

# **PARTNERSHIP FOR EQUALITY:**

## **Action for Higher Education**



**JNCHES**

Joint Negotiating Committee  
for Higher Education Staff

## **PARTNERSHIP FOR EQUALITY: Action for Higher Education**

This document sets out agreed guidance and recommendations from the Joint Negotiating Committee for Higher Education Staff (JNCHES) and the Equality Challenge Unit (ECU) on the application in higher education of all present and prospective legislative requirements on equality in employment. It updates the 2000 *Framework For Partnership* taking account of subsequent legislation and developing good practice.

It recommends that higher education employers work in partnership with their locally recognised trades unions to:

- Review all aspects of equality in employment practices;
- Draw up action plans with clear targets and timetables for implementation;
- Monitor progress and take appropriate further action.

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## Ministerial foreword

We are pleased to have been asked to write a foreword to the new joint guidance the higher education unions and employers are issuing to the sector on all aspects of equality in employment.

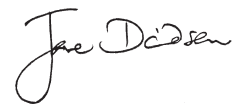
We congratulate its publishers, the Joint Negotiating Committee for Higher Education Staff and the Equality Challenge Unit, on working in partnership to promote diversity and equality of opportunity for all higher education staff. The UK Government, the Scottish Executive and the Welsh Assembly Government are committed to seeing equality embedded in all parts of our national life and it is particularly important that it should be mainstreamed in employment practices.

It is vital for the continuing health of the higher education sector that it should recruit from a wide and diverse human resource pool. This is not only on the grounds of equity, but equally for sound business reasons. We welcome therefore the sector's commitment to bring about a step change in its human resource management and commend this guidance to everyone working in higher education.

Rt Hon Charles Clarke MP  
Secretary of State for Education and Skills



Jane Davidson AM  
Minister for Education and Life-Long Learning  
Welsh Assembly Government



Iain Gray MSP  
Minister for Enterprise, Transport, and Lifelong Learning  
Scottish Executive



Jane Kennedy MP  
Minister with Responsibility for  
Employment and Learning, Northern Ireland



- This guidance represents an assertion of the commitment by the Universities and Colleges Employers Association (UCEA), the nationally recognised trades unions and the ECU to assist local partners in realising equality in all aspects of employment practice. It replaces the earlier *Equal Opportunities in Employment in Higher Education: a Framework for Partnership*.
- The guidance is designed to help local partners develop effective approaches to equality that encompass sex, race, disability, sexual orientation, marital status, religion or belief, and age; and help institutions prepare for likely forthcoming requirements.
- There are significant advantages in Higher Education Institutions (HEIs) working co-operatively with the recognised trades unions to take forward progress in equality, assisted by specialists in the field – including the Equality Challenge Unit.
- In particular, the involvement of the recognised trades unions in developing effective local approaches to equality will be important. They can contribute by working with institutions to review, revise and develop strategies, policies, targets and action plans; by assisting with data collection and monitoring progress; and by communicating and consulting with their members.
- There are strong legal, business and leadership reasons for the development of local strategies to promote equality in all employment practices. Both the Government and the funding bodies view this as an important priority for higher education.
- To be effective, equality strategies need to be mainstreamed within each institution's mission, key corporate strategies, functions and procedures, in particular those relating to human resource management.
- Local partnership agreements on equality strategies, policies and action plans could cover: staff employment practices, such as application, recruitment and selection; pay and grading; promotion, training and career development; other terms and conditions; and dignity at work.

- Local partners are encouraged to develop 'family friendly' policies and procedures which assist employees in achieving an appropriate balance between their work and personal lives.
- Action plans should promote diversity, cover processes to determine how different groups are treated under current policies and practices, and establish means for determining the reasons for any unequal treatment.
- Action plans and implementation arrangements should include: a set of targets, goals or desired outcomes (both qualitative and quantitative); the procedures for monitoring progress towards these outcomes; clear definitions of responsibility and accountability for taking action; identification of the resources allocated to specific actions; and a timetable for implementation of actions.
- Targets should be specific, measurable, achievable, resourced and time-based.
- Collection of workforce monitoring data will be vital in enabling local partners to analyse their current situation, take appropriate action and review progress towards goals. The collection of such data is already required by law in respect of race. HEIs are advised to establish systems capable of monitoring by sex, disability, marital status, sexual orientation, religion or belief and age.

## Purpose

- 1 The aim of this document is to assist individual HE institutions and their recognised trades unions to sustain effective progress towards full equality in their employment practices for all staff. The guidance it offers – agreed by the Joint Negotiating Committee for Higher Education Staff (JNCHES) and by the Equality Challenge Unit (ECU) – reflects present and prospective legislative requirements and outlines good practice in their implementation.
- 2 Both the employers and the trades unions have accepted a shared responsibility for the success or otherwise of the measures set out in this agreed guidance and have given notice that they will neither condone nor defend unlawful discrimination. They will work actively, and commit resources, to eliminating all vestiges of such discrimination.

## HE context

- 3 The *National Committee of Inquiry into Higher Education*<sup>1</sup> (Dearing Committee, 1997) and the *Independent Review of Higher Education Pay and Conditions*<sup>2</sup> (the Bett Report, 1999) both drew attention to sex inequalities and the need for HEIs to ensure equality of employment opportunities for all staff and to take action to remove barriers which may inhibit recruitment and progression for particular groups. A similar message was conveyed in respect of race equality in *Ethnicity and Employment in Higher Education*<sup>3</sup> and by the report of the inquiry into the death of Stephen Lawrence (the Macpherson Report)<sup>4</sup>. Against this background, the HE employers, in partnership with the trades unions, issued *Equal Opportunities in Employment in Higher Education: a Framework for Partnership* (May 2000).
- 4 This guidance has been agreed by JNCHES to replace that *Framework* document.

## Legal context

- 5 Discrimination based on sex, race and disability is unlawful<sup>5</sup>. HEIs are legally required to have race equality policies and action plans. Forthcoming legislative developments mean that there will be similar requirements in respect of sex, disability, age, sexual orientation, and religion or belief. Other aspects of employment law also impinge in respect of fair and equitable treatment of employees, as may prospective proposals for the recognition of registered civil partnerships. Appendix A sets out the legal context more fully.
- 6 A single equality policy with a separate section on race equality is likely to prove the most effective starting point in meeting current legal obligations under the Race Relations (Amendment) Act 2000 (RRAA). A policy that also covers all other areas of inappropriate discrimination will put institutions in a strong position to meet future demands, because the RRAA is likely to be the template for all future equality legislation.

