the Unit's remit remains appropriate. Such a review also includes consideration of whether there is a need for the Unit post 2006.
- 1.4 The Unit's mission is 'To improve equal opportunities for all who work or seek to work in the UK higher education sector'. It carries this out through awareness-raising, providing advice and support to institutions, and developing and disseminating good practice on the basis of experience from within and outside the higher education sector, in the UK and abroad. The Unit also commissions research to underpin policy and practice. It does not have a specific set of objectives. There are a



number of performance indicators, which we comment on below, and a broad set of aims:

- to work with all stakeholders to raise the awareness and profile of equal opportunities
- to provide specific advice to institutions to help them secure improvements in equal opportunities
- to help specify appropriate data to institutions to support equal opportunities monitoring
- to monitor performance at sector level
- to support institutions directly in developing appropriate institutional benchmarks and standards that will help measure progress
- to develop and disseminate good practice, looking to experience from within and outside the sector, in this country and abroad
- to commission research to underpin policy and practice developments. (This aim does not appear in the Unit's latest summary publication (February 2005) though it was part of its remit until then.)

1.5 Our evaluation used these aims as criteria against which to measure the success of the Unit. We also sought additional criteria from those with whom we consulted in order to evaluate any additional activities in which the Unit is engaged and to assess the direction in which the Unit's work might go in future, including the possibility that its role might no longer be required after 31 December 2006. Our research instruments are included in Appendix 1.

### **Research methodology**

1.6 In order to reach an assessment of the Unit's work we engaged with individuals working in equal opportunities and associated areas in HEIs and other related organisations. We asked them their views on the value of the ECU's work, part of the evidence for which was, in some cases, the ability of their own institution to perform more effectively with respect to equal opportunities matters. We have had to avoid the distraction of potentially evaluating the EO successes and difficulties of higher education as a whole. What we have looked for is the effectiveness of the ECU in supporting, assisting and implementing good EO practice in higher education. The institutional framework in which the ECU operates is also an important contextual factor. The extent to which HEIs and other institutions have been amenable to changes necessary to fully embed equal opportunities has clear

implications for the success of the Unit. A benign environment is clearly much easier to work in than one which is antagonistic to the changes proposed. The HE environment is diverse and complex. Different institutions have different needs and experiences. So far as we can tell there is no opposition to good EO practice but some institutions are more attuned to equal opportunities issues than others.

- 1.7 The most appropriate fieldwork method for much of the work in the project was a series of lightly-structured interviews. Semi-structured interviewing allows the respondents to participate in the development of the research agenda so that we were not defining the items of importance for them. Our early interviews with key stakeholders were used to develop key concepts and these ideas were then tested in different ways as the project proceeded.
- 1.8 We have carried out consultations with key stakeholders including the funding bodies, the Universities and Colleges Employers Association (UCEA), a number of the equality commissions and higher education trades unions. We have consulted widely within the ECU and have received helpful support from the Unit. We initially carried out extensive interviews with a range of staff from six HEIs, drawn from each of the UK countries and from different HE traditions. Following these interviews we devised more structured research tools for a series of telephone interviews with over 100 staff from HEIs throughout the UK. These staff were drawn from management and EO practitioner groups. We also carried out a more open-ended series of consultations by phone with 10 further HEIs to build on our initial extensive consultations and to test out emerging findings.
- 1.9 We would like to express our thanks to all those who gave their time to help us with the evaluation. Time was generously given and conversations were frequently animated, indicating the importance of equal opportunities issues in the sector and the commitment of many HE staff, and those working in equality areas, to the improvement of equal opportunities practice.

## 2 Main findings

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### The context for this chapter

- 2.1 We have received a large number of comments from a wide range of people and institutions. This chapter attempts to distil those comments and inevitably removes some of the richness and detail. We have assured all consultees of confidentiality and have been involved in some very open discussions, sometimes covering sensitive areas for individuals or institutions. Clearly, we are not able to reveal the detail of those conversations but will pull out key themes.
- 2.2 The chapter is organised around the main themes which arose from the consultations. We do not report separately on each phase of the work though where we are able to present data of a more quantitative kind we have done so. While the chapter primarily reports findings, we also include some interpretive comments which are taken up again in chapter 3, Conclusions, and chapter 4, Recommendations.

### Introduction

- 2.3 Awareness of many aspects of the work of the ECU is high among those we surveyed and consulted. The ECU has prioritised some activities over others because it simply lacked the capacity to carry out all that might be needed. Some work is therefore less well developed and less well known. Initially, the Unit concentrated on the implications of the Race Relations (Amendment) Act 2000 which brought new responsibilities to the sector, and subsequently has prioritised the publication of guidance on the key legislation for each equality area.
- 2.4 At its inception the Unit was largely able to develop its own brief. There is no clear contractual relationship between the funders as a group and the Unit, although elements of a contract between some individual funders and the Unit can be inferred from actions and correspondence.
- 2.5 In its vision statement<sup>1</sup>, the Unit claims to be 'owned' by the sector but the sense in which this ownership is manifested is ambiguous. The sector does not have a direct route through which to provide inputs to the Unit and has played only a limited role, through the funders and their nominees on the management board (and steering group prior to 2004), in commenting on the brief. A number of HEIs do not see the Unit as in any way representing them nor as an organisation over which they have

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<sup>1</sup> For example in the section headed 'Our Vision' in the Unit's latest summary publication: The Equality Challenge Unit, February 2005, ECU, London

any authority. The weakest interpretation of ownership in this context should mean that the Unit is responsive to the needs of the sector. Many of these points are covered in earlier review documents but it is important to rehearse them briefly here for context.

- 2.6 The Unit is funded by the HE bodies for each of the UK countries plus UUK and SCOP. Those bodies each nominate a member of the Unit's management board. In addition there is the facility for two co-opted members on the Board plus the director and chair. The chair is appointed by the funders. The funders do not therefore have a direct relationship with the Unit except through their nominees, who have been active in a number of cases. Consequently the Unit has a relatively high level of autonomy. The management board operates in a similar way to the council or board of governors of a university, though it is much smaller, and delegates all operational matters and the development of strategic and policy issues to the Unit, through its director. Formally, however, in terms of employment contracts and ultimate responsibility for its financial probity, the Unit reports to UUK. The Unit has an agreed set of procedures through which this relationship is operated which are largely modifications of pre-existing UUK procedures. Thus the Unit has an operational contract with UUK and as a legal entity is part of UUK. It does not have a clear contractual relationship with its funders and works to a set of aims developed by the Unit and approved by its management board. Operational and policy issues are discussed with HEFCE, on behalf of the funders, and HEFCE is currently developing a memorandum of understanding in order to clarify and formalise the relationship between the funders and the Unit. A funders' forum is now held regularly and is used by the funders to discuss issues relating to the Unit.
- 2.7 It is not entirely clear, therefore, in what respects the Unit is accountable to the sector. The management board can determine strategy but does not operate directly on behalf of the funders, and realistically the Board is strongly influenced by the position taken by the Unit itself. This review, and earlier reviews, are clearly important accountability mechanisms and provide a public evaluation of the Unit's work, in a way in which internal processes may not. They could be seen as heavy handed for a Unit of this scale and they do not contribute to the sector taking ownership of the work of the Unit. This has implications for the Unit's ability to influence change in the sector.
- 2.8 The changes to the Unit's structure in early 2004 and the increased staffing which followed have enabled it to carry out more activities, for example with individual HEIs, and this is recognised by many commentators. However, the earlier phase of the Unit continues to influence perceptions of the work it does and its potential. We have tried to distinguish between the different phases of the Unit's existence in our

interpretation of the comments we have received. Inevitably views formed in the early period of its history carry forward and influence the relationships it has with key stakeholders and clients.

- 2.9 The increased scale of the Unit since the last review is seen to have brought significant benefits in the range and volume of work. The new arrangements and new outputs, including new publications and the ability to respond to detailed enquiries, are viewed positively by many commentators.
- 2.10 Two sets of key stakeholders were particularly affected by the change in the Unit's management structure after the last review in 2003. That review emphasised that the principle of partnership was a major strength of pre-existing arrangements and should be preserved in any new structure. HE equal opportunities practitioners and HE trades unions had significant consultative privileges in the previous structure. These privileges were withdrawn in the new structure. Both groups acknowledge that the previous arrangements were unwieldy and largely unworkable but the removal of the consultative structure has damaged relationships and made some of the opportunities for working closely with important stakeholders more difficult. The formal opportunities for participation offered since the restructuring have not been seen as fully adequate by those we consulted.

