Equality and Diversity Audit Framework/ Checklist for Higher Education Institutions

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Equality and Diversity in Higher Education

Foreword

The Higher Education Equal Opportunities Network and the Equality Challenge Unit publish guidance and advice on the full range of equality and diversity topics. The five publications that make up this new series complement existing advice on different aspects of legislation and policy in order to engage all those who work in higher education to think about our responsibilities for building a positive culture of diversity within our institutions. To promote positively equality and diversity and to take steps actively to make sure that discrimination does not occur, are now established requirements of the new legislation that has been put in place since 2000 covering each of the equality and diversity strands. This positive duty is both the most important and one of the most testing obligations the legislation places on public bodies. As they respond to the new legislative environment, higher education institutions are seeking to tackle the root causes of inequalities that affect both staff and students.

In the context of a large body of legislation, this series of publications is timely as issues of equality and diversity move up the higher education agenda. But, it is not only the legislation that is driving this agenda. It is clear from the work done for this project that institutions that have long been aware of the moral case for equality now also recognise that their success depends on building organisational cultures that value diversity. They see the obvious and tangible benefits in being organisations in which staff and students wish to work and study and in which all are able to achieve to the best of their abilities. A positive diversity dynamic generates the energy on which organisations thrive. Drawing on the resources of a diverse society strengthens performance. Creating a workplace culture based on fair treatment and a positive view of diversity encourages high levels of commitment.

The University of Wolverhampton was pleased to support this joint HEEON and ECU project to produce guidance documents, which is funded by the Higher Education Funding Council for England. The project relied on the full participation and support of all the partners and exemplifies partnership working. The project combined the efforts, skills and contributions of many, has been grounded in real experience and has built a sense of ownership in the sector. The five publications are addressed to all levels of HEIs, including Governors, Members of Council, managers, equality specialists and anyone with an interest in how the sector is developing the equality and diversity agenda.

I hope that you find these documents useful in providing you with practical advice and support.

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Acknowledgements

Contents

Introduction

The purpose of this document is to provide an audit framework for Equality and Diversity Specialists and others working in higher education institutions (HEIs). It is not intended to be prescriptive, but rather to highlight the key areas institutions need to engage with in order to

- achieve legislative compliance, and
- move beyond compliance towards promoting equality in practice.

Thanks in large part to the dedication and hard work of experienced and skilled Equality and Diversity (E&D) Specialists over the years, we know that there is already well-established positive practice in many organisations across the higher education sector. There is also a considerable body of good practice guidance available. However, we also know that organisations and discrimination law are continually changing and, as if that weren't enough, the different equality strands each have different legislative requirements. It can be a challenge for E&D specialists simply to keep abreast of these and assess their impact on existing organisational practice, let alone persuade senior managers to agree and implement necessary changes.

Hence this short guide, which complements the detailed guidance publications produced by the Equality Challenge Unit and other advisory bodies. We hope it will form the basis of a continuous improvement model, and that you will find it useful now and in the years to come.

How to use the Audit Framework/Checklist

The checklist is in two parts. The first deals with legislative requirements, and is therefore broken down by the equality strands currently covered by discrimination law, e.g., race, gender, disability, sexual orientation, religion and age. The second is divided into aspects of organisational function, and it will be supported by other guidance issued by HEEON as part of this project.

We hope that using the checklist will help E&D specialists

- Assess their institution's current position
- Consider the range of actions required to achieve desired change
- Measure and evaluate progress, revising priorities as required

The intention behind it is not simply a "tick-box exercise" to be sent out and filled in by sections and departments to check on progress. It is rather a tool to inform equality practice across the higher education sector that will encourage and inspire staff

and students alike, as well as those organisations outside the sector with whom we engage.

Legislative framework

There are six main strands covered by current and developing legislation. These are (in alphabetical order):

- Age
- Disability
- Race
- Religion and Belief
- Sex
- Sexual Orientation

We are mindful that some institutions may choose to combine their equality and diversity work into a single equality scheme, looking ahead to the single Commission for Equality and Human Rights. As public bodies, however, we are nevertheless subject to a range of positive public duties in respect of race, disability and gender, which require distinct action plans for each of these strands. Although positive public duties do not currently apply in respect of discrimination on grounds of age, sexual orientation or religion and belief, it makes sense to take a "general duty" approach in these areas, paying due regard to promoting equality and eliminating discrimination in all areas which are protected by law.

