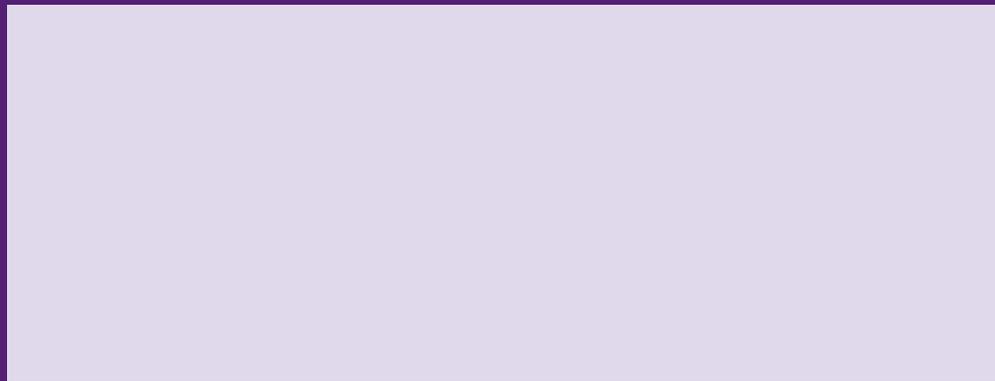


Governing bodies, equality and diversity

A handbook for board members in Scotland's colleges



Foreword



David Ruebain
Chief Executive
Equality Challenge Unit

As a board member of a college you have an essential role to play in ensuring that the college is advancing equality and diversity for its students and staff, and is taking any action needed to increase the diversity of its board.

Equality and diversity are fundamental to the college providing the environment, learning and teaching, support and culture that will enable all of its students and staff to excel, and the college to achieve its objectives. A diverse governing body provides diversity of expertise and insights and robust decision-making.

You are in a unique position to question, challenge and hold the college to account on what progress it is making on equality and diversity. You can also champion equity and inclusion in your role as a board member to create a culture of equality from the very top of the college. This can have a significant impact, as what is valued in the boardroom is valued throughout the organisation.

We at Equality Challenge Unit want to support you in this important role. My team has produced this handbook as a tool for you to use in your oversight of equality. I hope that you will find this resource helpful in your valuable work supporting equality in colleges.

Authors

Stephanie Millar, Senior Policy Adviser, ECU
Freya Douglas, Scotland Programme Manager, ECU
info@ecu.ac.uk

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About this handbook

This handbook aims to support college board members to fulfil their responsibilities in relation to equality and diversity.

As a board member, you play an integral role in supporting equality and diversity in your college as part of creating and driving its strategy, by ensuring the college meets its legal responsibilities, and in helping to build a diverse and representative governing body.

This handbook has been produced following discussions with secretaries of college boards in which requests were made for guidance specific to college board members in Scotland, particularly in light of the shift in equality law and the policy context in Scotland.

It draws on ECU's 2015 *Governing bodies, equality and diversity: research report* and 2016 handbook for board members in higher education institutions (HEIs) and updates it with Scotland-specific information and guidance.

Your role

Throughout the handbook you can find summary boxes outlining your role as a board member, areas to consider, and appropriate actions to help you fulfil those responsibilities.

Cycle of governing body engagement with equality



How this diagram is used throughout the document

Throughout the guidance, your role as a college board member is outlined with areas to consider, and appropriate actions to help you fulfil those responsibilities. The relevant parts of this diagram are used to clarify your responsibilities. Your role is categorised into the four aspects of the cycle of governing body engagement with equality and diversity as relevant to the section in question.

Equality and diversity in mission, strategy and culture

Your role: overview

Boards play a key role in embedding and safeguarding equality and diversity in the college mission, strategy and culture.

- = **Champion equality and diversity:** through championing equality, diversity and an inclusive culture from the top of the organisation, board members can help to foster a culture of equality and diversity that supports the college's strategy.
- = **Embed equality and diversity:** periodically, board members will be involved in developing new college strategies and approving policies and college wide operational plans. At this point, board members can ensure that equality and diversity are appropriately embedded and appropriate key performance indicators (KPIs) are in place.
- = **Shape approach:** boards can go beyond assuring legal compliance of equality law to define and shape the college's approach to equality by working closely with senior staff and student officers.
- = **Ensure accountability:** board members will be involved in the annual review of KPIs, including those on equality and diversity, as part of ensuring the college is delivering on its strategy.

