



## The production of single equality schemes

### Introduction

This Briefing seeks to support institutions that have decided to develop single equality schemes. It presents some of the considerations that organisations must take into account in order to comply with the law; summarises the provisions of the Codes of Practice and Guides of the three equality commissions (the Commission for Racial Equality, Equal Opportunities Commission and Disability Rights Commission – now combined as the **Equality and Human Rights Commission**); and refers to the experiences of organisations that have already developed single equality schemes. A separate **legislative requirements checklist** will allow institutions to ensure they have satisfied the particular requirements of the race, disability and gender duties.

This Briefing applies primarily to England and Wales, rather than Northern Ireland, where legislation has for many years required public sector organisations to adopt single equality schemes.

In this Briefing it is assumed that the development of a single equality scheme will cover all six equality strands.

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## Legislative background

1. The public sector duties have developed in a somewhat piecemeal and incremental way. The **race equality duty** commenced in 2002 in recognition of the fact that reactive responses to individual acts of discrimination would not and could not address deeply rooted patterns of racial disadvantage. Instead, the race duty would require institutions to engage in a proactive programme of anticipating disadvantage and preventing it from happening. The planning process was to be embodied in a race equality scheme (or race equality policy for HEIs).
2. The **disability equality duty** commenced in 2006, for similar reasons, followed by the **gender equality duty** which commenced in 2007, requiring public bodies to produce disability and gender equality schemes. The effect of these developments is that institutions now face three separate legal requirements to develop and implement three equality schemes.
3. The specific statutory requirements for public sector bodies to have equality schemes can be found in the **Race Relations (Amendment) Act 2000**, the **Disability Discrimination Act 2005**, and the **Equality Act 2006** for gender.

## What the Commissions said about single equality schemes

4. The three equality commissions (the Commission for Racial Equality, Equal Opportunities Commission and Disability Rights Commission – now combined as the **Equality and Human Rights Commission**) recognised that staff who coordinate the equalities work within public bodies may prefer to produce single equality schemes to meet the requirements of the various equality areas, as opposed to producing separate schemes relating to individual equality strands.
5. The Disability Rights Commission has been concerned that single equality schemes may result in disability-specific provisions being overlooked. In order to ensure that this does not happen, it has recommended that, where possible, public bodies 'level up' and



implement the highest standard for *all* equality strands – such as the duty actively to involve people, which is a central element of the disability equality duty and contrasts with the race equality duty's requirement simply to consult.

6. The commissions noted that specific legal duties, such as evidence-gathering, monitoring, action planning, impact assessment and involvement, must still be identifiable for each equality group within single equality schemes. If this is not the case, then public bodies are likely to be in breach of one or more of the existing equality duties. The commissions suggested that a compromise position could consist of an overarching equality scheme containing separate and distinct arrangements for meeting the specific duties in relation to all strands.

### **Single equality schemes: advantages and disadvantages**


7. At their best, the public sector duties can represent a constructive mechanism for preventing disadvantage and encouraging organisations to develop their own solutions to inequalities on grounds of race, disability and gender. At their worst, the duties can embody the triumph of procedure over substance. They can also serve to promote a hierarchy of equality groups that is arguably at odds with newer legislation protecting people from unlawful discrimination on grounds of sexual orientation, religion or belief, and age (see Table 1).

### **The function of an equality scheme**

8. Equality schemes embody the planning and action required to implement the general duties that are the primary focus of the legislation referred to above. (Under the Race Relations (Amendment) Act 2000, the expression 'race equality policy' is used, not 'race equality scheme'. In the disability and gender duties, the word 'scheme' is used. However, while there are some slight differences in the requirements for both policies and schemes, the words are used interchangeably throughout this document.)




<b>Table 1</b> Single equality schemes	
<b>Advantages</b>	<b>Disadvantages</b>
Can help to rationalise processes in relation to the race, disability and gender duties	Risk that the specific legal requirements in relation to race, disability and gender are not properly complied with
Can facilitate the identification of meaningful equality priorities	Possibility that the differences and distinctive mechanisms of the equality strands may be underplayed and watered down
Can make it easier to align equality objectives with an institution's overall strategic plans	The differences in legal requirements may create a hierarchy of interests in equality strands
Can help to ensure that multiple identities are explicitly taken into account	It may not be possible to identify easily who is responsible for the scheme
Can demonstrate the commonality of experience of different equality groups	Varying timetable in relation to implementation of policies/ schemes may lead to confusion in strategic planning
Can help to make it easier to engage staff in the content and delivery of the scheme	May make it more difficult for staff to administer one document effectively across an institution