The Equality Challenge Unit provides equality and diversity advice for the higher education sector. Detailed guidance documents, including links to legislation and relevant statutory Codes of Practice, are available on their web site, **www.ecu.ac.uk**

Section 1 – Legislative Requirements

This section contains the key questions institutions need to address in order to meet their statutory obligations. They are set out strand by strand. Please note that there are similarities, but also differences, between the various strands. At the end of this section are questions relating to maintaining compliance through organisational processes and systems.

Age

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Communicated to all staff and students that age discrimination is unlawful in respect of work and study, and will not be tolerated?				
Reviewed employment policies and practices to ensure no age-related bias occurs at any stage of the process, from recruitment advertising to decision-making?				
Reviewed access to staff development and training to ensure that it is age neutral?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Ensured that promoting age equality is a feature of your staff development programme?				
Considered the implications (if any) of the age discrimination legislation on pay and benefits?				
Reviewed your HEI's normal retirement age, consulting with TU and/or staff representatives?				
Fully implemented the statutory Retirement Process, ensuring appropriate notification and provided guidance to managers about the right to request to continue working and how to respond?				
Considered extending flexible working options to all staff (if not currently available to all)?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Reviewed current performance management systems, including appraisal, to ensure age neutrality, in consultation with TU and/or staff representatives?				
Taken steps to ensure your HEI can provide an accurate age profile of staff across the organisation, and considered how it can be used to inform workforce planning?				
Considered the use of age-related monitoring data in recruitment; promotion; training and development; disciplinary; grievance; and exit procedures?				
Considered the implications of age legislation on student-related activity, e.g., admissions, learning and teaching, and provision of student support services?				

Disability

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Produced a Disability Equality Scheme (DES) which sets out how it will meet the general and specific Duties under the Disability Discrimination Act 2005 (DDA), and includes a three-year action plan which outlines and prioritises desired outcomes, timeframes, and identifies those responsible for implementation?				
Involved disabled people in the development and review of the Scheme?				
Taken steps to ensure that staff and students understand what constitutes a disability, as defined by the DDA, and their responsibilities?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Taken a social model approach to disability, which focuses on barriers faced by disabled people?				
Communicated with contractors about their responsibilities under the DDA to disabled people in the HEI community?				
Considered the ways in which the HEI can promote positive attitudes towards disabled people, and acted on these ideas?				
Established ways in which the HEI can encourage the participation of disabled people in key decision making bodies?				
Ensured that all staff understand the concept of, and the reasons for making, reasonable adjustments in employment and in teaching and learning?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Established how to involve disabled people in monitoring and maintaining its DES?				
Established a procedure for undertaking Impact Assessments?				
Established a system for collecting and analysing data, as outlined by the Disability Rights Commission's 'Guidance on Gathering & Analysing Evidence to Inform Action' and 'Further and Higher Education Institutions and the Disability Equality Duty'?				
Established a system for reporting internally, and externally, on its progress in implementing the DES?				

Race

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Developed a comprehensive Race Equality Policy and Action Plan (REP and AP) which sets out how it meets the General and Specific duties under the Race Relations (Amendment) Act (the RRAA), and includes and prioritises desired outcomes, timeframes, and identified those responsible for implementation?				
Held regular reviews and communicated the findings to all stakeholders?				
Established a procedure for undertaking Impact Assessments?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Established a system for collecting and analysing staff and student data at various stages of employment and study, as outlined by the Commission for Racial Equality's Statutory Code of Practice?				
Actively communicated the requirements of its REP and AP to staff, students, contractors, agents and others with whom the HEI engages?				
Taken all reasonable steps to ensure its staff and students do not discriminate unlawfully?				
Considered the ways in which the HEI can promote good relations between people of different racial groups, and acted on these ideas?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Incorporated the recommendations of the Commission for Racial Equality's Code of Practice on Racial Equality in Employment?				