## Partnership approach

- 7 All parties to the JNCHES strongly recommend that HEIs work with their recognised trades unions as ‘local partners’ to develop strategies aimed at the promotion of equality in employment.
- 8 A partnership approach to the development of such strategies is likely to enhance the quality of the policies and action plans devised and to promote commitment to their implementation.
- 9 JNCHES will continue to play a full part in supporting the implementation of local partnership arrangements as recommended in this guidance.

## Role of trades unions

- 10 The involvement of recognised trades unions in developing effective local approaches to equality will be important. Local trades unions can ensure that the process is taken forward by:
  - Placing the development of a local equality strategy high on their agenda



- Co-operating with the institution in reviewing and revising existing staff employment policies in order to promote diversity
- Contributing to the development of the institution's strategy, policies, action plans and targets
- Collaborating with institutional mechanisms for monitoring progress in achieving equality, and in improving data collection where that is needed
- Periodically requesting data from the institution on progress against agreed targets
- Contributing to the revision of action plans where inadequate progress has been achieved, and
- Communicating and consulting with their members throughout the process to ensure that they understand the reasons for the development of a local equality strategy and support the initiatives being taken.

## Individual institutional policies

11 In addition to institutional obligations under the RRAA and other legislation, the following key reasons underpin the importance for each institution, in partnership with its recognised trades unions and in consultation with all its staff, of developing its own equality policies and action plans in respect of the employment of staff:

**Business case.** Putting equality into action can reduce staff turnover; broaden the talent base of the organisation; stimulate a healthy and productive working environment; and improve an organisation's corporate image with potential employees and potential service users. Organisations that go beyond simple compliance with legislation to take an approach that actively seeks to employ and value a diverse workforce are particularly likely to see such business advantages.

**Leadership role.** Education has a central role in developing the society of the future. HEIs, by employing at every level people drawn from all the varied communities that they serve, will serve as a role model for future generations of decision-makers.

**Government and Funding Council requirements.** The Secretary of State for Education and his Scottish and Welsh counterparts have made clear their wish for demonstrable equality of opportunity in HE, and the funding councils have reinforced this policy. HEFCE has made explicit that “good equal opportunities practice must be a facet of human resource management” and embodied in institutional HR strategies.<sup>6</sup> In its initial guidance in 2001 on good practice in setting such strategies, HEFCE indicated that most institutions then fell short of this principle and some were even out-dated in their view of their legal obligations. Similarly, SHEFC has asked HEIs in Scotland to draw up human resources strategies and to work collectively and with the recognised trades unions to promote best practice and carry out research into equal opportunities for staff.

**12 Against this background, the Joint Negotiating Committee for Higher Education Staff (JNCHES) has agreed jointly on behalf of the HE employers and nationally recognised trades unions to make the following recommendations to HEIs.**

### **Draw up a clear equality strategy**

**13** An effective strategy needs clear policies, action plans to deliver them and to have engaged the active involvement of staff and recognised trades unions in their development. The strategy should be widely disseminated to all staff (including visiting and ‘occasional’ staff) and other members of the institution along with a clear indication that it is a key part of the institution’s strategic plan. In addition, the involvement of external organisations with experience and expertise in relation to the needs of specific groups could provide additional benefits. Expert advice in this process is available from the Equality Challenge Unit and other bodies (see Appendix C).

**14** A collaborative approach between institutions, their staff and the recognised trades unions is strongly encouraged in addressing these issues, and in ensuring implementation of the policy.

**15** Institutional equality strategies should reflect local needs and circumstances and include the following:

- Definitions of what constitutes unlawful discrimination in respect of race, sex, disability, sexual orientation, religion or belief, marital status and age
- A statement of the organisation’s commitment to achieving equality with respect to sex, race, disability, sexual orientation, religion or belief, marital status, age, and other relevant grounds
- A commitment to remove barriers to equality throughout all the relevant functions of the institution
- A race equality policy and action plan formulated and implemented according to the Commission for Racial Equality’s (CRE) statutory code of practice and other guidance from the CRE and ECU
- The job titles of the employees responsible for equalities policies
- Details of structures for implementing the policies

- The responsibilities, accountabilities and liabilities of employees under the policies
- Procedures for dealing with complaints on all forms of discrimination proscribed by the institution's policies
- Examples of unlawful practices
- Details of monitoring and review procedures
- Linked action plans that will define action areas with specific, measurable, achievable, resourced and time-based tasks and outcomes.

### **Value diversity**

16 In the light of the compelling case for HEIs to promote diversity and equality, local partners should aim to go beyond compliance and adopt an approach that actively values the diverse characteristics and experiences that staff may bring with them to the institution. The institution's equality strategy should cover all forms of inappropriate discrimination. Many of those forms of inappropriate discrimination that are not yet covered by legislation will be in the near future, and institutions are therefore encouraged to consider future legislative requirements when reviewing their policies. The positive duty to promote equality set out in the RRAA is likely to feature in all future equality legislation.

### **Mainstream equality within HR strategies and processes**

17 Mainstreaming approaches seek to identify how existing systems and structures serve to produce bias, and to neutralise such effects. Mainstreaming therefore seeks to integrate equality into the very systems and structures that might otherwise produce disadvantage.

18 The promotion of equality should be integral to all the institution's corporate strategies, policies, objectives, processes and procedures. In particular, the design and implementation of policies and procedures relating to the appointment, pay, contract terms,<sup>7</sup> conditions of service, promotion and career development of staff will have a critical role in promoting equality in an institution. Both HEFCE and SHEFC identified these as priority areas in their guidance to institutions on the development of HR strategies.

19 Processes that can assist in the mainstreaming of equality within the institution include:

- Strategic planning and budget-setting
- Target setting
- Monitoring of progress (quantitative and qualitative)
- Performance assessment
- Staff training and development
- Allocation of management responsibility
- Consultation and communication systems.

### **Review employment policies and practices**

20 In order to mainstream equality across the institution, it is necessary to review all employment policies and practices.