### **The profile and perception of the ECU and its role**

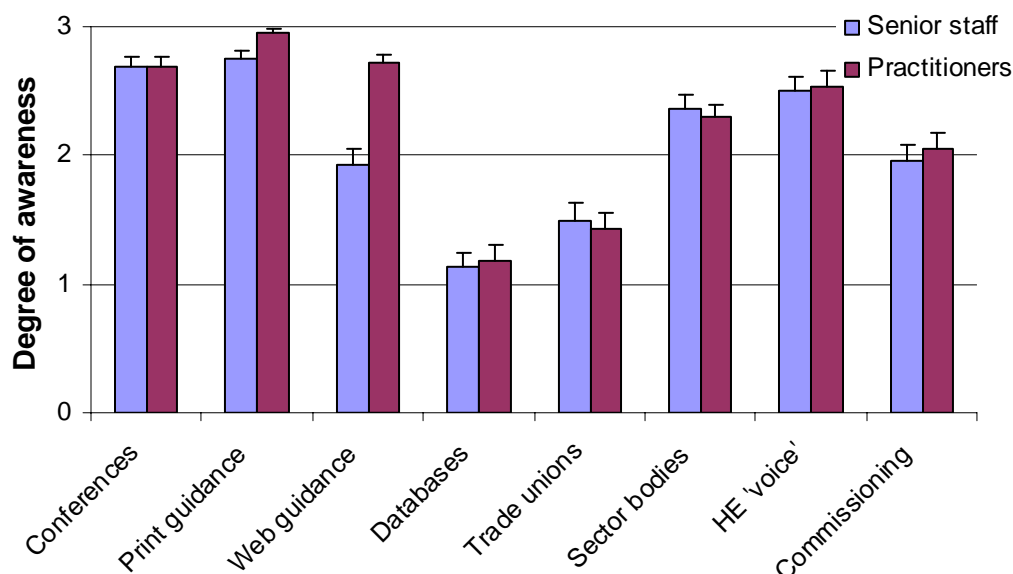
- 2.11 The ECU, along with other national and international agencies and social changes, has raised the profile of EO in higher education so that it is taken seriously as an important component of the sector. The responses to our research related primarily to 'how' EO should be handled rather than 'why'.
- 2.12 The Unit has been good at bringing the 'why' to the attention of the sector through its focus on the implications of equality legislation. A perception from the consultations is that the Unit is seen to be compliance led as a result of its focus on legislation. Some consultees thought that the compliance route had been taken as far as it could, and notwithstanding further legislative changes, the sector needs to change processes and practices in HE without reliance on a legislation-driven agenda. A typical comment was: 'compliance with legislation is not really the issue anymore. It is about embedding practice into performance reviews, management training and other practical applications.' One consultee went further and suggested that a continued focus on compliance could actually militate against embedding EO practice: "with compliance, people also start thinking about EO in terms of being onerous, which goes against trying to embed it across institutional policy and practice.'

- 2.13 The Unit's publications are widely known and recognised as high quality. The website is used regularly by many individuals and institutions and a high proportion of those with EO responsibilities have attended ECU workshops or conferences.
- 2.14 Our consultees had all heard about the Unit and were familiar with some aspects of its work. Some had worked closely with the Unit. Perceptions of the Unit are changing and the work of the Unit, since it has been restructured, was highly valued by a number of consultees.

**Overall awareness of services offered**

- 2.15 Telephone survey interviewees were asked to indicate their awareness of the services that the Unit set out to offer. The results of this are shown in figure 2.1 where 0 represents no awareness, 1 represents low awareness, 2 represents medium awareness, and 3 represents high awareness. Error bars indicate the standard error, indicating the likelihood of the views of the sample being representative of the views of all senior staff and practitioners (the smaller the bar, the lower the sampling error).

**Figure 2.1: Awareness of services offered by the Unit**



- 2.16 It is evident that equal opportunities practitioners and senior administrative/management<sup>2</sup> staff within institutions have similar awareness of the Unit's services, with the exception of web guidance, where practitioners on average

<sup>2</sup> Respondents to the survey gave their job titles and were classified on that basis. The term senior administrative staff or senior staff is used as shorthand for director of human resources, director of corporate affairs, director of personnel and administrative services, director of resources and administration, head of resources and planning, registrar, pro vice-chancellor plus a small number of staff such as personnel policy manager and senior assistant registrar in slightly less senior grades.

reported high awareness, while senior staff reported medium awareness. Overall, the services with a high to medium awareness for both groups were conferences and seminars, publication of printed guidance, work with sector representative bodies, and acting as the HE sector 'voice' for equal opportunities issues. Practitioners also reported high to medium awareness of publication of web guidance and of commissioning research. Services with a low to medium awareness for both groups were maintaining databases of staff contacts, and work with trade unions. Senior administrative staff also reported low to medium awareness of publication of web guidance and commissioning of research.

### ***Quality and relevance of services offered***

- 2.17 Seventy-five per cent of equal opportunities practitioners and 53% of senior administrative staff interviewed during the telephone survey had attended at least one conference or seminar run by the Unit. Both groups felt that these had been run moderately effectively (rated on average 3.76 and 3.82 respectively on a scale of one to five, where five is high), and that the content was moderately useful (3.39 and 3.72 respectively, on the same scale). It is interesting to note that in both cases, the average rating given by the practitioners was lower than that for the senior administrative staff. In consultations, some senior managers reported that they attended events organised by the ECU during its first phase of operation. Those events did not meet their expectations and had dissuaded them from attending more recent events.
- 2.18 Ninety-eight per cent of all telephone survey interviewees had read at least one printed publication produced by the Unit. These were rated relatively highly in terms of quality, with an average rating of 4.2 on a scale of one to five (where five is high, N=104). In terms of usefulness, the average rating was 3.9. Forty-six per cent of the telephone survey interviewees provided responses to similar questions for web-based publications (N=49), and the results were similar, with an average rating of 4.1 for quality and 4.0 for usefulness. It is obvious that these publications are a strong feature of the Unit's current offering, and that the target market is engaged with this aspect of the Unit's work. One caveat was raised by a number of consultees; while written guidance is a useful reference, its efficacy could be improved by guidance on how to translate guidance into practical outcomes.
- 2.19 Almost 50% of telephone interviewees reported that material produced by the Unit has been helpful in supporting equal opportunities monitoring in their institution. However, a further 50% reported either that it had not been helpful in this respect, or that they were unaware whether this was the case. Only 26% of interviewees reported that the material had been helpful in enabling their institution to benchmark

its position relative to the sector as a whole, with 39% finding the material helpful in measuring institutional progress in equal opportunities. Some consultees considered that there could be a more active and useful role for the Unit in benchmarking, '.... an area where the ECU could be very useful is in providing headline data from other HEIs for benchmarking and mapping progress. This type of service would be a good use of resources as institutions cannot resource this individually'.

**Table 2.1: Impact of material produced by the Unit**

<b>Helpfulness in:</b>	<b>Yes</b>	<b>No/don't know</b>
Supporting equal opportunities monitoring	49%	51%
Benchmarking against the rest of the sector	26%	74%
Measuring institutional progress in equal opportunities	39%	61%

- 2.20 In terms of working with other bodies, 75% of interviewees felt that the Unit should collaborate with trade unions in the area of equal opportunities. Ninety-eight per cent felt that it should collaborate with other HE sector representative bodies, such as UUK, SCOP, the Higher Education Equal Opportunities Network (HEEON), the University Personnel Association (UPA) and the Association of University Administrators (AUA). Overall, there was a strong feeling that bodies with a remit or role to play in equal opportunities in higher education should work in partnership, collaboration and/or consultation for the benefit of all stakeholders.
- 2.21 The current presence of the Unit more broadly is felt to be low. Only 44% of the telephone survey interviewees had seen press references to the work of the Unit, whether in the specialist higher education sector press, or in the press more generally. Overall, only 16% of interviewees felt that the Unit is effective in representing the sector to the press and in other public forums; it is not fulfilling its aim of acting as the HE sector 'voice' for equal opportunities issues.

***Uncertainty about the ECU's role***

- 2.22 There is some uncertainty about the precise role of the Unit. Consultees were unclear about its reporting frameworks and to whom it is accountable. We take up this issue again in chapter 3. Some consultees pointed out that the Unit does not represent the sector though it is sometimes characterised as such. In particular, it cannot do that, even though such activities may be valuable, when its primary role is the dissemination of information. It must focus on the needs of HEIs by listening to them and consulting widely in order to represent their views. In this sense the Unit was not widely viewed as owned by the sector.
- 2.23 In addition the Unit was seen by a significant number of respondents as not demonstrating a full awareness of the extent of diversity in the sector. Different



institutions have different requirements and expectations depending on tradition, age, focus and mission, location, size and other factors. It is not easy to map EO issues on to simple divisions between HEIs. There is not a simple pre-1992, post-1992 division, for example. Furthermore the diversity of staff groups within HEIs and their structural relationship to the HEI (permanent, contract, academic, academic-related, technical, professional etc) is complex and differs across HEIs.