Equality in college mission and strategy

Colleges play an important role in their local community, fostering relationships and working closely with businesses, local organisations and the public. They may work closely with other public bodies to deliver joint outcomes in their region. This requires them to be inclusive of all sections of society, and responsive to staff and students from different cultures and with different needs.

Equality is key to:

- = Attracting the best staff for the college.
- = Achieving excellence through unlocking the potential of students and staff.
- = Meeting sector wide quality arrangements.
- = Equipping the college to build effective relationships in its region.

Staff

- = Fair treatment and releasing potential.
- = Attracting the best talent.
- = Increasing staff engagement.
- = Greater diversity of thinking.



Society as a whole

- = Releasing the potential from disadvantaged communities.
- = Acting as an agent for regeneration and social mobility.
- = Equipping the UK to succeed in a globalised economy.

Students

- = Widening access and releasing potential.
- = Attracting students.
- = Increasing satisfaction with the student experience.
- = Modernising delivery of the curriculum.

Recognising this, many college strategies and corporate plans either incorporate specific commitments to equality and diversity, or focus on issues such as links with the community or local businesses, which imply that commitment.

Since the board is ultimately responsible for establishing and overseeing the college's strategy and corporate plans, it is also responsible for ensuring that equality and diversity are appropriately embedded within and advanced in support of the strategy and corporate plans. This may include:

- = Making commitment to equality and diversity visible in strategic and planning documents.
- = Incorporating equality and diversity in strategic plans.
- = Ensuring the inclusion of equality in the college's outcome agreement with the Scottish Funding Council (SFC).
- = Setting and review of KPIs that relate to equality and diversity.

A culture of equality and diversity

As the body that safeguards the college strategy and culture, boards should in a broad sense be seen as embodying that culture. To the extent that the college's strategy includes equality and diversity, board members also need to embody those qualities personally. What is valued at board level is valued throughout the college.

Boards could work towards this through, for example:

- = Investing in development time as a group to model an inclusive leadership approach in the way that the board operates.
- = Undertaking a board evaluation to look at what it can do to champion equality and diversity and act as a role model for a truly inclusive organisation.
- = Creating a formal 'equality champion' role within the college, ensuring the role is adequately trained and supported.

Extend your knowledge

ECU (2014) *The rationale for equality and diversity*.
www.ecu.ac.uk/publications/rationale-equality-diversity-vice-chancellors-principals-leading-change

ECU (2016) *How to embed equality in outcome agreements: Toolkit for colleges*.
www.ecu.ac.uk/guidance-resources/governance-and-policies/outcome-agreements

Ensuring compliance with equality law

Your role: overview

College boards are expressly responsible for ensuring that their college is compliant with equality law.

While it is for the executive to implement activity to meet the equality duties and to ensure day-to-day compliance with the law, there are three aspects to the board members' role in providing this oversight and the highest level of assurance.

- = **Embed equality and diversity:** legally board members need to ensure that relevant equality implications are considered as part of board decision-making, and they have sufficient information to satisfy the requirement to pay 'due regard' to equality.
- = **Shape approach:** periodically, the college will develop its approach to meeting specific legal requirements for equality. Board members should be involved in this, so that they can satisfy themselves that the approach is robust and adequate resourcing is in place.
- = **Ensure accountability:** board members need to be able to satisfy themselves on an ongoing basis that the college is taking appropriate action to meet its legal equality duties, and that this action is proving effective.

Equality law and your role

Issues of equality and diversity are underpinned by a mandatory legal framework, extending to a college's relationship with both staff and students. Colleges in Scotland are considered 'public authorities' by the Equality Act 2010. They must fulfil the requirements set for all public authorities by the Act and the accompanying Scottish specific duties. The college board is expressly listed as accountable for compliance with the legislation.

The Equality Act

The Equality Act 2010 is the main piece of anti-discrimination legislation in Great Britain. It covers nine 'protected characteristics':

- = age
- = disability
- = gender reassignment
- = marriage and civil partnership (in employment)

- = pregnancy and maternity
- = race (includes nationality)
- = religion and belief (includes no religion or belief)
- = sex
- = sexual orientation

Public sector equality duty

Within the Act, the public sector equality duty (PSED) requires colleges, when carrying out their functions, to give due regard to the need to:

- = Eliminate unlawful discrimination, harassment and victimisation.
- = Advance equality of opportunity between people who share a protected characteristic and people who do not.
- = Foster good relations between people who share a protected characteristic and people who do not.