#### **Staff recruitment, selection and support: from application to exit**

21 HEIs and their recognised trades unions need to be clear in particular that policies and practices on recruitment and selection support the objective of achieving equality.

22 This should involve:

- Analysing the existing situation by collecting data on characteristics of job applicants, how different groups fare at each stage of the selection process, and the make-up of the existing workforce; and considering whether any group is under-represented at any stage of the process when compared to their representation in the wider community and appropriate labour market
- Diagnosing the causes of any under-representation (including where and how jobs are advertised; the selection criteria used; and whether all recruiters have received appropriate skills and awareness training)
- Devising an action plan to address the causes of any disadvantage in the recruitment and selection process.<sup>8</sup>

23 For staff in post, or about to leave, it will be equally important to:

- Ensure that staff are adequately and equitably supported

throughout their employment, e.g. through training, promotion, appraisal, and any disciplinary proceedings

- Conduct exit interviews to ascertain whether perceived discrimination contributed to an individual's departure.

### Pay

24 Equality policies and institutional pay policies should include strategies to ensure pay equality. The specific legislation on equal pay (the Equal Pay Act 1970 as amended) seeks to ensure that women and men doing like work, work rated as equivalent, or work of equal value, receive equal pay. The RRAA also outlaws discrimination in relation to pay on grounds of race. The JNCHES has agreed that HEIs should ensure that the same principles also apply to prevent pay discrimination on the grounds of disability.

25 The key process in ensuring pay equality is to conduct an equal pay review. JNCHES has issued joint guidance<sup>9</sup> on this and strongly encourages employers to conduct such reviews if they have yet to do so. This review should have three stages: analysis of pay rates for different staff groups; diagnosis of the nature and cause of any inequalities; and action to remove pay gaps.

### Job evaluation

26 A job evaluation scheme is one important tool in helping to determine whether two employees are doing work of equal value. The non-discriminatory application of such a scheme can be the employer's most effective means of demonstrating equal pay for work of equal value. JNCHES has issued guidance to institutions on the selection of a suitable system to underpin pay and grading arrangements to ensure that equal pay criteria are met.<sup>10</sup> The main criteria in selecting a scheme are that it should be:

- Analytical
- Appropriate
- Comprehensive
- Thorough in analysis and capable of impartial application
- Transparent
- Non-discriminatory.

### Family friendly policies

27 The JNCHES guidance stresses that an equal pay review should also cover access to benefits such as sick pay and pensions. However, certain terms and conditions in respect of working arrangements may be used to actively support an institution's equality strategy. JNCHES strongly recommends that institutions consider the development of employment practices where this assists equality (for example 'family friendly' policies), and helps employees in achieving an appropriate balance between their work and personal lives.<sup>11</sup> Practices that employers and the recognised trades unions may wish to consider (within the context of existing local and national agreements) include:

- Providing assistance with childcare
- Flexi-time
- Time off in lieu
- Job-sharing
- Working from home
- Tele-working
- Breaks from work.

28 The Employment Relations Act 1999 gave working parents the right to unpaid parental leave and time off to deal with family emergencies. The Employment Act 2002 introduces additional rights for working parents from April 2003. These cover improvements in Statutory Maternity Pay and maternity leave, the introduction of paid paternity leave and paid leave for adoptive parents. It also gives parents of young children the right to request flexible work arrangements. HEIs and their recognised trades unions should consider how best to implement all these provisions so that they facilitate equality of opportunity in the institution.

### Training and career development

29 Equality of access to training and career development is a key part of ensuring equality of opportunity in institutions. The local partners should conduct a review of provision to:

- Ensure that staff induction arrangements give proper attention to equality issues

- Analyse any differences in access to and take-up of training, career and professional development opportunities
- Monitor, assess and evaluate, through an all-staff consultation strategy, the reasons for any inequality in access to or take-up of training and support (for example: does the timing of training preclude some groups; are some groups seen as more likely to be prepared to attend conferences or take-up other professional development opportunities)
- Agree an action plan to address these issues.

30 Training can also play a central role in ensuring the effective implementation of equality policies and practices. In particular it is important to provide equality awareness training for those responsible for institutional planning and management. This training should cover awareness of the issues in respect of all areas of potential discrimination: sex, race, disability, marital status, religion or belief, sexual orientation and age. Involvement of recognised trades unions in such training is likely to increase all participants' understanding of equality issues and the potential for, and barriers to, the necessary organisational and cultural change that is involved.

31 Local partners should consider introducing appropriate programmes of training for those involved in the various aspects of human resource management – covering both existing staff and new employees, and incorporating both equality awareness and appropriate skills development.<sup>12</sup>

### **Dignity at work**

32 Freedom from all forms of harassment and bullying and the protection of dignity at work are parts of any employee's rights to equality of opportunity. Institutions should have in place clearly communicated policies which emphasise that harassment and bullying will not be tolerated.<sup>13</sup>

33 Such policies should:

- Define what is meant by harassment and bullying. For example, in addition to physical assault it can include inappropriate jokes, banter or insults; offensive literature or graffiti; shunning people because of their ethnic background, religion or belief, disability, sex



or sexual orientation; being condescending or deprecating; and unfairly targeting people for critical comment

- Set out an effective harassment and complaints procedure. Institutions are recommended to include in their equal opportunity policy statements and staff recruitment and induction materials specific reference to the procedure to follow in making a complaint about perceived unfair treatment. These documents should also identify a senior manager responsible for the procedure under which such complaints are handled
- Specify remedies where complaints are upheld
- Have linked action plans with areas of action and specific, measurable, achievable, resourced and time-based tasks that spell out responsibilities, accountabilities and liabilities, along with the expected outcomes and review strategies
- Help to embed action to tackle harassment and bullying in the mainstream of all policies.

### **Resource, plan and monitor the equality policy**

#### **Resource the equality policy**

34 Agreed institutional equality policies should be supported by resources to cover, for example, the development of procedures, codes of good practice, and the provision of advice and training. Other measures institutions should consider include:

- Giving a designated member of the senior management team responsibility for managing the implementation of the equality policy
- Establishing a committee to examine equality issues which could involve management, governing body, staff and the recognised trades unions (or using similarly an identified part of existing machinery)
- Establishing clear lines of communication with the staff and their recognised trades unions on all equality issues and encouraging their full and active participation at all stages
- Appointment of specialist advisers/co-ordinators on equality
- Identifying external sources of specialist advice, support and training provision.