- 2.24 Issues were raised with us about the geographical focus of the Unit. It puts in some effort to meet its obligations to consult throughout the UK but representations to us suggest that existing practices are seen as relatively superficial both in the English regions and other countries of the UK. Of the seven telephone survey interviews with institutions in Scotland and Wales however, all felt that liaison groups were an appropriate forum for sharing and improving equal opportunities practice but this does not imply that they are the only forum nor that they are working as well as might be possible. Consultations disclosed a view that there should be more engagement within all regions in the UK coupled with a view from other regions that the Unit has been London-centric. This was not necessarily reflected in consultations with London HEIs. Welsh consultees expressed a wish that the Unit's publications be available in Welsh. The essence of this point is also diversity. Different regions in the UK have different needs with respect to EO, though all are based on the same principles. When putting the principles into practice the regional dimension can be very important.
- 2.25 We received some comment on the possibility of a regulatory role for the Unit. Some consultees, both within and outside HEIs themselves, would like to see the Unit operating with more teeth in generating change. Others held strongly to the view that, in its early years, the Unit had operated with too strong a policing role, for example, in the way in which some of the recommendations relating to the Race Relations (Amendment) Act were handled. Overall our sense is that there would be support for a Unit which took seriously the 'challenge' element of its name. The challenge would be best received by HEIs if they were given the opportunity to understand for themselves the challenges they faced, that is to internalise the extent to which they were carrying out good practice through self reflection on the basis of a clear analysis of the sector. A small number of commentators would go further than this and would wish to see the Unit forcing the pace more quickly than the need for self reflection implies.

***Inclusion of a student brief***

- 2.26 We have received very strong endorsement for the inclusion of a student remit for the Unit. A high proportion of EO practitioners report that they routinely cover student

and staff issues and that a separation of the two is artificial and sometimes unhelpful: 'equal opportunities behaviours are all embracing and are not specifically related to any one client group'. Some HEIs retain a division of responsibility for equal opportunities in which staff matters are the responsibility of the personnel or human resources division and student EO issues are handled by the registry. However, such a division does not preclude the Unit covering both areas.

- 2.27 In a number of HEIs equal opportunities staff take some responsibility for issues relevant to the curriculum and student recruitment, as well as broader aspects of equal opportunities which relate to the responsibilities of institutions for any staff member, student or client with whom they have contact. It is clear, however, that the former issues are centrally concerned with academic matters. A greater awareness of EO issues among academic staff may, in some cases, change an HEI's approach to the curriculum, or the way it is taught, but this is seen by many commentators to go beyond the brief of a small unit like the ECU. The proposed extension of the remit to cover students does not therefore include widening participation or curriculum issues which are seen as rightly supported elsewhere. There is likely to be a need for the Unit to carry out some limited liaison with bodies, such as the Office for Fair Access (OFFA), however, as well as becoming aware of some registration functions and the perspectives of stakeholders such as the National Union of Students.

#### ***Perceptions of effectiveness***

- 2.28 Fifty-five per cent of telephone survey interviewees felt that the Unit engaged with their institution in the most appropriate and effective ways, 45% did not. There were no differences between responses given by equal opportunities practitioners, and those given by senior administrative staff. The main reasons interviewees felt that the Unit did not engage appropriately and effectively were the relatively passive approach currently taken, and the fact that the approach is generalised and does not display a full recognition of the different issues that individual institutions face. A number of interviewees also felt that publications, while useful and of a high standard, could be better spaced throughout the year; at present interviewees feel bombarded with literature at certain times, which, for them, decreases effectiveness.
- 2.29 The Unit is a primary source of information and support on equal opportunities for 32% of telephone survey interviewees. It is used as a secondary source by 43%, and as a peripheral source by 22%; thus 65% of interviewees do not currently use the Unit as a primary source of advice for equal opportunities in higher education. The responses of equal opportunities practitioners and of senior administrative staff were similar.

- 2.30 The Unit had provided specific advice which had supported equal opportunities improvements to 69% of the institutions surveyed by phone. These respondents rated the usefulness of that advice as, on average, 3.7 on a scale of one to five (where one is low and five is high). Advice varied from a single telephone call or e-mail exchange on a specific issue, to supporting institutions in the drafting of equal opportunities strategies and policies. Seventy-nine per cent of respondents felt that the Unit communicated with them regularly, with the average time since last contact being four weeks.
- 2.31 Just over half (53%) of telephone survey interviewees felt that the activities the Unit offered were appropriate to support cultural and organisational change in their institutions. Forty-seven per cent felt either this was not the case, or they were unsure. As with the responses to questions regarding engagement, the main reasons underlying the latter two responses were given as the relatively passive approach and the fact that the approach taken is generalised and does not take into account the need to pitch documents or activities at different levels depending on which group within the institution is being targeted (for example, vice chancellors need a different approach from equal opportunities officers). In many cases the perception is that the Unit largely uses a blanket mailing approach which does not discriminate in this way. There was no difference between the views of senior administrative staff and those of equal opportunities practitioners.
- 2.32 Sixty-six per cent of equal opportunities practitioners interviewed during the telephone survey rated the effectiveness of the Unit as low or medium, with 34% rating it as high. Practitioners perceive that senior teams within their institutions would rate effectiveness lower, with only 17% of these reporting that their senior teams would rate the effectiveness of the Unit highly.
- 2.33 The findings from the interviews with the senior administrative staff support this view. Eighty-five per cent of these personally perceived the effectiveness of the Unit to be low or medium, and felt that in 90% of cases, the other members of their senior team would rate effectiveness similarly.

**Table 2.2 Perceptions of the ECU's effectiveness**

Perceptions of ...		Percentages		
		Low	Medium	High
Equal opportunities practitioner	- personal	16%	50%	34%
	- senior team	39%	44%	17%
Senior administrative staff	- personal	18%	67%	15%
	- senior team	42%	48%	10%

## **Credibility**

- 2.34 When asked to rate the credibility of the Unit, 55% of equal opportunities practitioners interviewed during the telephone survey personally rated this as high; 45% of practitioners personally rated credibility as medium or low. However, practitioners perceived that members of the senior team within their institution would rate the credibility of the Unit rather lower, with 60% reporting that this would be medium or low for their senior team.
- 2.35 Again, the findings from senior administrative staff support this view; indeed, only 23% of these staff personally rated the credibility of the Unit as high. This falls to 15% when asked about the perceptions of other members of their senior team. This finding was mirrored during consultations; senior managers were more likely to report negative experiences of the Unit during the first phase of the Unit's life, which continue to affect their perceptions.

**Table 2.3 Perceptions of the ECU's credibility**

Perceptions of...		Percentages		
		Low	Medium	High
Equal opportunities practitioner	- personal	12%	33%	55%
	- senior team	21%	39%	39%
Senior administrative staff	- personal	13%	64%	23%
	- senior team	40%	46%	15%

## **Supporting and generating good practice**

- 2.36 It was clear from virtually all consultees that there is a strong requirement for the Unit to move from its phase of advising on legislation, through the production of high quality publications, to a more active engagement with HEIs to support them in changing their practices and implementing policies. But the diversity of the sector is an important constraint. Different HEIs have different requirements. The constraint can be handled; for example, by working in partnership with HEIs that are already skilled. Partnership and brokerage can promote good practice and provide exemplars of it. EO practitioners were keen to support this approach.
- 2.37 There was a consistent demand across virtually all consultees for more support in generating and implementing good practice. For many this was seen as the most important focus for the work of the Unit over the medium term. Many HEIs make good use of each other, through, for example, phoning colleagues and asking for advice. Such opportunities do not always easily arise and the Unit is seen as a potential facilitator of such contacts through workshops on examples of good practice, for example, or a focus on how to deal with legislation rather than what the legislation means in terms of responsibilities. This does not imply that the Unit

should carry out all such workshops or has the expertise to do it. What it should possess is knowledge of the sector which enables it to facilitate such activities. It may be that good practice does not reside in the sector or there are better examples from outside, in local health authorities or local government, for example. Consultees would like to see the ECU bring together such examples through working with the sector and listening to its needs. The Unit should be well placed to carry out this kind of facilitation. It should be able to draw on good examples and help HEIs to network in appropriate ways with each other and relevant institutions in other sectors.