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- = So, for example, the general race duty provides that public authorities '*must have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good race relations in the carrying out of their functions.*' This general duty is then supplemented by the specific duty, which provides that public bodies must publish a race equality scheme to promote race equality under the race duty, and for monitoring and assessing the impact of its policies.
  - = The general disability duty is similar, although it includes reference to the need to promote positive attitudes towards disabled persons, and to encourage participation in public life. The specific disability duties require the development of a disability equality scheme that shows how the organisation intends to fulfil these general duties.
  - = The function of a gender equality scheme is to set out the organisation's gender equality objectives and an action plan describing how the organisation will meet the objectives, and by when.

9. The functions of equality schemes are therefore broadly similar. The schemes are not ends in themselves. On the contrary, they are mechanisms for focusing on the implementation of the general duties.

10. In drawing up a single equality scheme, it is important for HEIs to ensure that the function of the scheme is clearly identifiable – a mechanism that will, as a basis, promote the requirements of the three separate equality duties. The specific duties in relation to race, disability and gender must be identifiable within the scheme. Clearly, it is open to an institution to decide whether it wishes the scheme to go further than this and cover sexual orientation, religion and belief, and age, and in this Briefing institutions are encouraged to do precisely this, but without obscuring the basic minimum legal requirements.

11. Given the arrival of the **Equality and Human Rights Commission** and the impending Single Equality Act, likely to include a single equality duty covering all six equality strands, it makes sense



for HEIs to consider all six equality strands when developing a single equality scheme.

### **Some questions to consider**

- = How will the single equality scheme indicate the ways in which each of the separate public duty requirements will be met?
- = Will the scheme go further than the current legal requirements and cover the equality strands of age, religion or belief, and sexual orientation?

## **Structuring a single equality scheme**

12. The most straightforward way of structuring a single equality scheme seems to have been developed by those organisations that have retained separate strategies for the different equality strands. This ensures that different needs and priorities are identified, while a single action plan ensures coherent and streamlined actions that demonstrate accountability in relation to each of the strands. This approach has been adopted by the Higher Education Funding Council for England, Durham University and Roehampton University, whose schemes have been developed in relation to race, disability and gender, and also (in the case of Roehampton) sexual orientation.

### **Embracing all strands in a single equality scheme**

Northampton University has embraced all six equality strands in its single equality scheme. The scheme's action plan has both 'generic' sections that apply to all equality areas, as well as separate sections for each of the six equality strands covered by the scheme. A supplementary disability equality action plan has also been produced, which can perhaps be interpreted as a consequence of the many issues relating uniquely to disability.



### **Linking the scheme to institutional strategy**

Durham University has linked its single equality scheme with its institutional strategy. This means that its action plan is divided into five sections, each relating to the University's five aims (research, student experience, internationalisation, regional impact and sustainability), which have been identified as relevant to the institution's vision of international recognition as a world-class research university. The Diversity Manager at Durham reports that the success of the scheme to date has been largely as a result of this structure, which means that the scheme has a good fit with Durham's existing direction of travel as an institution.

### **Structuring the scheme by functions**

Northampton University has taken the decision to structure its scheme by university function. A mapping exercise was undertaken, which resulted in the identification of some 41 areas of institutional activity. These have been grouped together in the scheme's action plan under headings such as Governance and management; Consultation and communication; Staff recruitment, selection and progression, etc. Northampton's equality and diversity staff see the main benefit of this approach as being a guarantee that, subject to the thoroughness of the initial mapping exercise, it will ensure every area of institutional activity will be 'caught' in the scheme, which will in itself provide a solid backdrop for Northampton's programme of equality impact assessment.

13. The institutions that have used the models above have all endeavoured to link their schemes to other institutional policies and plans, for example the business plan, staff development strategy, dignity at work/study policy, etc., thereby creating a two-way influencing structure.



## Responsibility for the single equality scheme

14. There is no one way to draw up a scheme, but the wider the group of people involved, the more targeted and effective the final scheme is likely to be. This will also encourage a larger group of people to feel engaged in its implementation, so making it more likely to succeed.

15. It is essential to involve those who will have responsibility for implementing the scheme. If Heads of Schools, Pro-Vice-Chancellors, or whoever has primary responsibility for implementing the scheme are not involved, the scheme may fail to take relevant factors into account. There is also a significant risk that there will be little buy-in from those whose decisions will be most influential.