### Action planning

35 Institutions are at different stages in promoting equality and the local partners will need to analyse their current situation, and set their own realistic and prioritised goals/outcomes based on this analysis.<sup>14</sup>

36 Key principles are:

- Fully integrate action plans into institutions' strategic planning and budgeting processes, including their HR strategies
- Include, in action plans, clear, objective and demonstrable methods of confirming and assessing progress in achieving desired outcomes
- Develop a specific set of qualitative and quantitative performance indicators on equality that enable institutions to measure progress in relation to their own situation, mission statement, strategic plans and priorities
- Express desired outcomes as targets, goals or aims, qualitatively, quantitatively or both. Some may be appropriate at the level of the whole institution, others at different levels, e.g. for particular departments or faculties. They should be decided by the institution in consultation with staff and the recognised trades unions. The use of local performance targets is not to be confused with 'quotas' and other unlawful methods of positive discrimination
- Link targets and time-scales to identified goals/outcomes
- Identify those responsible for specific actions
- Set out resource requirements of actions.

37 JNCHEs believes that action planning is also an area where the full involvement of the staff, and regular consultation with the recognised trades unions, will enhance the quality of the plan and promote commitment to its realisation. This should ideally cover all staff and be carried out through existing and/or new procedures. Approved action plans should be published.

### Monitor equality statistics

38 Monitoring is an important part of any equal opportunities policy. Done effectively it helps with early identification of areas where supplementary or corrective action is necessary.

39 Under the terms of the RRAA, HEIs are obliged to collect monitoring data by race. Action is underway to develop systematic national monitoring data. However this will not preclude the need for the collection of local data relating to local circumstances. Both good practice and forthcoming legislation would indicate that local monitoring should cover all aspects of potential discrimination.

40 Institutions are therefore recommended to establish arrangements for the collection and analysis of appropriate data for equality monitoring purposes.<sup>15</sup> The form that this takes will depend on local needs and resources, but it is likely to cover monitoring data for the institution as a whole, and for appropriate organisational units, in respect of:

- Race
- Sex
- Disability
- Religion or belief
- Age
- Marital status<sup>16</sup>
- Sexual orientation.

41 Such data will be needed for monitoring the effectiveness of institutions' equality policies in respect of:

- All aspects of the recruitment process, including advertising and application
- Promotion
- The composition of the existing workforce
- Terms and conditions of employment, including pay and grading
- Training and career development
- Grievances
- Disciplinary action
- Performance appraisal
- Dismissals
- Reasons for leaving.

- 42 Institutions and their recognised trades unions are recommended, as part of this partnership approach, to work together in encouraging staff to cooperate with the collection of equality data. This will include explaining the need for the collection of data and re-assuring staff about its legitimate use and the security of its storage. Arrangements for this will, in any event, need to meet the requirements of the Data Protection Act 1998 and related Codes of Practice in relation to sensitive personal data.
- 43 A regular monitoring and feedback cycle is strongly recommended. The results of monitoring exercises and action taken should be reported to relevant committees and governing bodies, be the subject of open discussion with the trades unions, and be promulgated widely to staff to promote a debate about institutional performance in the context of its equality action plan.

- 1 *The National Committee of Inquiry into Higher Education* (Dearing Committee) (1997) Stationery Office, London ([www.leeds.ac.uk/educol/ncihe](http://www.leeds.ac.uk/educol/ncihe))
- 2 *Independent Review of Higher Education Pay and Conditions* (Bett Committee) 1999 Stationery Office, London (Summary of recommendations – [www.archive.official-documents.co.uk/document/irhec/irhec.htm](http://www.archive.official-documents.co.uk/document/irhec/irhec.htm))
- 3 Carter, J, Fenton, S & Modood, T (1999) *Ethnicity and Employment in Higher Education*, Policy Studies Institute, London (Summary – [www.psi.org.uk/publications/ethnic/ethhefind.htm](http://www.psi.org.uk/publications/ethnic/ethhefind.htm))
- 4 Macpherson of Cluny, Sir William (1999) *The Stephen Lawrence Inquiry*, Stationery Office, London ([www.archive.official-documents.co.uk/document/cm42/4262/sli-00.htm](http://www.archive.official-documents.co.uk/document/cm42/4262/sli-00.htm))
- 5 In Northern Ireland discrimination on grounds of religion or belief is also unlawful.
- 6 *Rewarding and Developing Staff in Higher Education: Good Practice in Setting HR Strategies*. HEFCE 02/14 ([www.hefce.ac.uk/pubs/hefce/2002/02\\_14.htm](http://www.hefce.ac.uk/pubs/hefce/2002/02_14.htm))
- 7 Including the use of fixed term and casual contracts (see JNCHES Guidance – *Fixed-Term and Casual Employment – Guidance for Higher Education Institutions* (June 2002) ([www.ucea.ac.uk/ft&cguide\\_aug2002.html](http://www.ucea.ac.uk/ft&cguide_aug2002.html)))
- 8 Advice on good practice in recruitment and selection can be found at ([www.equalitydirect.org.uk/chap1/cl\\_intro.htm](http://www.equalitydirect.org.uk/chap1/cl_intro.htm))
- 9 Detailed guidance on how to conduct equal pay reviews is provided in the JNCHES document *Equal Pay Reviews: Guidance for Higher Education Institutions* ([www.ucea.ac.uk/report\\_equal\\_pay\\_guidance.htm](http://www.ucea.ac.uk/report_equal_pay_guidance.htm)). In addition UCEA has developed a computerised review tool to assist in the analysis of the current pay situation within an institution. Guidance on proving equal pay is also provided in the Equal Opportunity Commission's Equal Pay Review Kit ([www.eoc.org.uk/cseng/advice/equalpay.asp](http://www.eoc.org.uk/cseng/advice/equalpay.asp))