2.38 Some of this is being done and the Unit's latest operational plan indicates a focus for 2007-08 of:

- 'supporting the embedding of the use of the tools and guidance at institutional level
- ensuring that a level of effective mainstreaming has been achieved and that standards have been established which can be verified through qualitative and quantitative data'.

2.39 Our sense from our survey of the sector is that such activities need to be brought forward and form the primary work of the Unit.

2.40 In generating good practice the sector needs a clearer understanding of how it is performing. HEIs do not wish to be benchmarked by an external body in a regulatory style but there is a strong demand for information which will enable them to benchmark for themselves. The Unit has worked with the Higher Education Statistics Agency (HESA) in the extension of HESA's brief to include more data on staffing. The first sets of data from HESA became available from mid 2005. The Unit, and individual HEIs, thus have a reliable data source on which to base benchmarking analysis. Benchmarks may not necessarily be drawn only from higher education, however. For some HEIs it is appropriate to benchmark themselves against major local employers, such as the local health service. The position of the sector will also require interpretation in relation to similar employers in other sectors.

2.41 Such activities are implicit in a number of the Unit's aims but have been lower priority than the generation of the high quality publications which have been the primary focus of attention to date. The message we have received from the sector is that much of the work on publications is now complete (though it will never be completely finished; there is still work to be done in relation to the 2005 Equality Bill, for example).

2.42 Supporting and generating change requires greater practitioner engagement and greater union engagement than currently undertaken. It will also need buy-in from

vice-chancellors and senior teams who will need to be approached in a focused way since different institutions have different needs.

- 2.43 Strategically the Unit will need to consider the change processes which are effective in HE and how these may be influenced. This requires working with the sector, to listen and draw in priorities, alongside a subtle understanding of the cultural differences which exist in HE, both between institutions and between different professional and other groups of employees within institutions.
- 2.44 The Unit also has a role in supporting change at a national and international level, though such responsibilities are lower priority than its support for the sector. Our consultations indicate that the Unit's activities in its newly restructured form are already well received in this context. Prior to 2004 it worked closely with a number of the equality commissions and that work was valued. The equality commissions welcome the partnership they now have with the Unit. They are able to guide the Unit in its interpretation of legislative changes but the process is two way. The Unit gives the commissions valuable interpretations of the position of HE which the bodies are able to use in devising higher level strategies. The equality commissions are moving away from detailed specific advice into engagement with institutions at a sector level. They welcome the existence of a unit which can take broad principles and interpret them in the context of particular institutional interests, within a given sector.

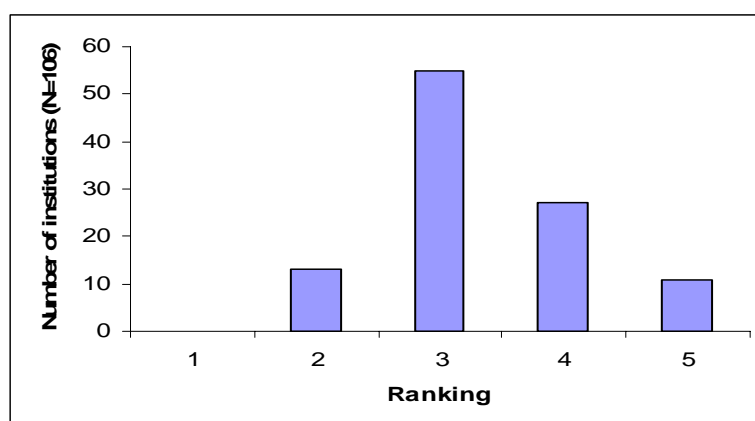
#### **Structural and unit based issues**

- 2.45 We have already commented upon the strong support for the inclusion of students in the Unit's remit. From the telephone survey, for example, there was a strong feeling that the remit of the Unit should be extended to cover staff behaviours which impact on student equal opportunities and diversity. Eighty-five per cent of telephone survey interviewees responded positively. Of the remaining 15%, the major concern with the proposed additional remit related to whether current resources would allow the Unit to expand effectively, while also continuing with current activities.
- 2.46 An extended remit may have implications for Unit staffing and new responsibilities will need careful scoping. Our discussions with funders make it clear that it will not be possible to make significant increases in funding. Initial estimates from discussions with funders and others suggest that the new role may be carried out with one or two additional staff who take a specific interest in students and liaise with student bodies such as the National Union of Students. Ultimately the ideal is likely to be for each equality specialist to take on responsibility for students within the

specified equality area, with support from a colleague(s) who is knowledgeable about student issues.

- 2.47 At a strategic level the Unit has so far been reactive in picking up issues from legislative changes. In its early manifestation this was largely forced upon it by capacity constraints. As already discussed in the previous section, there is a strong statement from the sector that the Unit needs to shift approach and to plan how best to influence the key change processes and change agents in the sector. It needs to do this with a high level of knowledge about the EO performance and needs of the sector. HEIs and, in particular, EO practitioners would be willing, in our view, to support this.
- 2.48 On the basis of our findings, some links with other sector organisations, such as UCEA and the Leadership Foundation, need greater clarity both to influence the sector and to understand it. Relationships with other stakeholders are also important and need careful managing, some of which is undoubtedly happening currently. These include the equality commissions and trades unions.
- 2.49 HEIs surveyed gave some indication of the scale of the tasks involved. On average, HEIs employed four staff with direct responsibility for equal opportunities (the range was from 0.5 to 45). When asked to rate the extent to which an institution needs to improve equal opportunities on a scale of one to five (where one was low and five was high), every institution felt it had to further improve. Over 50% of institutions felt that moderate improvement was still needed (scoring three), while a further 36% of institutions felt that more substantial improvements were still needed (scoring four and five). This is represented in figure 2.2.

**Figure 2.2 Extent of improvement possible in EO performance by HEIs**



- 2.50 Institutions were asked to specify in which areas they were most likely to require help and support in the medium term. The most common responses are given in table

2.4; they have been subdivided into specific areas for support, and cross-cutting themes (total number of respondents was 101).

**Table 2.4 EO areas in which help and support are required by HEIs**

Areas cited	Number of citations
Specific areas	
- Age	47
- Disability	46
- Race	40
- Gender	20
- Religion and belief	15
- Sexual orientation	15
Cross-cutting themes	
- Impact assessments	25
- Pay and progression	15
- Policy development and implementation	7
- Consultation	7
- Benchmarking	5
- Improving consultation processes	5

2.51 In the light of these findings, 65% of those surveyed by telephone stated that the higher education sector in general has a need for a separate body with responsibility for equal opportunities. Twenty-two per cent stated that there was no longer a need for a separate body, and 13% were unsure. Those stating that there was no longer a need for a separate body reported, on average, a similar need for equal opportunities improvement at their institutions as those who reported that there was still a need for a separate body with equal opportunities responsibility. In consultations those reflecting the view that there was no need for a separate body for HE were generally from well resourced institutions with very experienced EO teams in place. Some of these experienced teams had an interest in benchmarking their EO practices against other large employers in the same geographical area, rather than other HE institutions.

***Performance and accountability***

2.52 The Unit has developed key performance indicators for some aspects of its work<sup>3</sup>. So far as we can tell they relate primarily to the quantity of services and contacts it carries out. These are not sophisticated measures and indicate little about the extent to which the Unit is improving the EO performance of the sector. They give some measure of the range and extent of activity in which the Unit is engaged and we have no doubt that the Unit is stretched. Indeed we would caution that the energetic way in which policy advisers are currently operating may well be unsustainable long-term. It is not that the policy advisers are undertaking unnecessary activities but that their enthusiasm and commitment may lead them to respond with a speed and offer of support which would be difficult to handle if more demands were made of them.

<sup>3</sup> The Unit's key performance indicators are set out in Appendix 2.



Their current response times may not be the most appropriate measure against which to set future commitments, given the limited likelihood of additional funding. However, it would be desirable to investigate the possibility for indicators which give a clearer sense of the Unit's impact on EO practice. Some of this would simply involve distinguishing between the scale and type of contact the Unit has with the sector, who instigated the contact and what the origins of the contact were. It may be helpful to develop other qualitative measures of the Unit's performance.

2.53 As we have discussed earlier, it is not easy to identify the processes through which the Unit is accountable to the sector. Greater clarification is needed and we pick up aspects of this in discussing the location of the Unit below. This should not be read as implying that the Unit is avoiding proper accountability procedures. The procedures are unclear and this creates complexity for the management board, for example, and for the six funding bodies. We understand greater clarity in accountability would be welcomed.