16. The **Commission for Racial Equality**, in its **Guide for Institutions of Further and Higher Education**, recommended that a committee or working group be established to draw up the race equality policy, chaired by a senior manager. This committee will be responsible for developing the policy, consulting and involving people outside the institution, and taking account of the needs and interests of various groups within the institution. The Commission for Racial Equality suggested that the following people be included among the members of the committee:

- = staff from different departments
- = staff representing different grades, levels and types of position
- = students, including overseas students
- = unions and other groups, such as networks or associations of staff and students from ethnic minorities.

17. It is important to involve senior management in the production of the scheme, where possible, to ensure positive results and sustainable outcomes going into the future. The Disability Rights Commission suggested that a senior member of staff – a board member or equivalent – should take overall responsibility for implementation of the duty and the scheme. As a way of demonstrating commitment at the very highest level of the organisation, the introduction to the scheme could be signed by the Vice-Chancellor or equivalent.



18. So, for instance, the introduction to the Higher Education Funding Council for England's single equality scheme was written by Professor David Eastwood, its Chief Executive. In that introduction he reiterates that *'leadership and commitment at all levels of the organisation are central to the success of the scheme.'*

19. Durham University, in drawing up its single equality scheme, established a Steering Group to oversee its creation. The Steering Group, chaired by the Academic Registrar, included the Assistant Director of Estates and Building, the Director of the University's Disability Support Service, the Student Union's Education and Welfare officer, the Director of Careers and the Diversity Manager. Now that the scheme has been drawn up, the same group meets each term to oversee and monitor its implementation.

20. Some organisations have commissioned external consultants to write their single equality scheme. If this option is adopted, it is essential that steps are taken to ensure the thinking, planning, consultation and involvement underpinning the scheme are those of the staff and students in the institution, not of the contractors.


#### Some questions to consider

- = Will a working group be established to help develop the scheme?
- = If yes, will the group be drawn from a broad range of staff, students and external bodies?
- = Who will chair the group and be the advocate of the group to senior management?

#### What should be included in a single equality scheme?

21. Equality Challenge Unit's **legislative requirements checklist** provides a list of what must be included in a single equality scheme in order to meet each of the existing public sector duties.

22. Broadly speaking, the public sector duties for race, disability and gender require specific types of activity to be carried out in order



to achieve equality of outcome for all staff, students and visitors to institutions. These are:

- = involvement of the various communities of interest so that their priorities and concerns can be identified and translated into action planning
- = data gathering for analysis and monitoring, to establish what different groups experience in terms of recruitment, retention and success in their career as a student or member of staff
- = equality impact assessment, to establish whether existing and new policies, practices or procedures have a positive, negative or neutral impact on people of different communities, the aim being to eliminate negative impact and improve positive impact
- = action planning, to ensure the results of data analysis and impact assessment are acted on; also to take action to set up structures to improve data, involvement, etc.
- = publication to ensure transparency in equality work and to keep the institution's community informed of progress.

23. Much has already been written about the various processes outlined above, and can be found on the **Publications** section of ECU's website. This Briefing does not seek to reiterate this work; the following paragraphs are designed to make readers aware of any issues arising from these processes when they are carried out in the context of single equalities work. It should be noted that the specific duties in race, disability and gender must be identifiable within single equality schemes.



## Some questions to consider

- = Has account been taken of the Disability Rights Commission's **Disability Equality Duty Codes of Practice**, the Commission for Racial Equality's non-statutory **Guide for Further and Higher Education Institutions** and the Equal Opportunity Commission's **Guidance and Code of Practice** for public bodies implementing the gender equality duty?
- = Have the current legislative requirements in relation to equality schemes been fully taken into account? (If no, refer to the legislative requirements checklist for what must be included in the scheme.)
- = Has consideration been given to what else can be included in the scheme (e.g. the results of satisfaction surveys or information on training initiatives)?

## Involvement and consultation

24. Essential to the success of any equality scheme is the involvement of all those who will be affected. That means not only the particular equality groups – critical though they are – but also all staff and students affected. This involvement and consultation relates to both the development of the overarching equality scheme itself, and also its contents.

25. One of the significant advantages in consulting and involving those affected in relation to a single equality scheme is that it more easily takes into account the relevance of multiple identities: for example, the implications of a policy for female Muslim students may be different from the implications for male Muslim students.

26. It is therefore important that the scheme shows how it will involve and consult with those affected by it, and sets out plans for future consultation. The requirements in relation to consultation and involvement are slightly different for race, gender and disability, and it is important to ensure they are taken into account.