- 10 The JNCHES guidance on job evaluation is provided in *Role Analysis and Job evaluation: Guidance for Higher Education Institutions* ([www.ucea.ac.uk/report\\_role\\_analysis\\_guidance.htm](http://www.ucea.ac.uk/report_role_analysis_guidance.htm)), though this was not supported by the AUT.
- 11 Guidance about these practices can be found on the DTI work-life balance website ([www.dti.gov.uk/work-lifebalance/](http://www.dti.gov.uk/work-lifebalance/))
- 12 See *Guidelines on Recruitment, Selection and Promotion for Universities and Colleges in Higher Education* (CUCO November 1997).
- 13 See *Guidelines on Harassment for Universities and Colleges in HE* (CUCO April 1999).
- 14 Guidance on setting equality targets is provided by the EOC ([www.eoc.org.uk/cseng/advice/](http://www.eoc.org.uk/cseng/advice/)) and the CRE – *Ethnic Monitoring: a Guide for Public Authorities*.
- 15 Guidance on monitoring and collecting equality statistics is provided by the EOC ([www.eoc.org.uk/cseng/advice/](http://www.eoc.org.uk/cseng/advice/)) and by the CRE – *Ethnic Monitoring: a Guide for Public Authorities*.
- 16 This may need to cover registered civil partnerships, on which the Government is due to publish legislative proposals in summer 2003.

Appendix A: Legal context

Appendix B: Equality Challenge Unit

Appendix C: Sources of assistance

Appendix D: Printed and/or web-based sources of guidance

## Legal context

Higher education institutions as employers must comply with certain key pieces of legislation aimed at preventing discrimination. These include:

- Equal Pay Act (1970)
- Equal Pay Act (Northern Ireland) (1970)
- Sex Discrimination Act (1975) (includes discrimination on grounds of marital status and gender reassignment)
- Fair Employment (Northern Ireland) Act (1976)
- Sex Discrimination (Northern Ireland) Order (1976)
- Race Relations Act (1976)
- Pensions Act (1995) (Requires occupational pension schemes to observe the principle of equal treatment for men and women)
- Disability Discrimination Act (1995) (covers higher education institutions' responsibilities as employers, as well as their responsibilities (under Part IV) as providers of education and services to students)
- Employment Rights Act (1996) (which sets out legal entitlements and protection associated with maternity, childbirth, parental leave and emergency time-off for dependants)
- Employment Rights (Northern Ireland) Order (1996)
- Race Relations (Northern Ireland) Order (1997)
- Northern Ireland Act (1998)
- Fair Employment and Treatment (Northern Ireland) Order (1998)
- Human Rights Act (1998) (protects the human and civil rights of individuals and has a potential impact on working practices and policies)
- Maternity and Parental Leave Regulations (1999)
- Maternity and Parental Leave (Northern Ireland) Regulations (1999)
- Equality (Disability etc) (Northern Ireland) Order (2000)



- Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)
- Race Relations (Amendment) Act (2000)
- Employment Act (2002) (includes rights for paid paternity leave, paid adoptive leave, changes to maternity leave and pay, and gives parents of young children the right to request flexible working arrangements)
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (2002)

**as amended and modified by subsequent legislation.**

### **Forthcoming legislation**

- In compliance with EU Directives on Employment (2000/78/EC) and Race (2000/43/EC), new UK legislation is expected in the areas of sexual orientation (with effect from December 2003), religion or belief (from December 2003) and age (from 2006)
- Further amendments are expected to the Equal Pay Act (in 2003), the Race Relations Act (in 2003), and the Disability Discrimination Act (in 2004)
- Proposals for legislation to recognise same sex couples under a civil partnership scheme are due to be published in summer 2003.

### Equality Challenge Unit

The ECU, founded in 2001, is funded by the four HE funding bodies in the UK and the two representative bodies (SCOP and UUK). From the outset it incorporated the Athena Project which promotes the recruitment, retention, progression and promotion of women in science, engineering and technology within HE.

The small team of full-time staff works collaboratively with HEIs, sector-wide bodies and the HE recognised trades unions in fulfilment of its vision, mission and aims.

#### Vision

The vision of the Equality Challenge Unit is of a higher education sector that promotes diversity and where equality of opportunity is a reality for all.

All HEIs will work to ensure that staff, at all levels, and in all modes of employment are fairly recruited, supported, developed, appraised, rewarded and promoted.

#### Mission

To improve equal opportunities for all who work or seek to work within the UK HE sector.

#### 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.

## Sources of assistance

### **Association of University Administrators (AUA) Equality Advisory Group**

Website: [www.aua.ac.uk/committees/Equalityadvisorygroup.htm](http://www.aua.ac.uk/committees/Equalityadvisorygroup.htm)

### **Commission for Racial Equality (CRE)**

St Dunstan's House  
201-211 Borough High Street  
London SE1 1GZ  
Tel. 020 7939 0000  
Fax. 020 7939 0001  
E-mail: [info@cre.gov.uk](mailto:info@cre.gov.uk)  
Website: [www.cre.gov.uk](http://www.cre.gov.uk)

### **Disability Rights Commission (DRC)**

DRC Helpline  
Freepost MID 02164  
Stratford-Upon-Avon CV37 9BR  
Tel. 08457 622 633  
Fax. 08457 778 878  
Textphone: 08457 622 644  
E-mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)  
Website: [www.drc-gb.org](http://www.drc-gb.org)

### **Employers Forum on Age**

Astral House  
1268 London Road  
London SW16 4ER  
Tel. 020 8765 7597  
Fax. 020 8765 7374  
E-mail: [efa@ace.org.uk](mailto:efa@ace.org.uk)  
Website: [www.efa.org.uk](http://www.efa.org.uk)

### **Employers' Forum on Disability**

Nutmeg House  
60 Gainsford Street  
London SE1 2NY  
Tel. 020 7403 3020  
Fax. 020 7403 0404  
Minicom: 020 7403 0040  
E-mail: [website.enquiries@employers-forum.co.uk](mailto:website.enquiries@employers-forum.co.uk)  
Website: [www.employers-forum.co.uk](http://www.employers-forum.co.uk)

### **Equal Opportunities Commission (EOC)**

Arndale House  
Arndale Centre  
Manchester M4 3EQ  
Tel. 0845 601 5901  
Fax. 0161 838 1733  
E-mail: [info@eoc.org.uk](mailto:info@eoc.org.uk)  
Website: [www.eoc.org.uk](http://www.eoc.org.uk)