The Scottish specific duties

The Scottish specific duties were introduced by the Scottish government in 2012. They are designed to help public authorities demonstrate how they are meeting their responsibilities under the PSED.

The specific duties most relevant to your role as a board member are set out below:

- = equality outcomes
- = mainstreaming
- = use of member information
- = equality impact assessment (EIA)

Your role: Scottish specific duties

- = **Ensure accountability:** seek assurance that your college has appropriate infrastructure and resources to enable compliance with the Equality Act and the Scottish specific duties.

Equality outcomes

All colleges must deliver a set of strategic equality outcomes every four years. Equality outcomes are:

- = Results which your college aims to achieve to further one or more of the needs of the PSED.
- = Results which bring specific, identifiable improvements in the life chances of staff and students who experience discrimination and disadvantage.
- = Aspirational and aligned with college priorities.

All colleges published their first set of equality outcomes in April 2013, reported on progress in April 2015 and have published a new set of outcomes in April 2017.

Your role: equality outcomes

- = **Shape approach:** as a form of equality strategy, equality outcomes should be reviewed and approved by the board. Some college boards took a more active role in the development of their college's equality outcomes in 2013 and 2017.
- = **Ensure accountability:** board members will need to review progress reports every two years ahead of publication deadlines (in April).

Mainstreaming equality

Mainstreaming equality simply means integrating the PSED into the day-to-day working of an organisation so that every decision is informed by the need to minimise discrimination, promote the best possible inclusion and decrease unfairness in Scottish society.

Colleges must publish a report on their progress in mainstreaming equality across their functions biennially. The most recent report was published in April 2017.

Your role: mainstreaming equality

- = **Shape approach:** board members can influence how equality is embedded across the college, for example, by checking that equality has been embedded into college strategies and plans and outcome agreements, and ensuring equality has been taken into account in decisions made by sub-committees of the board, for example in relation to finance, estates or human resources matters.
- = **Ensure accountability:** board members will want to have sight of mainstreaming reports every two years ahead of publication deadlines to ensure the mainstreaming reporting duty is met. Mainstreaming reports may be reviewed in detail by an equality committee or board sub-committee that reports to the board.

Use of member information

Recent changes to the specific duties now means that under the mainstreaming duty, the protected characteristic data of board members will be collected by the Scottish government with a view to collating all boards' data and giving the aggregated data back to colleges. This information is to be used to better perform the equality duty.

Colleges are now also required to gather data on the gender composition of their board and their plans for increasing board diversity and publish these in their mainstreaming report.

Your role: use of member information

- = **Champion equality and diversity:** by reflecting on its own composition and planning to increase diversity, boards are leading on ensuring equality is mainstreamed within college structures and decision making.

Equality impact assessment

Equality impact assessment (EIA) refers to the process of ensuring current and future strategies, policies and practices are assessed proactively to prevent negative impact and promote positive impact for protected characteristic groups. EIA is a legal requirement for all new and revised policies, practices and procedures.

In practice, an EIA is an operational matter. Nonetheless, board members need to satisfy themselves that the process is taking place in a meaningful and effective way across the college. This means that board members will need to know more than just whether an EIA has been undertaken, but whether sufficient evidence was used and any findings acted upon.

In addition, board members make many decisions which shape the practice and policies of the college, and therefore need to ensure that the relevant equality implications are considered in the board's own decision-making processes.

Your role: equality impact assessment

- = **Embed equality and diversity:** board members need to consider relevant equality implications as part of the board's own decision-making processes, ensuring there is sufficient information to satisfy the requirement to pay 'due regard' to equality. They will also need to impact-assess the board's own formulation of policy where relevant. For instance, in developing a college strategy, the impact (if any) on students or staff of different protected characteristics should be anticipated, and any disproportionate impact avoided or mitigated.
- = **Shape approach:** board members can work with the college to ensure there is a sufficient mechanism in place to keep the governing body abreast of EIAs taking place across the college.
- = **Ensure accountability:** board members should ask whether an EIA has been undertaken when receiving new or revised strategies, policies and procedures for approval. They should check for the quality of the assessment, including use of evidence and follow-up action.

Regional approaches

Within your local authority area, public authorities can work together to carry out community planning in order to improve the delivery and impact of local services. A board of management of a regional college is expressly listed as a community planning partner and will be involved in local authority community planning. This can be an opportunity to consider developing equality outcomes that work within a broader setting.