2.54 We have received representations about the style and direction of the Unit, some of which have commented on individual staffing issues. It is not appropriate to report these here and they have been taken up through other routes.

#### **Summary of findings in relation to the aims of the Unit**

2.55 Table 2.5 summarises the extent to which the Unit has achieved its aims, based on the evidence from the wide range of consultations we have carried out.

**Table 2.5 Summary findings in relation to aims**

<b>Aim</b>	<b>Achieved</b>
1. To work with all stakeholders to raise the awareness and profile of equal opportunities	<p>1.1 Awareness of EO in HE is high. The Unit has played a substantial part in raising awareness.</p> <p>1.2 The Unit works <i>with</i> the sector but with a focus on the implications of the legislation and less on institutional need.</p>
2. To provide specific advice to institutions to help them secure improvements in equal opportunities	<p>2.1 The Unit responds to requests and its current practice is highly regarded.</p> <p>2.2 The Unit does not initiate contact, partly because of capacity constraints, partly because of its current focus.</p>
3. To help specify appropriate data to institutions to support equal opportunities monitoring	3.1 Institutions would value more activity in this area.
4. To monitor performance at sector level	4.1 There is no systematic, quantifiable monitoring of EO performance at sector level.
5. To support institutions directly in developing appropriate institutional benchmarks and standards that will help measure progress	<p>5.1 This aim is currently unfulfilled.</p> <p>5.2 There is a widespread demand for benchmarking data.</p>
6. To develop and disseminate good practice, looking to experience from within and outside the sector, in this country and abroad	<p>6.1 This aim is largely unfulfilled.</p> <p>6.2 The unit uses case studies in workshops and other presentations and publications, and invites HEIs to illustrate good practice, but there is a high demand for more focus on these parts of the Unit's aims.</p>
7. To commission research to underpin policy and practice developments	7.1 There is limited awareness of any research commissioning. Little if any activity has taken place and this aim has been removed from the Unit's most recent publication (February 2005).

## 3 Conclusions

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### Introduction

- 3.1 A number of the Unit's aims have been satisfied. In particular the awareness of the sector with respect to equal opportunities is now high and the provision of high quality materials for each of the main equality areas is close to completion. There will be a continuing need to reflect on legislative requirements and to update materials.
- 3.2 The optimum focus for the Unit's work is seen by the sector as support in implementation, best practice and institutional change. For this to succeed the unit will need to develop a strategy which considers the key change processes in the sector, the primary change agents external to institutions and those within institutions and the way in which it needs to work with different stakeholders to engage with those change processes.

### Accountability and location of the Unit

- 3.3 Accountability is closely connected to the location of the Unit as a separate entity, perhaps linked to another HE body. A substantial proportion of respondents believed that a separate unit was necessary and we discussed possible locations with a number of them. We have focused on two options which are set out below, but discussed a further three in our consultations. We will take these first since they help to explain the decision to put forward only the remaining two.
- 3.4 **Disbandment.** The existence of a separate equality unit for higher education requires the sector to be sufficiently different from other parts of society to justify a unit with a specific focus on its needs. A number of arguments were put to us that the sector is not sufficiently differentiated from other sectors to justify a separate unit. If that is true, there are plenty of other advice providers in a crowded market; the use of the private sector or other public sector providers is then cheaper than supporting a separate unit and the loss of an agency may be perceived as positive externally. However, it is clear from many consultations, inside and outside the sector, that HE is complex and substantially different from other sectors. Consultees inside and outside the sector argued that a unit of this kind performs an important role and, as we have indicated, while much of the awareness raising role of the Unit is complete and the need for specific advice on legislation is largely in place, many saw a new emphasis on primary areas of work which require a closer identification with the

sector. Smaller and less advanced institutions, in EO terms, would be particularly vulnerable if there was no specific unit and the Funding Councils would lose an instrument for influencing practice.

- 3.5 The message sent by closure to the sector would be unfortunate; it would be viewed as a diminution in the funding bodies' commitment to EO. The functions of the Unit would need to be filled in some other way and the consensus view is that a separate unit is the most efficient structure at this time. In discussion with the funding bodies, this option is not therefore recommended.
- 3.6 **Within the Universities and Colleges Employers Association (UCEA).** The argument for the Unit to be placed within the UCEA arises because Universities UK is seen as an 'employers' club' and the Unit's location there has the potential to place the Unit in a difficult position in putting forward an independent view. In order to give clarity, the argument goes, the Unit should be placed inside the UCEA where its role in supporting employers would be unambiguous. It is charged with promoting employment diversity in higher education and the employers accept this as an objective. If the Unit became part of the other main employment discussions relating to pay and conditions, equal opportunities (through the Pay and Conditions National Framework) would be given clarity and clout. The ECU is not the only, nor the most appropriate, method of generating change. Unlike UCEA, it is unable to facilitate negotiations between employers and staff. The UCEA and ECU distinction on EO issues is arbitrary, with the UCEA dealing with pay issues and the ECU with employment practices. There are also boundary issues which have resulted in some confusion with respect to the most appropriate forum for some equal opportunities matters.
- 3.7 This approach works well for equal opportunities in other sectors.
- 3.8 A primary drawback to this location is that the Unit would not be able to deal easily with issues outside employment. That reflects its current focus but there is a strongly expressed preference for student issues to be added to the brief. Such additions would be difficult if the Unit were placed in the UCEA.
- 3.9 The location of EO firmly with the employers also has the potential to increase trade union dissatisfaction. We do not recommend this option.
- 3.10 **Location within HEFCE or all Funding Councils.** A number of commentators suggested a location within the Funding Councils, or specifically within HEFCE as the lead council, would be preferable to the present location in UUK for the reasons mentioned above. The Funding Councils have a more neutral role, and already

provide advice and recommendations to institutions. The Funding Councils are also seen as the real agents driving change in the sector.

- 3.11 A location in HEFCE might be inappropriate for the devolved administrations. We are aware that there are proposals for a separate unit in Scotland, linking HE and further education, which are well advanced. In Northern Ireland the Equalities Commission is aware of HE issues specific to the province and a separate unit may be unnecessary there. It would be possible for England and Wales to share a unit.
- 3.12 There would be higher fixed costs with a series of separate units and considerable duplication. The argument rests on the extent to which the separate regions and countries differ. Also, the Funding Councils are not keen to set up a proliferation of sub-units. We do not believe that this option is one the Funding Councils would favour.
- 3.13 The next two options are both supported by different groups or stakeholders and we recommend that one should be chosen as the location of the Unit for the remainder of its life.
- 3.14 **Maintain the status quo.** The present arrangements provide potential for synergy with other UUK policies and the location is convenient as part of a UK-wide body with a base in London. The current arrangements are also relatively cheap to administer.
- 3.15 We have commented earlier on the complexity of the current arrangements and the difficulty for the Unit of being fully accountable to the sector. UUK has legal responsibility for the Unit but, appropriately given the nature of the Unit, little control. There is the potential for a difficult relationship. Moving the Unit to a different location would act as a significant symbolic statement which might help to launch the refocusing of work which has been suggested. Nevertheless, the existing location has been adequate in the past and remains an option for the future.
- 3.16 **Independence.** An independent unit would require legal status and the most appropriate in these circumstances would be a company limited by guarantee. Other HE sector units have this legal form and it is a well known and well understood structure.
- 3.17 The Unit would not be independent of its members/shareholders and such a structure gives much greater clarity in accountability and potentially much clearer control to the members, than the current arrangements. The funders would be shareholders/members but membership could be extended to other institutions connected to the sector if that was seen as appropriate, for example, the trade unions or individual HEIs. Members would make a financial contribution to the Unit which, in that sense, would be literally owned by the sector. The potential for greater

accountability and the requirement of such a form to set out articles of association and agree objectives also has the potential to make the sector feel a greater philosophical ownership of the Unit. The role of members for oversight and control is enhanced.

- 3.18 Such a structure would provide clarity of aims, objectives and decision-making processes. We would suggest that the status quo option would also require some of these matters to be set out more formally. If the option for greater independence is not taken up, we recommend that it is used as a framework for thinking about the status quo and for clarifying current arrangements.
- 3.19 An independent option would incur setting-up costs but the process of setting up a company is a straightforward process and is used by bodies with lower turnover and fewer employees than the ECU. Employers' liability insurance and possibly professional indemnity insurance would be required. Other costs should not be greater than current arrangements. If it was acceptable to both bodies, UUK, for example, could operate a service level agreement for support services in much the same way as the current arrangements.
- 3.20 The Unit, including members of the management board with whom we have discussed this option, is favourable to this approach.