### **Equality Challenge Unit (ECU)**

4 Tavistock Place  
London WC1H 9RA  
Tel. 020 7520 7060  
Fax. 020 7520 7069  
E-mail: [info@ecu.ac.uk](mailto:info@ecu.ac.uk)  
Website: [www.ecu.ac.uk](http://www.ecu.ac.uk)

### **Equality Commission for Northern Ireland**

Equality House  
7-9 Shaftesbury Square  
Belfast BT2 7DP  
Tel. 028 90 500600  
Fax. 028 90 248687  
Textphone 028 90 500589  
E-mail: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)

### **Higher Education Equal Opportunities Network (HEEON)**

Website: [www.worc.ac.uk/services/equalopps/HEEON](http://www.worc.ac.uk/services/equalopps/HEEON)

**Higher Education Staff Development Agency (HESDA)**

Ingram House  
65 Wilkinson Street  
The University of Sheffield  
Sheffield S10 2GJ  
Tel. 0114 222 1335  
Fax. 0114 222 1333  
Website: [www.hesda.org.uk/](http://www.hesda.org.uk/)

**Higher Education Statistics Agency (HESA)**

18 Royal Crescent  
Cheltenham GL50 3DA  
Tel. 01242 255577  
Fax. 01242 211122  
Website: [www.hesa.ac.uk](http://www.hesa.ac.uk)

**Opportunity Now**

Business in the Community  
137 Shepherdess Walk  
London N1 7RQ  
Tel. 020 7566 8714  
Fax. 020 7253 1877  
Website: [www.opportunitynow.org.uk](http://www.opportunitynow.org.uk)

**Stonewall**

Stonewall  
46-48 Grosvenor Gardens  
London SW1W 0EB  
Tel. 020 7881 9440  
Fax. 020 7881 9444  
Minicom: 020 7881 9996  
Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)  
Website: [www.stonewall.org.uk](http://www.stonewall.org.uk)

**UCEA (Universities and Colleges Employers Association)**

Woburn House  
20 Tavistock Square  
London WC1H 9HU  
Tel. 020 7383 2444  
Fax. 020 7383 2666  
Email: [j.prudence@ucea.ac.uk](mailto:j.prudence@ucea.ac.uk)  
Website: [www.ucea.ac.uk](http://www.ucea.ac.uk)

### Recognised HE trades unions

#### **Amicus**

Education Sector  
3 Acton Square  
Salford  
Manchester M5 4NY  
Tel. 0161 745 7300  
Fax. 0161 745 9785  
E-mail: [jill.moore@amicus-m.org](mailto:jill.moore@amicus-m.org)  
Website: [www.amicus-m.org](http://www.amicus-m.org)

#### **AUT** (Association of University Teachers)

Egmont House  
25-31 Tavistock Place  
London WC1H 9UT  
Tel. 020 7670 9700  
Fax. 020 7670 9799  
E-mail: [hq@aut.org.uk](mailto:hq@aut.org.uk)  
Website: [www.aut.org.uk](http://www.aut.org.uk)

#### **BDA** (British Dental Association)

64 Wimpole Street  
London W1M 8YS  
Tel. 020 7563 4138  
Fax. 020 7563 4561  
Website: [www.bda-dentistry.org.uk](http://www.bda-dentistry.org.uk)

#### **BMA** (British Medical Association)

BMA House  
Tavistock Square  
London WC1H 9JP  
Tel. 020 7387 4499  
Fax. 020 7383 6400  
E-mail: [info.web@bma.org.uk](mailto:info.web@bma.org.uk)  
Website: [www.bma.org.uk](http://www.bma.org.uk)

**EIS** (Educational Institute of Scotland)

46 Moray Place  
Edinburgh EH3 6BH  
Tel. 0131 225 6244  
Fax. 0131 220 3151  
E-mail: [mhealy@eis.org.uk](mailto:mhealy@eis.org.uk)  
Website: [www.eis.org.uk](http://www.eis.org.uk)

**GMB**

22/24 Worple Road  
London SW19 4DD  
Tel. 020 8947 3131  
Fax. 020 8944 6552  
Website: [www.gmb.org.uk](http://www.gmb.org.uk)

**NATFHE** (National Association of Teachers in Further and Higher Education)

27 Britannia Street  
London WC1X 9JP  
Tel. 020 7837 3636  
Fax. 020 7837 4403  
Minicom. 020 7278 0470  
E-mail: [hedept@natfhe.org.uk](mailto:hedept@natfhe.org.uk)  
Website: [www.natfhe.org.uk](http://www.natfhe.org.uk)

**TGWU** (Transport and General Workers Union)

Transport House  
128 Theobalds Road  
Holborn  
London WC1X 8TN  
Tel. 020 7611 2565/6  
Fax. 020 7611 2739  
E-mail: [ckaufman@tgwu.org.uk](mailto:ckaufman@tgwu.org.uk)  
Website: [www.tgwu.org.uk](http://www.tgwu.org.uk)

**UNISON**

1 Mabledon Place  
London WC1H 9AJ  
Tel. 0845 355 0845  
Website: [www.unison.org.uk](http://www.unison.org.uk)

### Printed and/or web-based sources of guidance

**Note:** The Equality Challenge Unit provides written general guidance on the topics below, as well as advice at institutional level.

Contact: [info@ecu.ac.uk](mailto:info@ecu.ac.uk) or see [www.ecu.ac.uk](http://www.ecu.ac.uk)

#### Action planning

*Equality Targets – Action Planning and Monitoring in Universities.* CUCO (1996) (available from ECU)

*How to Set Targets for Gender Equality.* EOC:  
[www.eoc.org.uk/EOCeng/dynpages/Monitoring.asp](http://www.eoc.org.uk/EOCeng/dynpages/Monitoring.asp)

#### Age

*Age Discrimination: a Discussion and Policy Document.* NATFHE (1995)

*Guidelines on Age Diversity for Universities and Colleges in Higher Education* CUCO (2000) (available from ECU)

#### Dignity at work

*Bullying at Work.* NATFHE (1995)

*Guidelines on Harassment for Universities and Colleges in HE.* CUCO (1999) (available from ECU)

*Harassment at Work: How to Deal with it.* NATFHE (1994)

*Sexual Harassment is an Abuse of Power.* UNISON leaflet (1997)

*Harassment – a UNISON Guide.* UNISON (1997)