27. The Disability Rights Commission's Code of Practice states that disabled people should be involved in the development of the scheme, and the scheme itself should state how disabled people have been involved. The specific aspects of the development of the scheme that disabled people should be involved with include:

- = identifying the barriers faced, and unsatisfactory outcomes
- = setting priorities for action plans
- = assisting planning activity.

28. The Code states that this involvement should relate not just to the development of the scheme, but the implementation of the various aspects of the scheme (such as conducting impact assessments and gathering evidence). ECU's guidance on how to involve disabled people provides ideas about how to engage people generally.

29. The Equal Opportunities Commission's Code of Practice requires consultation with stakeholders in determining the gender equality objectives. Consultation must be with both women and men, and must ensure that questions are structured to bring out any differences between women and men. In some circumstances, the Code states that it may be appropriate to hold consultations with specific groups only, including with transsexual staff and students, although the same groups should also be encouraged to participate in the general consultation.

30. The Equal Opportunities Commission's Code of Practice acknowledges that the gender duty may be incorporated into a single equality scheme. In terms of consultation, it states that the single equality scheme must demonstrate that stakeholders have been specifically consulted on the gender duty.

31. It should also be noted that consultation with staff can often be most effectively undertaken through staff trade unions. Many universities now have an equality representative who could contribute ideas based on their experience and expertise in this area.



### **Some questions to consider**

- = Who will be affected by the scheme?
- = Does the scheme state how those affected have been, and will be, involved and consulted?
- = Has thought been given to accessible methods of involvement and consultation, for example online surveys, involving trade unions, or use of staff networks?

## **Data collection and analysis**

32. Management of the quantities of data that will be generated as a result of the single equality scheme is likely to require a systematic approach, which may have implications in terms of staff resources when collecting, managing and analysing data.

33. When work first starts on a single equality scheme, one noticeable disparity between the different equality strands is that data on some strands will be more evolved than others. This will be particularly noticeable in relation to strands with relatively new legislative agendas, such as those relating to disability, sexual orientation and religion/belief. Although the age equality agenda is also a recent one, data have historically been collected in relation to age. In the absence of positive duties on sexual orientation and religion/belief, institutions may be reluctant to collect data relating to those areas due to real or perceived sensitivities of staff and students.

### **Some questions to consider**

- = What support will be given to staff for data collection, management and analysis?
- = How will data be collected? Is it possible to use existing systems or will new systems have to be created?
- = Who will analyse the data?



## Promoting good relations and positive attitudes

34. The duties to promote good relations and positive attitudes between different groups are part of what distinguishes the proactive public sector duties from the reactive anti-discrimination legislation that preceded them. It is important that proper consideration is given to these aspects of the public sector duties.

35. The duty to promote good relations between different groups is likely to be a useful tool for tackling any real or perceived conflict between different groups.


36. A single equality scheme, which has the potential to consider multiple identities and the interface between different identities, should use this strength in its efforts to meet the duties, which are about good relations and positive attitudes. It can do this by seeking to include those people who are at the interface of supposedly different groups. Where stigma exists around a particular identity or confluence of identities, the positive duties can be used to help overcome these negative perceptions, which are often at the root of institutional discrimination.

### A question to consider

- = How will the legal duties to promote good relations and positive attitudes between different groups be reflected in the scheme?

## Equality impact assessments

37. ECU has published updated guidance on **Conducting Equality Impact Assessments in Higher Education**. This deals with the issue of multi-strand equality impact assessment. The guidance cautions that, although these may be administratively beneficial to carry out, it will still be necessary to involve the appropriate stakeholders and end-users during impact assessment and to utilise the relevant equality expertise.



38. ECU's guidance advises institutions to conduct impact assessments systematically across the equality strands as a whole, rather than just on race, disability and gender. In relation to the single equality scheme approach, the guidance notes that the scheme must be able to show that the areas of race, disability and gender have been considered separately and explicitly (due to the legislative requirements for each of these strands).


39. Whatever approach is taken, the scheme should be clear about its milestones and time scales in relation to impact assessment. This is explained further on page 16.

### **Some questions to consider**

- = Is a well developed and practical methodology for impact assessment in place?
- = Who will conduct impact assessments?
- = How will training be delivered to those who will be conducting impact assessments?
- = What form will impact assessments take – a multi-strand equality impact assessment approach, or a single-strand approach?
- = If the generic, multi-strand equality impact assessment approach is to be taken, how will it avoid overlooking the needs of individual strands?
- = Does the scheme reflect the different legislative requirements for race, gender and disability in relation to the impact assessment process?
- = Has consideration been given to how the impact assessment process will be aligned to policy development processes?