If the college creates equality outcomes in partnership with other public authorities, it will still need to consider its own objectives to ensure it is compliant with equality law.

The importance of legal assurance

Liability of board members

Claims can be made by individuals, or organisations, against the college, or against the board on behalf of the college. Any person or group who has worked in or with the college may raise a claim and this can include for example staff, students, service users, businesses and contractors. In practice claims against the board are dealt with as if directed solely at the college. Individual board members acting in their capacity as members of the board will not generally be liable for claims. The only exception is if they are acting outside their remit as board member, or in some other capacity, for instance as a college employee.

Risks associated with equality

Failure to comply with equality law may be investigated by the Equality and Human Rights Commission (EHRC), and/or challenged through an employment tribunal or the courts. Unlawful discrimination and inequalities can impact on staff and campus relations, undermine the recruitment of the best staff and students, lead to negative media, and have a pervasive impact on a college's reputation.

Equality and the Code of Good Governance for Scotland's colleges

The Code of Good Governance for Scotland's colleges reasserts the obligations of the college board to ensure both compliance and good practice in relation to equality and diversity.

= A.12 The board must provide leadership in equality and diversity.

Along with this statement, the Code advocates the importance of improving economic, cultural and social well-being and having regard to social needs and social inclusion, which can be underpinned by adequate consideration of equality and diversity.

Extend your knowledge

College Development Network (2016) *Code of Good Governance for Scotland's colleges.*

www.collegedevelopmentnetwork.ac.uk/wp-content/uploads/2016/09/Code-of-Good-Governance-for-Scotland's-Colleges-August-2016.pdf

ECU (2016) *The public sector equality duty: specific duties for Scotland.*

www.ecu.ac.uk/publications/the-public-sector-equality-duty-specific-duties-for-scotland

ECU's guidance on the Equality Act:

www.ecu.ac.uk/guidance-resources/equality-legislation

EHRC's guidance on the public sector equality duty:

www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/non-statutory-guidance-scottish-public-authorities

EHRC (2016) *Assessing impact and the Public Sector Equality Duty: a guide for public authorities.*

www.equalityhumanrights.com/publication/assessing-impact-and-public-sector-equality-duty-guide-public-authorities-scotland

ECU's guidance on mainstreaming:

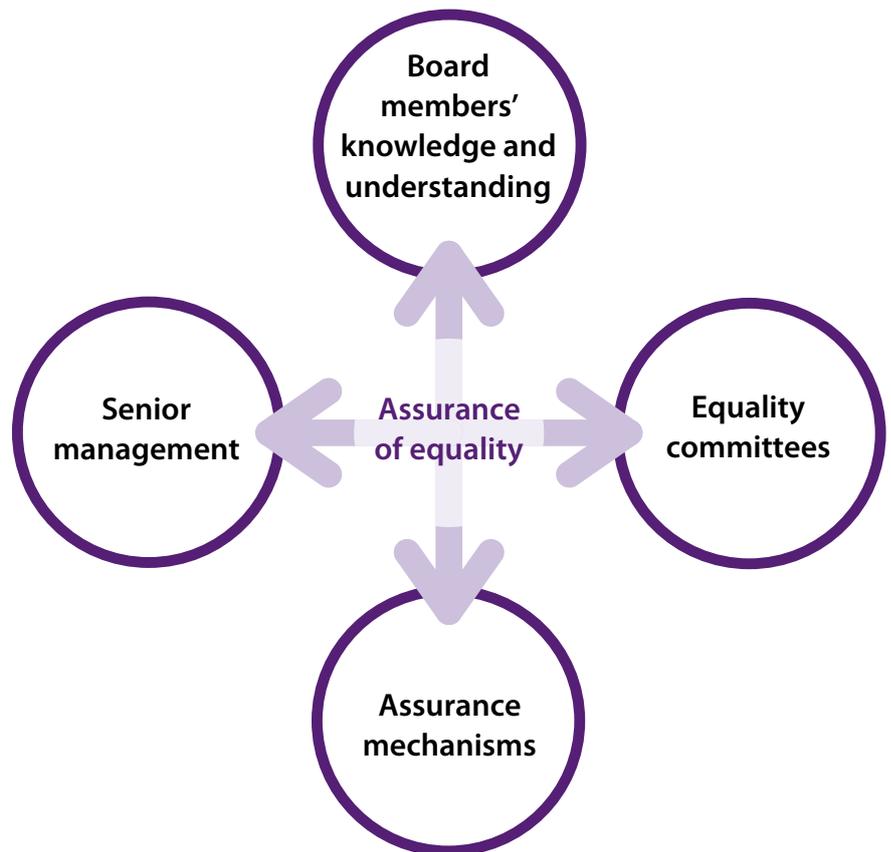
www.ecu.ac.uk/guidance-resources/governance-and-policies/mainstreaming