*Bullying and Harassment Policy.* EIS (1998) [www.eis.org.uk/bullying.htm](http://www.eis.org.uk/bullying.htm)

*The ‘Time is up...’* Series of UNISON leaflets focussing on harassment of lesbians and gay men, disabled people and on grounds of sex and race (1997/98)

*Racial Harassment at Work: What Employers can do about it.* CRE (1995)  
[www.cre.gov.uk/pdfs/rhaw.pdf](http://www.cre.gov.uk/pdfs/rhaw.pdf)

*Dealing with Sexual Harassment.* EOC

[www.eoc.org.uk/cseng/advice/sexual\\_harassment.asp](http://www.eoc.org.uk/cseng/advice/sexual_harassment.asp)

*Dealing with Harassment – a Guide to Handling Complaints.* AUT (1995)



## Disability

*Information for Higher Education Institutions Summary and Good Practice Guides.* DRC  
[www.drc.org.uk/drc/Campaigns/Page431.asp#three](http://www.drc.org.uk/drc/Campaigns/Page431.asp#three)

*Enabling not Disabling.* NATFHE (1996)

*Deaf people and Equal Rights: Guidance for Branch Officers and Members.* NATFHE (1998)

*What the Disability Discrimination Act requires Employers to do: Employers' Responsibilities under the Disability Discrimination Act (DDA).* DRC:  
[www.drc.org.uk/drc/RightsAndRequirements/Page121.asp](http://www.drc.org.uk/drc/RightsAndRequirements/Page121.asp)

*Disability and Equality on Campus.* AUT (1997)

*Disability Policy.* EIS [www.eis.org.uk/DisPolicy.pdf](http://www.eis.org.uk/DisPolicy.pdf)

## Equality (general guidance on)

*Higher Education and Equality: a Guide (jointly with CRE & EOC).* CUCO (1997) (available from ECU)

*Equal Opportunities: a Best Practice Guide for Negotiators.* NATFHE (1995)  
[www.natfhe.org.uk/down/EqOppBestPracGuide.pdf](http://www.natfhe.org.uk/down/EqOppBestPracGuide.pdf)

*Breaking Down the Barriers: Poverty and Education; Anti-Racism and Education; Lesbian and Gay Equality.* EIS (2002)  
[www.eis.org.uk/BreakingDown2.pdf](http://www.eis.org.uk/BreakingDown2.pdf)

Additional research reports and briefings on equal opportunities can be found on the Association of University Teachers' website in the Policy and Publications section at [www.aut.org.uk](http://www.aut.org.uk)

## Equality (mainstreaming)

Advice on good practice can be found at:  
[www.equalitydirect.org.uk/chap1/c1\\_intro.htm](http://www.equalitydirect.org.uk/chap1/c1_intro.htm)

See also:

De Viell, M (1998) *Mainstreaming Sex Equality in the Public Sector*, Manchester, Equal Opportunities Commission.

European Foundation for the Improvement of Living and Working Conditions (1999) *Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining*. Dublin, European Foundation for the Improvement of Living and Working Conditions.

Nott, S (1999) 'Mainstreaming Equal Opportunities: Succeeding where all Else Failed?' in Morris, A and O'Donnell, T (eds) *Feminist Perspectives on Employment Law*. London, Cavendish Publishing.

Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*. London, Routledge.

Rees, T (1998) 'Mainstreaming Gender Equality' in Watson, S and Doyal, L (eds) *Engendering Social Policy*. Milton Keynes, Open University Press.

### Equality (monitoring)

*How to Monitor by Gender and Marital Status*. EOC

[www.eoc.org.uk/cseng/advice/how\\_to\\_monitor\\_by\\_gender\\_and\\_marital\\_status.asp](http://www.eoc.org.uk/cseng/advice/how_to_monitor_by_gender_and_marital_status.asp)

*Ethnic Monitoring: a Guide for Public Authorities*. CRE

[www.cre.gov.uk/publs/cat\\_duty.html](http://www.cre.gov.uk/publs/cat_duty.html)

### Legislation

UK legislation since 1988, Northern Ireland legislation since 1921

[www.hmsso.gov.uk](http://www.hmsso.gov.uk)

Equal Pay Act 1970 and Sex Discrimination Act 1975, incorporating all amendments [www.eoc.org.uk/EOCeng/dynpages/Relevant\\_Legislation.asp](http://www.eoc.org.uk/EOCeng/dynpages/Relevant_Legislation.asp)

Race Relations Act 1976 [www.homeoffice.gov.uk/raceact/racerel1.htm](http://www.homeoffice.gov.uk/raceact/racerel1.htm)

### Pay, grading and job evaluation

Equal Pay Reviews: Guidance for Higher Education Institutions. JNCHES (2002) [www.ucea.ac.uk/report\\_equal\\_pay\\_guidance.htm](http://www.ucea.ac.uk/report_equal_pay_guidance.htm)

*Role Analysis and Job Evaluation: Guidance for Higher Education Institutions*. JNCHES (2002) [www.ucea.ac.uk/report\\_role\\_analysis\\_guidance.htm](http://www.ucea.ac.uk/report_role_analysis_guidance.htm)

*How to put Equality into Practice – Equal Pay*. EOC

[www.eoc.org.uk/EOCeng/dynpages/Equal\\_Pay2.asp](http://www.eoc.org.uk/EOCeng/dynpages/Equal_Pay2.asp)

*Good Practice Guide – Job Evaluation Schemes Free of Sex Bias.* EOC  
[www.eoc.org.uk/cseng/advice/good\\_practice\\_guide\\_-\\_job\\_evaluation\\_schemes\\_free\\_of\\_sex\\_bias.asp](http://www.eoc.org.uk/cseng/advice/good_practice_guide_-_job_evaluation_schemes_free_of_sex_bias.asp)

*Good Practice Guide – Sex Bias and Performance-Related Pay.* EOC  
[www.eoc.org.uk/cseng/advice/performance\\_related\\_pay.asp](http://www.eoc.org.uk/cseng/advice/performance_related_pay.asp)

## Race

*Joint Agreements on Guidance for Equality and Race Equality in FE.* (2002)  
 (between the AOC, ACM, ATL, GMB, NATFHE, TGWU, UNISON)  
[www.feonline.net/feonline/display?id=6740](http://www.feonline.net/feonline/display?id=6740)