#### **The ECU's brief**

- 3.21 The Unit's brief has been imprecisely specified by its funders and it has set its own agenda. Different stakeholders have different views about the direction it should take. For example, Universities UK in evidence to the Select Committee of the House of Commons on Science and Technology in June 2002, expressed a view that the ECU would undertake the following:
- 'ECU is actively encouraging all HEIs to mainstream equality. Emphasis is placed on the need to ensure that this is carried forward in relation to:
    - the institution's strategic vision, mission and aims
    - its aspirations in teaching and learning
    - its aspirations in research.
  - And, in the more operational level in:
    - all units of activity (academic, support, administrative, service)
    - all staff-related policies, procedures and practices
    - all administrative/management functions

- all staff development (including appraisal)
- all recruitment, retention, progression and promotion procedures and practices
- all contractual relationships, including procurement, work-placement, teaching and training agreements.<sup>4</sup>

3.22 The Unit has not yet carried out such functions in the way UUK had understood would happen. Different priorities have been set. There is now a shared preference for the Unit to focus on implementation of EO practices through presentation of exemplars of good practice and the provision of data.

3.23 The role needs to be clarified. A number of options are possible:

- a. **An advisory and awareness raising role.** This is the role it has carried out so far and our findings suggest that these activities can now take a lower priority in the Unit's work.
- b. **Monitoring and benchmarking.** The Unit has monitored the sector in some of its activities, in particular HEIs' responses to the Race Relations (Amendment) Act, but has not taken on a wider monitoring role. The Unit's current aims include a role in benchmarking and new HESA statistics will significantly ease the burden of doing so. There are some differences of opinion over the most appropriate approach. Some consultees argue for a stronger policing role than others. The consensus is that the Unit should be a source of data for the sector to benchmark itself and should facilitate different benchmarking options. The Unit's monitoring role would be restricted to reviewing and collecting data from HEIs, and other HE bodies such as HESA, to put forward an overall 'state of the nation' summary. In fulfilling this role the Unit would be undertaking public accountability measures on the effectiveness of the sector. It would be the role of the Funding Councils or some other body to reflect on whether particular institutions were performing satisfactorily, through, for example, agreed performance indicators.
- c. Performance measurement is a required element of the **implementation of good practice and the culture change** which that might imply. There is a strongly expressed view that the Unit should engage in supporting implementation and generating good practice. It should do so by listening to HE institutions and working with them to achieve their aims. The HEIs are aware of the legal and moral requirements they face but need support in meeting them.

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<sup>4</sup> <http://www.publications.parliament.uk/pa/cm200102/cmsselect/cmsstech/1046/1046ap60.htm>

## **Governance**

- 3.24 We have set out different options for the location of the Unit which have implications for governance. There are two main issues. The first relates to the accountability of the Unit to the sector and this has been covered in our brief analysis of the different locations.
- 3.25 The second main issue requires a clarification of the role of different stakeholders in the governance of the Unit:
- a. Employers' and institutional needs are articulated through the funding bodies' nominees to the Board. They are currently the major stakeholders through a light touch structure. They are ultimately responsible for fulfilling EO obligations.
  - b. Unions are not currently represented in the Unit's structure though trade union perspectives are currently available through co-opted membership. The essence of unions as representative bodies has been the source of difficulty in their relationship with the Unit. The unions are central to equal opportunities practices. They represent large numbers of staff and are key stakeholders in promoting, or resisting, change. It is essential that a mechanism is developed to enable the Unit to engage properly with union concerns. Our view is that the lead for this needs to come from the Unit. We are not implying that the fragility in relationships, which has been drawn to our attention, is entirely one-sided but given the institutional arrangements, priorities and histories of the sector, it seems to us that the Unit needs to think hard about how it can build a closer relationship with the unions.
  - c. HEIs are seen as the primary clients but are not involved in determining the Unit's agenda except at arm's length through the funding bodies' nominees. With the shift of focus proposed there may be a need to find opportunities to consult with HEIs more directly and systematically.
  - d. Practitioners' networks are a clear option for consultation. The new governance structure removed the unwieldy mechanism then in place for carrying this out. Informal consultation appears to be widespread but it may be useful to incorporate consultation with, for example, HEEON and the UPA more formally.
  - e. Liaison groups for Scotland, Wales and Northern Ireland are currently established as forums for the general exchange of information. Interesting staff development activities are sometimes linked to the forums and this is admirable. However, there is likely to be benefit from constituting the liaison groups so that they can contribute more formally to the Unit's agenda. There may be benefit in considering liaison groups for England. It is not clear whether they should be based on the English regions or some other organising principle. The key point is to find a means through which it is possible to listen to the concerns of HEIs in an open and effective way.



- 3.26 The management board may need to take a closer role in devising strategy for the Unit and giving clear direction. The Board has so far taken a light touch approach and given the Unit full rein to develop its own objectives. The Board has a responsibility to give guidance on the direction most appropriate for the sector and to seek ways, perhaps through a clearer feedback mechanism to the nominating bodies, to gather intelligence about the relevant issues from the sector. Decisions about the most appropriate location for the Unit should require these issues to be articulated more precisely.

### **Diversity and organisational change**

- 3.27 Change in HE is complex. Some institutions find it difficult (and sometimes undesirable) to contemplate change. Many of the professional and academic groups within HE do not identify with their institutions but with their disciplines or professional affiliations. Each of these responds to different pressures and will be affected differently by EO practice.
- 3.28 The Unit is attempting to change behaviour with respect to EO. Currently, vice-chancellors are exercised because they are ultimately responsible for their institution's compliance with the legislation. For other staff it can be more difficult. The environment for the ECU is generally favourable. There is an awareness of the importance of EO among senior managers and human resource and EO practitioners. Problems arise in a number of places which are different in different institutions. Middle managers, heads of school or departments to whom key human resources functions are often devolved, sometimes have a (perhaps complacent) view, despite some evidence to the contrary, that EO issues have no place in a meritocracy. The ECU will have difficulty penetrating this level within institutions, yet it is here, in many cases, that things need to change.
- 3.29 There is significant diversity in the sector. Different HEIs have different structures, missions and objectives, cultures, geographical locations and histories. Staff within HEIs undertake an enormous range of tasks under different contractual arrangements involving different pay and conditions. Some staff are in a much stronger position with respect to their employers than others. Staff have different reference groups and identify with them in different ways. Many academic occupations are highly individualistic, within a loosely coupled system, so that it may be difficult to influence the approach of particular academics or academic groups.
- 3.30 Organisational change in such circumstances is challenging. The sector is asking for support in implementing change in equal opportunities practice and calling on the

Unit to support it. Our consultations indicate that the Unit has not so far operated extensively in this domain.

### **Further reviews of the Unit**

- 3.31 We were asked in the project brief to comment on the life of the Unit and the most appropriate date for the next review. Both of these depend upon responses to other matters we have raised in this report. If the Unit refocuses in the way we have described, acknowledging that much of the advisory stage, through paper and electronic publications is done, we would not expect its work to be finished for at least three-to-five years, certainly until the Commission for Equality and Human Rights is fully established. We believe that the Unit through the management board and funding bodies should address the question of what the HE world will look like once the Unit's job is complete and include this as part of its strategic refocusing. There is always likely to be a requirement for a specialist body to advise on EO implications to the sector but this would be very small.
- 3.32 The next review date also depends upon other comments made in the report. If accountability procedures are enhanced, it may be that there will be less need for an external review. With proper accountability procedures, a major review will be unnecessary until, as in the case of this review, the Unit is close to the end of its agreed funding period.

## 4 Recommendations

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- 4.1 The Unit, working with the management board, should refocus its activities on generating, supporting and implementing good practice. In doing so it will need to begin with three questions:
- what will the world of higher education look like once the Unit has completed its task?
  - what change processes can be harnessed to get closer to this desired outcome?
  - who are the key change agents in these processes?
- 4.2 We do not underestimate this task. It is challenging and will require reflection on organisational change in HE, for which the Unit is likely to require some support. It may also require the re-establishment of instruments through which such support can be carried out, such as an advisory service. One option may be a service which includes elements of subscription or direct payment by HEIs. There will also be a need to act as facilitator and broker for workshops and networks which enable good practice to be shared. We put these suggestions forward only to help stimulate discussion and we know that some are already undertaken in limited ways by the Unit. The analysis of methods to achieve new responsibilities goes beyond our current brief.
- 4.3 The Unit's remit should be extended to cover student issues (but not include curriculum issues and widening participation). In discussion with the Unit's funders, there will be a need to scope the implications of this extension, in the light of realistic (and therefore limited) increases in funding.
- 4.4 The Unit should actively seek to benchmark the sector's equal opportunities performance and to provide guidance and support to HEIs as they benchmark for themselves.
- 4.5 The Unit should develop key performance indicators which give a clearer sense of the Unit's impact on EO practice. Some of this would simply involve distinguishing between the scale and type of contact the Unit has with the sector, who instigated the contact, and the origins of the contact. It may be helpful to develop other qualitative measures of the Unit's performance.
- 4.6 The Unit's publications should be made available in Welsh, subject to the agreement of, and availability of funding from, HEFCW.