ECU (2013) *College equality outcomes: a regional overview.*

www.ecu.ac.uk/publications/college-equality-outcomes-a-regional-overview/

How you can fulfil your assurance role

There is no single way for college boards to assure themselves that equality responsibilities are being met, and what works best for one college may be quite different from what works in another. Our research with board members suggested that the following are helpful approaches for board members to take.



1. Improve your knowledge and understanding of equality

- = **Understand the legal framework and the college's approach to its duties.** Ask for information on your college's equality outcomes, EIA, mainstreaming and other equality strategies. Request information, guidance materials or training to help you feel more informed.
- = **Engage with equality and diversity staff** to understand how equality work is being implemented and key pressing issues, for example by inviting updates at meetings.
- = **Be willing to engage in conversations** about difficult or contentious equality subject areas, perhaps by inviting equality and diversity staff to firstly introduce a topic of concern. This will provide thought leadership on equality to staff in the college, and draw on your experiences, perhaps from outside the college sector, to come up with creative solutions.

Consider

Ask for a short paper on the college's equality work, showing the different aspects of this within the college, such as college supported staff networks, awareness days, relevant policies, strategies and reports. This will enable you to see how the different parts fit together.

Provide key information for new board members, such as:

- = An induction day, which covers issues of equality and diversity.
- = A board handbook, which contains information on equality and diversity.
- = A copy of the equality outcomes plan and an update on progress at the present time.
- = Mandatory online equality training that all members must complete within their first six to nine months in post.

2. Work effectively with the equality committee or equivalent groups

Committees, including an equality and diversity committee or equivalent group, are a key mechanism for the assurance of equality. Such committees do not discharge the board's ultimate responsibility for the assurance of equality, but handle the day-to-day oversight of the college's equality work.

- = **Allocate some assurance work to a committee**, such as an equality and diversity committee, to allow for more detailed thought and analysis. However, **retain accountability for the actions taken by this committee**.
- = **Ensure effective links between any equality committee or equivalent and the board**, such as by having a board member convene or sit on the group. This will allow for effective communication of issues arising from the group to the board.
- = **Review and discuss minutes and matters arising from equality committee meetings** at board meetings. Having the discussion led by a board member who sits on the equality committee could enable informed discussion.

Consider

It might be useful to set up a separate sub-group of the board that can consider equality issues in depth, bringing the key issues or concerns before the board. This can be made up of college senior staff with responsibility for equality as well as interested board members and the student officer with an equality remit.

3. Use assurance mechanisms

A range of assurance mechanisms are used by governing boards to assist in oversight of equality.

- = **Scrutinise and approve relevant equality policies, strategies and reports for evidence of compliance with the equality duties**, requesting extra information when necessary to ensure that the board can feel assured of compliance and progress.

This will include the following reports required by the Scottish specific duties, which may be published separately or as one report:

- The equality outcomes set by the college every four years (last published in April 2017).
 - Biennial progress report/s on mainstreaming equality, staff equality data and its equality outcomes. This will also include the gender composition of the board and its plans to improve board diversity (last published in April 2017).
 - Biennial reports on equal pay and occupational segregation information (last published in by April 2017).
- = **Request and/or discuss equality impact information on decision-making court papers** to ensure equality implications are taken into account. Scrutinise the quality of the EIA, and the robustness of the evidence used to come to a conclusion.
 - = **Include equality within the risk management arrangements operated by the governing body** to ensure any risks associated with equality law are identified, actively managed and inform planning and decision-making.

Consider

It might be useful to receive an annual report on equality, which is structured to report against progress on the college's equality outcomes. If it is scheduled for March each year, this can support biennial publication in April, as required by the duties.

Include an equality impact assessment for board papers. Each paper could include a specific section that asks how equality and diversity issues have been investigated and/or addressed within the particular issue that is being brought to a decision.

4. Work jointly with senior management

- = **Work with the senior management team to create structures to embed equality**, for example through having senior management and/or board member champions on equality.
- = **Agree management mechanisms** to oversee progress on specific equality requirements.