*Statutory Code of Practice on the Duty to Promote Race Equality.* CRE (2002)  
[www.cre.gov.uk/publs/cat\\_duty.html](http://www.cre.gov.uk/publs/cat_duty.html)

*A Guide for Institutions of Further and Higher Education.* CRE (2002)  
[www.cre.gov.uk/publs/cat\\_duty.html](http://www.cre.gov.uk/publs/cat_duty.html)

*Framework for a Race Equality Policy for Higher Education Institutions.* CRE  
 (2002) [www.cre.gov.uk/publs/cat\\_duty.html](http://www.cre.gov.uk/publs/cat_duty.html)

*Anti-Racist Policy Guidelines.* EIS (1998) [www.eis.org.uk/anti-rac.htm](http://www.eis.org.uk/anti-rac.htm)

*Anti-Racist Curricular Guidelines for Further and Higher Education.* EIS (1999)  
[www.eis.org.uk/anti-rac-G.htm](http://www.eis.org.uk/anti-rac-G.htm)

*Guidance on Framing a Race Equality Policy.* EIS (2002)  
[www.eis.org.uk/ularaceeq.htm](http://www.eis.org.uk/ularaceeq.htm)

## Recruitment, selection, appointment and promotion

*Guidelines on Recruitment, Selection and Promotion for Universities and Colleges in Higher Education.* CUCO (1997) (available from ECU)

*Is your Recruitment Process Fair?* EOC  
[www.eoc.org.uk/cseng/advice/is\\_your\\_recruitment\\_process\\_fair.asp](http://www.eoc.org.uk/cseng/advice/is_your_recruitment_process_fair.asp)

*Race Equality in Further Education Colleges. Book 1: Recruitment and Selection.*  
 The Commission for Black Staff in Further Education (2002)

*Opportunity Blocks – a Survey of Appointment and Promotion in Higher Education.* AUT (1998)

### Religion

*Discrimination on the Grounds of Religion or Belief: a NATFHE Discussion Document.* NATFHE (2001) [www.natfhe.org.uk/down/religion.pdf](http://www.natfhe.org.uk/down/religion.pdf)

### Sex

*Guidelines for Equal Opportunities Employers.* EOC  
[www.eoc.org.uk/EOCeng/EOCcs/Advice/guidelines.asp](http://www.eoc.org.uk/EOCeng/EOCcs/Advice/guidelines.asp)

*Code of Practice – Sex Discrimination.* EOC  
[www.eoc.org.uk/EOCeng/EOCcs/Legislation/law\\_code\\_of\\_practice\\_-\\_sex\\_discrimination.asp](http://www.eoc.org.uk/EOCeng/EOCcs/Legislation/law_code_of_practice_-_sex_discrimination.asp)

### Sexual orientation

*Lesbian and Gay Rights at Work: a Guide for NATFHE Branches.* NATFHE (2001) [www.natfhe.org.uk/down/legariwo.pdf](http://www.natfhe.org.uk/down/legariwo.pdf)

*Campaigning for Equality – UNISON leaflet on work for lesbian and gay rights (1998)*

*Transgendered People’s Rights at Work – UNISON briefing*

*Lesbian, Gay and Bisexual Participation in UK Universities – Results from a Pilot Study.* AUT (2001) [www.aut.org.uk/pandp/documents/lgbpilotstudy.pdf](http://www.aut.org.uk/pandp/documents/lgbpilotstudy.pdf)

*Pride not Prejudice – Equal Opportunities in Higher Education: a Lesbian and Bisexual Perspective.* AUT (1998)  
[www.aut.org.uk/pandp/documents/pridenotprejudice.pdf](http://www.aut.org.uk/pandp/documents/pridenotprejudice.pdf)

*Lesbian and Gay Equality Advice and Guidelines.* EIS (2000)  
[www.eis.org.uk/L&G%20Guidelines.htm](http://www.eis.org.uk/L&G%20Guidelines.htm)

*Guidelines on Sexual Orientation for Universities and Colleges in Higher Education.* CUCO (2000) (available from ECU)

### Training and development

HESDA (Higher Education Staff Development Agency) has a variety of publications covering many aspects of staff training and development in higher education.

[www.hesda.org.uk/publications/pub.html](http://www.hesda.org.uk/publications/pub.html)

## Work-life balance

DTI work-life balance web pages [www.dti.gov.uk/work-lifebalance/](http://www.dti.gov.uk/work-lifebalance/)

*How to Manage Flexibility in the Workplace*. EOC

[www.eoc.org.uk/cseng/advice/how\\_to\\_manage\\_flexibility\\_in\\_the\\_workplace.asp](http://www.eoc.org.uk/cseng/advice/how_to_manage_flexibility_in_the_workplace.asp)

*Equal Opportunities: Employment and Domestic Responsibilities*. AUT (1997)

## Other

T&GWU have a range of model agreements which include Workplace Harassment, Maternity and Family Leave, Equal Pay, Tackling Institutional Racism, Religious and Cultural Needs, Disability Equality, Age Discrimination, Lesbian, Gay and Bisexual Equality and Ex-Offenders. Please contact the Women, Race and Equalities Sector on 020 7611 2500 for further information. Also please see their website: [www.tgwu.org.uk](http://www.tgwu.org.uk)

*Rewarding and Developing Staff in Higher Education: Good Practice in Setting HR Strategies*. (2002) HEFCE 02/14

[www.hefce.ac.uk/pubs/hefce/2002/02\\_14.htm](http://www.hefce.ac.uk/pubs/hefce/2002/02_14.htm)

Negotiating Childcare Guide – UNISON (1998)

Negotiating Guide to Parental Leave – UNISON (2000)

*Preventing Stress in Higher Education: a Branch Guide*. EIS (2000)

[www.eis.org.uk/ulaStresspa.htm](http://www.eis.org.uk/ulaStresspa.htm)

*Advice on Consensual Relations between Staff and Students*. EIS (2001)


[www.eis.org.uk/claRelation.htm](http://www.eis.org.uk/claRelation.htm)

Stephen Lawrence Enquiry Report Guide – UNISON (2000)

Basic information about different types of discrimination can be obtained at [www.jobsite.co.uk/career/advice/discrimination.html](http://www.jobsite.co.uk/career/advice/discrimination.html)







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