4.7 The location of the responsibility for generating the Unit's objectives and accountability for achieving those objectives needs to be clarified. This may require a change in the formal status and/or location of the Unit. If no change in status or location is made, the management board and Unit should carry out a similar review of processes and procedures which a change of status would require, in order to clarify objectives and accountability.

# Appendix 1: Research instruments

## ECU Evaluation: telephone questionnaire

### A Background details

Name of respondent	<input type="text"/>
Position	<input type="text"/>
Time in post	<input type="text"/>
University	<input type="text"/>
Telephone number	<input type="text"/>
Practitioner networks	<input type="text" value="(e.g. membership of HEEON, UPA, AUA)"/>

### B Awareness and use of Equality Challenge Unit services

**B.1 Please indicate your awareness of the following services offered by the Unit:**

	Degree of awareness			
	None	Low	Medium	High
Conferences and seminars				
Publication of printed guidance				
Publication of guidance on the web				
Maintaining databases of HEI staff contacts				
Work with trade unions				
Work with sector representative bodies				
Acting as the HE sector 'voice' for equal opportunities issues				
Commissioning research				

**B.2 Have you attended any conferences or seminars run by the Unit?**

Yes	No
<input type="text"/>	<input type="text"/>

**B.3 On a scale of 1 to 5, where 1 is low and 5 is high, were they run effectively?**

**B.4 On a scale of 1 to 5, where 1 is low and 5 is high, was the content useful?**

--

**B.5 Have you read any publications produced by the Unit (printed and/or web)?**

Yes	No

**B.6 On a scale of 1 to 5, where 1 is low and 5 is high, how would you rate these in terms of quality?**

Printed materials	
Web-based publications	

**B.7 And in terms of usefulness, again on a scale of 1 to 5?**

Printed materials	
Web-based publications	

**B.8 Has any of the material produced by the Unit helped in:**

	Yes	No	DK
supporting equal opportunities monitoring in your institution			
benchmarking your institution against the rest of the sector			
measuring institutional progress in equal opportunities?			

**B.9 Should the Unit work with trade unions?**

Yes	No

**B.10 Should the Unit work with other HE sector representative bodies (e.g. UUK, SCOP, UCEA, HEEON, UPA, AUA)?**

Yes	No

**B.11 Have you seen any press references to the work of the Unit?**

Yes	No

**B.12 Does the Unit EFFECTIVELY represent the sector to the press and in other public forums?**

Yes	No

**C Effectiveness of Equality Challenge Unit activities**

**C.1 On a scale of 1 to 5, where 1 is low and 5 is high, to what extent does your institution need to improve equal opportunities for staff?**

--

**C.2 How many staff have responsibility for equal opportunities within your institution?**

Number

**C.3 In which areas of equality of opportunity is your institution most likely to require help and support in the next three to four years?**

--

**C.4 Are the activities of the Unit appropriate to support cultural and organisational change within your institution?**

Yes	No	Don't Know

**C.5 Has the Unit provided specific advice to your institution to help secure improvements in equal opportunities?**

Yes	No	Don't Know

**C.6 If so, on a scale of 1 to 5, where 1 is low and 5 is high, please indicate how useful this advice has been?**

--

**C.7 Can you provide some more information? e.g. how many times has the Unit provided advice, what form has this advice taken (answering queries, reviewing documents etc)?**

--

**C.8 Does the Unit communicate regularly with yourself or members of your team?**

Yes	No

**C.9 When was the last time you or a member of your team were contacted by the Unit?**

Weeks ago

**C.10 Would you say the Unit was a .... source of information and support on equal opportunities for your institution?**

	✓
primary	
secondary	
peripheral	
not used	

**C.11 How do the following rate the Unit in terms of credibility and effectiveness?**

	Credibility			Effectiveness			
	High	Medium	Low	High	Medium	Low	DK
Yourself							
Your vice-chancellors' senior team							

**C.12 Are there any gaps in the range of activities carried out by the Unit?**

Yes	No

**C.13 If so, what/where are these?**

--

**C.14 Does the Unit engage with your institution in the most appropriate and effective ways?**

Yes	No

**C.15 Have there been any problems with engagement?**

--

**QUESTIONS C.16 AND C.17: INSTITUTIONS IN SCOTLAND AND WALES ONLY**



**C.16 Are the Unit's liaison groups in Scotland and Wales an appropriate forum for sharing and improving equal opportunities practice?**

Yes	No	DK

**C.17 Please comment**

--

**ALL INSTITUTIONS**

**C.18 The Unit currently only has responsibility for HE staff in matters of equal opportunities. Should this be extended to cover staff behaviours which impact on student equal opportunities and diversity (e.g. bullying and harassment but not curriculum, pedagogy or fees, which are dealt with elsewhere)?**

Yes	No

**C.19 Is a separate Equality Challenge Unit the most appropriate means of improving equal opportunities for staff working in HE?**

Yes	No

**C.20 If no, please comment**

--

# ECU Evaluation: semi-structured questionnaire

## A Background details

Name of respondent	<input type="text"/>
Position	<input type="text"/>
Time in post	<input type="text"/>
University	<input type="text"/>
Telephone number	<input type="text"/>
Practitioner networks	<input type="text" value="(e.g. membership of HEEON, UPA, AUA)"/>

## B Awareness and use of Equality Challenge Unit services

- B.1** Are you aware of any conferences and seminars run by the Unit? Have you attended any of these? If so, were they useful? Were they effective?
- B.2** Have you heard presentations by the Unit at other conferences and seminars? Were these useful? Were they of good quality?
- B.3** Are you aware of any printed guidance published by the Unit? Have you read any? Was this useful? What was the quality like?
- B.4** Are you aware of the following work of the Unit? (rate awareness as no/low/medium/high)

Guidance published on the web	<input type="text"/>
Maintaining databases of HEI staff contacts	<input type="text"/>
Work with trade unions	<input type="text"/>
Work with sector representative bodies	<input type="text"/>
Acting as the HE sector 'voice' for equal opportunities issues	<input type="text"/>
Commissioning research	<input type="text"/>

- B.5** Has any of the material produced by the Unit helped in supporting equal opportunities monitoring in your institution? What kind of support would be useful in this area in the future – provision of advice/active support in implementation/formal monitoring?
- B.6** Has any of the material produced by the Unit helped in benchmarking equal opportunities in your institution against the rest of the sector? What kind of support would be useful in this area in the future – provision of advice/active support in implementation/formal monitoring?

## **C Effectiveness of Equality Challenge Unit activities**

- C.1** What are the equal opportunities issues faced by the HE sector with respect to employment? Currently (Race Relations Amendment Act, Disability Discrimination Act), and in the future?
- C.2** In which of these areas would support be useful/desirable? What form should this support take - provision of advice/active support in implementation/formal monitoring?
- C.3** What drives change in equal opportunities practice for staff within your institution (e.g. legislation, HR strategy/policy, union pressure, staff pressure, senior management pressure)?
- C.4** Has the Unit provided specific advice to your institution to help secure improvements in equal opportunities? If so, how useful has this advice been? What form has this advice taken (answering queries, reviewing documents etc)?
- C.5** Do you use the Unit as a source of information and advice on equal opportunities for your institution? If so, would you say the Unit was a primary/secondary/peripheral source? Do you use other sources (equality bodies or other organisations, e.g. Commission for Racial Equality, Equal Opportunities Commission, UUK)?
- C.6** Are the current activities of the Unit appropriate to support cultural and organisational change within your institution? And in what ways? How could they be made more effective?
- C.7** Are there any gaps in the range of activities carried out by the Unit? If so, what/where are these?
- C.8** Does the Unit engage with your institution in the most appropriate and effective ways? Have there been any problems with engagement?