### **Training staff in equality and diversity**

40. Training provided in equality and diversity should address the particular issues raised by drawing up a single equality scheme. For example, consideration should be given to whether training is necessary on collecting data; considering how to mediate between



competing demands; dealing with issues of sensitivity within equality; understanding how to promote good relations and positive attitudes; or the subject of multiple identities.

41. ECU has previously published guidance: **Choosing and Using Equality and Diversity Consultants and Trainers** that discusses some of the issues relating to who should be trained and when, the pros and cons of mandatory training and different types of training delivery, which may be helpful for readers to revisit.

## Action plans

42. Action plans found in single equality schemes, which harmonise actions that need to be taken in relation to different groups, are bound to be larger and more detailed (and have the potential to be more unwieldy) than single-strand action plans. To assist with clarity, action plans may need to embody clear lines of responsibility and accountability and involve clear time scales, avoiding the description of an action as 'ongoing'. Projects may be ongoing for lengthy periods, but need to incorporate milestones, perhaps at 3-monthly intervals, so that progress can be observed and success can be measured. Overarching action plans can helpfully contain faculty-, school- or departmental-level action plans to provide a meaningful level of detail.

### Some questions to consider

- = Does the scheme provide an action plan?
- = Does the action plan show clear lines of responsibility?
- = Does the action plan include clear time scales in relation to impact assessments, and in general?

## Informing others

43. A single equality scheme will be relevant to the whole HEI community, not just in terms of responsibilities under the scheme, but also in terms of how staff, students and visitors can expect institutional life to change and improve.



44. It may be helpful for institutions to develop a communications strategy that addresses how the single equality scheme will be publicised and made available to staff and students operating in different contexts. (Under the race equality duty the results of impact assessments also have to be published.) For example, not all staff will use the internet or intranet in their daily work, or read English as a first language. Disabled people will require the single equality scheme to be made available in a variety of formats. Visitors may be interested in certain aspects of the single equality scheme, but not others. A communications strategy could go beyond the single equality scheme as a document and suggest creative ways of marketing the various policy and service improvements to different groups within the institution.

45. There has recently been a degree of publicity concerning disability and gender equality schemes, but very little about single equality schemes. When thinking about informing others, HEIs may need to recognise that people may be looking for individual schemes, and will feel confused if they cannot locate them. When the single equality scheme is placed online, the institution's web search facility should be equipped to direct people to it, even if they are searching for individual equality schemes.

46. Whatever methods HEIs use to inform others, it is important to note that readers of the scheme may have further questions in relation to it, so information should be included on how those questions can be answered.

### **Some questions to consider**

- = Has thought been given to how the scheme be made available to others (e.g. Braille, different languages, electronic, summarised)?
- = Does the scheme's publication form part of an overarching communications strategy?



## Review and reporting on progress

47. Having a scheme is one thing. Ensuring that it is properly implemented is another. The disability legislation requires each institution to publish an annual report summarising the steps it has taken to fulfil its disability equality duty, the results of information-gathering that it has undertaken, and what the organisation has done with the information gathered. Schemes should then be revised every three years, taking into account what has been achieved and detailing the areas in which there needs to be focus in the coming three years.

48. The gender duty also requires annual reporting, if reasonably practicable, summarising the actions taken to implement schemes. Schemes should then be revised every three years to include a review of progress to date and refinement of the objectives as appropriate.

49. These requirements can be merged within a single equality scheme, and an annual report should therefore be published summarising progress made in relation to each of the equality strands. The scheme should be revised every three years.

50. Durham University ensures regular monitoring and review: the steering group who oversaw the development of the scheme meet termly to oversee its implementation.

51. It is important to note that to comply with the various individual pieces of legislation, a single equality action plan that incorporates disability must cover the period December 2006–December 2009. The action plans of gender equality schemes have to be reviewed at least every three years from April 2007, the date of publication of the first gender equality scheme. So a December 2009 review of an action plan and scheme would comply with both disability and gender legislation. It would also comply with race equality legislation, as no specific time frames relating to action planning and revision of schemes were included in the race equality duty.

52. Regular monitoring and review of a single equality scheme will help institutions both to meet the targets set in their action plans and to ensure that overall institutional quality control is maintained.

### Some questions to consider

- = Has thought been given to the preparation of an annual report in relation to the equality strands?
- = Are monitoring mechanisms in place for reviewing the scheme?



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