Consider

Build a relationship with key staff in the college with equality responsibility, such as the Vice-principal with equality oversight and the equality manager. Most students' associations have a student officer with an equality remit.

College board diversity

Your role: overview

Governing bodies are seeking to increase their diversity to strengthen their governance, and board members can play a vital role in this work.

Board members can support the board to achieve greater diversity, for example through raising awareness of the role of college board members across a variety of settings.

- = **Champion equality and diversity:** board members can participate in equality monitoring and encourage other board members to do the same and be advocates for board diversity, within and outwith the college.
- = **Shape approach:** board members should be involved in determining the college's policy and goals on board diversity.
- = **Ensure accountability:** board members should scrutinise college action and hold the executive to account for its progress on increasing board diversity.

Benefits of diversity in governance

It is commonly accepted that a board that is representative of the diversity of the community it serves is:

- = Robust, informed and in touch with social and commercial concerns, through drawing on a diverse range of views.
- = Inclusive in its decision-making, and better enabled to help the college improve performance.
- = Perceived as representative of the staff and student population, and possibly also the wider community.

Women on boards – the business case

Lord Davies' report in 2011 outlined a clear business case for increasing the number of women on corporate boards:

- = Improve performance at board and business levels through input and challenge from a range of perspectives.
- = Access and attract talent from the widest pool available.
- = Be more responsive to market by aligning with a diverse customer base, many of whom are women.
- = Achieve better corporate governance, increase innovation and avoid the risks of 'group think'.

Current challenges to increasing diversity

The Women Count 2016 report found that across the UK in January 2016, women made up 36 per cent of governing body members. Universities Scotland reported that women made up 39 per cent of Scottish higher education governing body membership in 2016, while a search of colleges' websites in 2016 suggested that women now make up 38 per cent of total governing body membership across Scotland.

We do not have national data for any other characteristic, eg age, race or disability. However, our research with board members indicated that younger people are underrepresented, as are black and minority ethnic groups (who make up four per cent of the Scottish population).

Challenges to diversity include:

- = **Attracting diverse candidates:** time commitments, no remuneration and a lack of knowledge of the role of board members, the experience required, and the culture of the governing body can dissuade some from applying.
- = **Traditional experience criteria and the pool of candidates:** traditional criteria can limit the pool of women, eg previous board-level experience.
- = **Influencing the diversity of elections and nominations to the board:** election processes outside of the board's control, eg from the staff or students' association, can result in more male appointments being made.

Governing body diversity in Scotland

The diversity of college boards, as it relates to equality legislation, has received recent attention in Scotland. Following a review of college governance commissioned by the Scottish government in 2011, a new Code of Good Governance in Scotland's Colleges was introduced. This sets out governance principles that must be met by all colleges.

As a result, each college board is taking action to implement policies and achieve goals on the diversity of their independent members. Some are also looking into what can be done to improve the diversity balance of the whole governing body, including those members elected from staff or the student body. Importantly, the introduction of the Code has not been the only impetus for this.

Code of Good Governance in Scotland's Colleges diversity requirements

The Code states the college commitment to a diverse board.

- = **A.13 The board must seek to reflect in its membership, the make-up of the community through offering maximum opportunity of membership to a range of potential members and removing potential barriers to membership, in partnership with its regional strategic body, as appropriate.**

Scottish colleges are required to comply with the Code as a condition of funding.

Legislative drivers for board diversity

The Further and Higher Education (Scotland) Act 2005 outlines college and regional board commitments to ensuring diversity. College and regional boards, and regional strategic bodies must make board appointments in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

The Post-16 Education (Scotland) Act 2013 legislates for college and regional boards of management. It makes provision for the composition of and appointment to the board.

The membership of the college board is to include:

- = A chair, appointed by Scottish Ministers (or regional strategic body in the case of a non-regional college).
- = The college Principal.
- = A member of teaching staff, elected by teaching staff.
- = A member of non-teaching staff elected by non-teaching staff.
- = Two students, nominated by the students' association.
- = Others, appointed by the board (or regional strategic body in the case of a non-regional college).

Membership of the regional board is to include:

- = A chair, appointed by Scottish Ministers.
- = The chairing member of each of the board's colleges.
- = A member of teaching staff, elected by other teaching staff.
- = A member of non-teaching staff elected by non-teaching staff.

- = Two students, appointed by election by the students' associations.
- = Other members appointed by the board.