### **QUESTION C.9: INSTITUTIONS IN SCOTLAND AND WALES ONLY**

- C.9** Are the Unit's liaison groups in Scotland and Wales an appropriate forum for sharing and improving equal opportunities practice for staff? Please comment

### **ALL INSTITUTIONS**

- C.10** The Unit currently only has a remit for HE staff in matters of equal opportunities. Should this be extended to cover staff behaviours which impact on student equal opportunities and diversity (e.g. bullying and harassment but not curriculum, pedagogy or fees, which are dealt with elsewhere)? Why do you feel this should be the case?
- C.11** Is a separate Equality Challenge Unit the most appropriate means of improving equal opportunities for staff working at your HEI? Why do you believe that to be the case?
- C.12** Do you think the Unit is sufficiently engaged with EO practitioners to help them address and change staff EO issues within their HEIs?
- C.13** Should the Unit be more accountable to the sector? How would this be achieved?

# Aide-memoire external stakeholders

## **Strategic questions**

1. What are the equal opportunities issues faced by the sector with respect to employment:
  - currently (Race Relations Amendment Act, Disability Discrimination Act, age)
  - in the future (age etc)
  - in which of these or other areas would support be useful/desirable for HEIs
  - what form should this support take?
2. What organisational change is necessary in the sector (if any):
  - what evidence is there that the sector needs/needed to change
  - is the unit the most appropriate method of generating change?

## **ECU aims**

3. In relation to the aims below, how worthwhile do you think the aims of the Unit are?
4. To what extent has the Unit been able to fulfil them?
  - to work with all stakeholders to raise the awareness and profile of equal opportunities
  - to provide specific advice to institutions to help them secure improvements in equal opportunities
  - to help specify appropriate data to institutions to support equal opportunities monitoring
  - to monitor performance at sector level
  - to support institutions directly in developing appropriate institutional benchmarks and standards that will help measure progress
  - to develop and disseminate good practice, looking to experience from within and outside the sector, in this country and abroad
  - to commission research to underpin policy and practice developments.

5. Are there any issues in relation to the ECU (in its present form) and its ability to do its job?
  - any particular issues that the unit faces
  - credibility with unions and external bodies
  - scale of task and expectations of clients.

### **Operational questions**

[External stakeholders may be unable to answer these questions but some may be appropriate.]

6. Have changes in management in the ECU improved operation of the unit?
7. How successful has the Unit been in fulfilling each of its service priorities:
  - communications and external relations
  - work with trade unions
  - work with sector representative bodies
  - liaison work with Scotland and Wales
  - conferences and seminars
  - maintenance of databases of staff contacts in HEIs
  - publication of guidance – printed and web.

### **Equal opportunities in HEIs: the role of the ECU**

8. The remit of the ECU is follows:
  - to liaise with outside bodies on the sector's behalf
  - to initiate sector-wide conversations on the issues as they affect HE
  - to work with individual HEIs, their management and their staff through visits, answering queries and reviewing documents
  - to offer advice to the sector through publications, seminars, and conferences
  - to represent the sector to the press and in other public forums on issues of equal opportunities
  - to advise other agencies within the sector.

9. Which of these are most important for external stakeholders, and why?
10. How well has the unit fulfilled this brief?
11. Much of the initial focus of the ECU has been on offering advice partly, it is argued, because of the initial small scale of the unit. Was this the most appropriate use of its limited capacity?
  - focus on the RRAA
  - institutional need for publications and good practice guides.
12. Do the activities listed against paragraph 8 enable the aims of the ECU to be met?
  - are activities appropriate to support cultural/organisational change within the sector?
  - how much of this type of change is needed?
  - are activities appropriate to support cultural/organisational change within institutions?
  - are there any gaps in the range of activities?
  - in the context of cultural and organisational change to embed EO advice and good practice, are the processes through which the ECU engages with the sector appropriate? (any problems?)
13. Is a *separate* Equality Challenge Unit valuable in supporting work in the HE sector?

## Appendix 2: Key performance indicators

### 2 ECU key performance indicators

- 2.1 The Unit's KPIs are set out in table A2.1 below. Items numbered 1-6 keep track of information relating to the Unit's activities in a simple quantitative way. The remaining KPIs relate to finance, annual sector survey, and statistics about web-site usage. Some, for example the survey, have been instituted for the first time in 2005.
- 2.2 The management board took a large part in drawing up the KPIs, working initially from suggestions included in the November 2003 business plan. The current KPIs were presented to the April 2004 meeting of the management board, and started operating on a pilot basis through to the year-end (31 July 2004) when some further amendments were made.
- 2.3 The management board took the view that the Unit should focus on input and output measures of the kind set out in the table, and that changes to the sector might become part of the KPIs later. Information about the progress of the KPIs is presented to the management board as part of the director's report at each meeting. The KPIs run for the financial year and the intention is to make a full report following the year-end. This will happen for the first time in 2005. The pilot was reported to the October 2004 Board, following the year 2003-04 year-end.

**Table A2.1 Key performance indicators**

Ref	Key performance indicator	Method of measurement	Evaluation standard
1	<ul style="list-style-type: none"> <li>Guidance publications dealing with legislation.</li> <li>Best practice publications.</li> <li>ECU updates.</li> </ul>	<ul style="list-style-type: none"> <li>The number of publications published:                             <ul style="list-style-type: none"> <li>Singly</li> <li>Jointly</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Value to the sector as judged by the level of demand and extent of dissemination; inclusive of web-site downloads. See also satisfaction survey.</li> </ul>
2a	<ul style="list-style-type: none"> <li>Hosting of conferences.</li> </ul>	<ul style="list-style-type: none"> <li>Number of conferences hosted or co-hosted.</li> </ul>	<ul style="list-style-type: none"> <li>Delegate feedback requested from participants directly or via conference organisers/partners as appropriate.</li> </ul>
2b	<ul style="list-style-type: none"> <li>Contribution to conferences.</li> </ul>	<ul style="list-style-type: none"> <li>Number of contributions to conferences.</li> <li>Delegate feedback requested from conference organisers.</li> </ul>	<ul style="list-style-type: none"> <li>Delegate feedback requested from conference organisers.</li> </ul>
3	<ul style="list-style-type: none"> <li>Provide specific advice and guidance to individual higher education institutions on equal opportunities matters.</li> </ul>	<ul style="list-style-type: none"> <li>The number of institutions with which ECU has had contact or who have made contact with ECU.</li> </ul>	<ul style="list-style-type: none"> <li>Satisfaction survey.</li> </ul>
4a	<ul style="list-style-type: none"> <li>Liaise with and advise funding bodies/sector agencies, professional and other groups and HE trade unions within the HE sector.</li> </ul>	<ul style="list-style-type: none"> <li>The number and range of ECU led engagements.</li> <li>The number of engagements to which ECU has contributed.</li> </ul>	<ul style="list-style-type: none"> <li>Level of repeat requests.</li> </ul>
4b	<ul style="list-style-type: none"> <li>Liaise with and advise government departments, equality commissions, relevant voluntary groups and other bodies external to the HE sector.</li> </ul>	<ul style="list-style-type: none"> <li>The number of ECU led engagements.</li> <li>The number of engagements to which ECU has contributed.</li> </ul>	<ul style="list-style-type: none"> <li>Level of repeat requests.</li> </ul>
5	<ul style="list-style-type: none"> <li>Expert advice.</li> </ul>	<ul style="list-style-type: none"> <li>Number of reports and responses to consultation.</li> </ul>	
6	<ul style="list-style-type: none"> <li>Public relations.</li> </ul>	<ul style="list-style-type: none"> <li>Number of ECU mentions.</li> <li>The number of corporate/ promotional materials produced each year.</li> </ul>	<ul style="list-style-type: none"> <li>Extent of media coverage. See also satisfaction survey.</li> </ul>



Key performance indicator	Method of measurement	
<ul style="list-style-type: none"> <li>Financial performance.</li> </ul>	<ul style="list-style-type: none"> <li>Calculated six-monthly, this indicator should show how closely ECU's financial position matches its budgeted income and expenditure position.</li> <li>Target should be +/- £30,000 from the budgeted annual income and expenditure position.</li> </ul> <p>For this performance indicator to work well, the business plan and budgets should (in line with generally accepted good practice) be updated annually to reflect changing circumstances.</p>	
<ul style="list-style-type: none"> <li>Survey to all HEI Human Resources/EO departments and other relevant stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>A satisfaction survey relating to the ECU services for the sector in the previous 12 months.</li> </ul>	<ul style="list-style-type: none"> <li>Rate of return.</li> </ul>
<ul style="list-style-type: none"> <li>Web-site content, usability, updates, images.</li> </ul>	<ul style="list-style-type: none"> <li>The number of visits the web-site receives.</li> <li>Which documents are downloaded?</li> </ul>	<ul style="list-style-type: none"> <li>Usage maintained at least at current high level. See also satisfaction survey.</li> </ul>