Gender

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Taken steps to ensure that it will have a Gender Equality Scheme published and in place by April 2007, which sets out how it intends to fulfil the general and specific duties under the Sex Discrimination Act and the Equality Act 2006, and its gender equality objectives?				
Planned a procedure for undertaking Impact Assessments?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Made it clear that less favourable treatment on the grounds of pregnancy and maternity leave constitutes sex discrimination?				
Taken steps to eliminate discrimination, victimisation and harassment on the grounds of sex in employment and education?				
Clearly communicated that sex discrimination legislation also protects people who are undergoing or have undergone gender reassignment, and identified appropriate means of dealing with unlawful discrimination?				
Considered the ways in which the HEI can promote equality of opportunity between men and women?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Undertaken an equal pay audit to establish whether men and women in the same employment are paid the same for like work, work rated as equivalent, and/or work of equal value?				
Taken steps to eradicate any identified pay gaps?				

Sexual orientation

Has your HEI:	Yes	No	Progress to date *e.g.,significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Reviewed policies and procedures for compliance with the Employment Equality (Sexual Orientation) Regulations 2003, consulting with Trade Unions and LGBT groups as appropriate?				

Has your HEI:	Yes	No	Progress to date *e.g.,significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Ensured that support is available to staff and students, and that there are appropriate channels to report discrimination on grounds of sexual orientation?				
Taken steps to eliminate discrimination, victimisation and harassment on the grounds of sexual orientation in all aspects of employment and education?				
Taken steps to ensure the institution's programmes of study and access to student services provisions do not discriminate on grounds of sexual orientation?				
Updated their arrangements for survivor pension benefits in line with the Civil Partnership Act 2004?				

Religion and belief

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Reviewed policies and procedures with Trade Unions and faith groups (including chaplains of diverse faiths) to ensure compliance with the Employment Equality (Religion or Belief) Regulations 2003?				
Taken steps to eliminate discrimination, victimisation and harassment on the grounds of religion or belief in all aspects of employment and education?				
Taken steps to ensure the institution's programmes of study and access to student services provisions do not discriminate on grounds of religion and belief?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Ensured that there are appropriate channels for staff and students to report instances of discrimination on the grounds of religion and belief?				

Maintaining compliance through organisational processes and systems

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Established working group(s) to steer and monitor progress on all aspects of equality?				
Ensured that policies and practices affecting employment and education meet the legal requirements of all equality strands?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Established robust data collection and analysis mechanisms, and used these to meet statutory monitoring and publishing requirements?				
Identified a person or persons to review legislative requirements and identify developments affecting existing policy or practice?				
Determined how, and to whom, it will convey information on legislative changes within the HEI?				
Established and publicised procedures to deal with incidents of direct and indirect discrimination, victimisation and harassment?				
Established clear lines of responsibility, authority and accountability for E&D implementation within the HEI?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Ensured that staff are trained on E&D requirements, appropriate to their role and level of responsibility?				
Ensured that those involved in staff recruitment and student admissions are trained to apply E&D requirements to these processes?				
Ensured that all contractors are aware of the HEI's E&D policies and expected standards of behaviour while carrying out their functions?				
Used, or considered using positive action techniques to recruit / promote people from under-represented groups?				

Has your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Ensured its procurement policy and arrangements include E&D dimensions, including: • A specific clause on E&D requirements in all procurement contracts • Encouragement to suppliers from under-represented groups to tender for goods and services;				
Ensured that plans are in place to consult staff, students, Trade Unions and Student Unions, and other relevant groups when policies that may affect them and/or the people they represent are developed or reviewed?				
Effectively managed the risk of non-compliance?				

Section 2 – Beyond Compliance, Towards Good Practice

This section is comprised of statements which are characteristic of "the ideal institution" in respect of equality and diversity, e.g., where equality and diversity principles are well-embedded in all aspects of its work.   The statements can be used to assess current and on-going work, and to inform short, medium and long-term goals for the future.