Public sector equality duty

All colleges must comply with the specific duties placed on them by the Equality Act, one of which is the mainstreaming duty. This requires that colleges publish a report on the progress it has made to make the equality duty integral to the exercise of its functions so as to better perform that duty. To do this, it must gather information on the protected characteristics of its staff in relation to recruitment, development and retention of staff and use the data to evidence progress. Mainstreaming reports must include a breakdown of this data and an analysis of progress made.

Recent changes to the specific duties regulations now include college board members within this duty.

Colleges must now gather data on the gender composition of their boards and publish the data in their mainstreaming reports in order to show progress towards embedding equality. In addition to this, the Scottish government intends to gather all the protected characteristic data of board members. This information will be nationally aggregated, and given back to colleges to be used to better perform the equality duty. Boards must also publish their plans for increasing board diversity in the mainstreaming report.

Your role: public sector equality duty

- = **Champion equality and diversity:** by reflecting on its own composition and planning to increase diversity, boards are leading on ensuring equality is mainstreamed within college structures and decision making.

Extend your knowledge

Women count:

<https://womenscountblog.wordpress.com/>

Universities Scotland *Achieving gender balance on boards.*

www.universities-scotland.ac.uk/bite-size-briefings/gender-balance-on-boards/

College Development Network (2016) *Code of Good Governance for Scotland's colleges.*

www.collegedevelopmentnetwork.ac.uk/wp-content/uploads/2016/09/Code-of-Good-Governance-for-Scotland's-Colleges-August-2016.pdf

Further and Higher Education (Scotland) Act 2005

www.legislation.gov.uk/asp/2005/6/contents

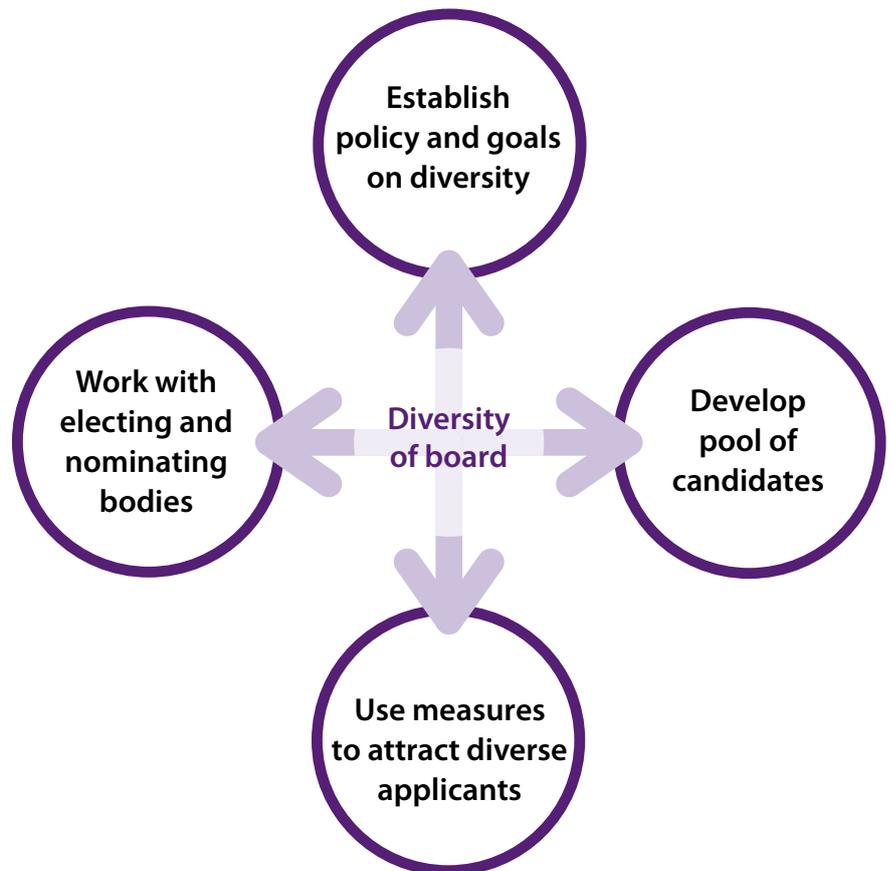
The Post-16 Education (Scotland) Act 2013

www.legislation.gov.uk/asp/2013/12/contents

Scottish Government (2012) *Report of the review of further education governance in Scotland.*

www.gov.scot/Resource/0038/00386490.pdf

How your board can increase its diversity



Below are suggestions of approaches to take to have a more diverse governing body.