Leadership and management

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Makes a link between the vision, mission and ethos of the HEI and the principles of Equality and Diversity (E&D)				
Has a business case for diversity, recognising it as a contributing factor to organisational performance and success.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Embeds E&D principles and practice into its strategic planning, organisational change, and other operational processes across the Institution.				
Has identified an E&D Champion at Board and/or Executive level.				
Includes responsibility for E&D in senior and other managers' job descriptions.				
Makes clear that managers are expected to implement E&D policies in their areas of authority and responsibility.				
Through monitoring, identifies E&D issues specific to particular academic and support areas, and supports managers in addressing these.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Equips and supports Governors / Council members / senior managers in their E&D responsibilities through a programme of training, coaching, briefing notes, and other management development initiatives.				
Promotes fair and equitable management in all aspects of managing and development staff, including use of appraisal, target setting, conflict resolution techniques, performance management and disciplinary procedures.				
Ensures that managers at all levels provide regular progress reports on E&D activity.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Gives senior management recognition to E&D achievements in departments, units and teams.				
Ensures there are appropriate mechanisms for dealing with complaints and appeals, in the event of alleged discrimination.				

Policy and practice

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Has written and published an Equality and Diversity Policy/ Scheme and Action Plan that addresses all equality strands appropriately.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Consults and involves all relevant stakeholders in policy development and review.				
Widely promotes the policy/schemes and action plans, both internally and externally, to employees, students, contractors, and other stakeholders.				
Has an equality code of practice for the RAE 2008, and ensures its effective communication and implementation.				
Has policies specifically addressing harassment, bullying, victimisation, hate crimes and other behaviours inappropriate to a working and learning environment, with procedures to follow for those affected.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Makes it clear to staff and students that harassment, bullying, and other forms of unfair discrimination are unacceptable and may result in disciplinary action.				
Provides confidential advice and support services for staff and students.				

The working and learning environment

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Encourages applications for jobs and places on programmes of study from a diverse range of applicants.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Seeks feedback on the recruitment and selection and applications process from successful candidates, to inform future procedural review.				
Provides induction programmes for newly recruited and promoted staff, which incorporates E&D issues.				
Ensures that its programmes of study and assessment methods are designed to be accessible and inclusive at the outset, and are as responsive as possible to individual learning needs.				
Has a systematic approach to identifying staff training and development needs, which addresses organisational requirements in respect of equality and diversity.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Involves E&D specialists in the planning and review of staff training and development programmes, and their delivery where appropriate.				
Evaluates the effectiveness of staff training and other development interventions supporting equality and diversity, and uses this to inform review of future provision.				
Regularly seeks feedback from staff and students on how well equality and diversity principles are implemented, and acts on the findings.				

Promotion, publicity and external relations

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Promotes a positive E&D image of the Institution through the media, intranet, and other communication methods.				
Makes specific reference to E&D in its corporate literature and publicity, including the intranet, web sites, prospectus, and course materials, using appropriate visual imagery.				
Actively invites feedback from staff, students and other stakeholders on any aspect of E&D in the institution.				
Considers E&D issues in planning and evaluating market research and client and customer surveys.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Produces corporate information in a range of suitable formats, other languages (where appropriate), and which is culturally sensitive.				
Ensures that E&D issues are raised with external bodies where the HEI has influence, nationally, regionally, and locally, providing expertise and making representations as required.				
Sends senior managers to act as ambassadors for E&D at external events, including conferences, career fairs, other meetings involving the Institution.				
Participates in local, regional, and national training and development initiatives for under-represented groups, as appropriate.				

Your HEI:	Yes	No	Progress to date *e.g., significant, limited, none*	What evidence could you provide to support this? *e.g., examples of work undertaken*
Works with others on measures that have wider implications for E&D in the community, e.g., improving transport facilities, public safety, reporting of harassment, etc.				

We realise that this audit framework covers a considerable area of work and may seem daunting. There is however support available from both HEEON and the ECU and networking with other practitioners provides a ready source of information and advice. To conclude we would remind you of the sentiment expressed in the introduction, that we hope this framework will form the basis of a continuous improvement model and that you will find it useful now and in the years to come.