- = **Undertake equality monitoring of applicants and existing members** to better understand the composition of the board in terms of diversity.
- = **Establish the ambition for a diverse board.** Policies and ambitious and measurable goals on the diversity of the board are clear signals of commitment to improvement.
- = **Communicate the intention** of the board to increase its diversity to all stakeholders, especially those that elect or nominate members.
- = **Take positive action in recruitment** of independent members to encourage underrepresented groups to apply, eg wording in advertisements, targeted advertising and search firms. This is distinct from positive discrimination, which is illegal.
- = **Use existing networks to advertise opportunities**, including specifically encouraging known individuals of an underrepresented group to apply.

- = **Use search firms** and require diverse longlists/shortlists.
- = **Raise awareness of the role of college board members** and the benefits it offers to the individual and community.

Consider

Include equality and diversity within any board development sessions to allow the board to consider areas it might want to address and how it might do this. This could lead to a development plan for board members and an identified board approach to equality and succession planning.

Extend your knowledge

ECU (2015) *Governing bodies, equality and diversity in Scottish higher education institutions: research report.*

www.ecu.ac.uk/publications/governing-bodies-equality-and-diversity-in-scottish-higher-education-institutions/

ECU (2009) *Governing bodies, equality and diversity: research report.*

www.ecu.ac.uk/publications/governing-bodies-equality-and-diversity-research-report-2009/

Women on boards:

www.gov.uk/government/collections/women-on-boards-reports

Women count:

<https://womenscountblog.wordpress.com>

Your role: summary

Equality mission and strategy

Boards play a key role in embedding and safeguarding equality and diversity in the college mission, strategy and culture.

- = **Champion equality and diversity:** through championing equality, diversity and an inclusive culture from the top of the organisation, board members can help to foster a culture of equality and diversity that supports the college's mission and strategy.
- = **Embed equality and diversity:** periodically, board members will be involved in developing new college mission statements and strategies. At this point, board members can ensure that equality and diversity are appropriately embedded and appropriate KPIs are in place.
- = **Shape approach:** boards can go beyond assuring legal compliance of equality law to define and shape the college's approach to equality.
- = **Ensure accountability:** board members will be involved in the annual review of KPIs, including those on equality and diversity, as part of ensuring the college is delivering on its strategy.

Ensuring compliance with equality law

Governing bodies are expressly responsible for ensuring that their college is compliant with equality law.

- = **Embed equality and diversity:** legally board members need to ensure that relevant equality implications are considered as part of board decision-making, ensuring they have sufficient information to satisfy the requirement to pay 'due regard' to equality.
- = **Shape approach:** periodically, the college will develop its approach to meeting specific legal requirements for equality. Board members should be involved in this, so that they can satisfy themselves that the approach is robust and adequate resourcing is in place.
- = **Ensure accountability:** board members need to be able to satisfy themselves on an ongoing basis that the college is taking appropriate action to meet its legal equality duties, and that this action is proving effective.

College board diversity

Governing bodies are seeking to increase their diversity to strengthen their governance, and board members can play a vital role in this work.

- = **Champion equality and diversity:** board members can participate in equality monitoring and encourage other board members to do the same and be advocates for board diversity, within and outwith the college.
- = **Shape approach:** board members should be involved in determining the college's policy and goals on board diversity.
- = **Ensure accountability:** board members should scrutinise college action and hold the executive to account for its progress on increasing board diversity.

Toolkit

Reflective questions for board members

Governing body knowledge

- = Does your board feel able to assure itself that equality requirements are being met within the college? Does it have access to the information it needs for this assurance in terms of practice and outcomes?
- = What mechanism do you have in place to ensure that matters from the equality committee or equivalent are robustly discussed at the board, given other competing agendas?
- = What actions can you take to be better informed about the evidence used to set equality outcomes, and the outcomes themselves?
- = Were equality and diversity discussed at your induction as a board member? If so, was it useful, or do you think further information would be useful for new board members?
- = What further knowledge do you think you would like to develop on equality and diversity and can your equality staff help to develop this?
- = Does your board contribute, through its conduct, to the inclusiveness of the college?

College position

Has your college:

- = embedded equality within the college's mission and strategy, and communicated this to all staff and students?
- = implemented effective structures, practices and systems in relation to equality and diversity?
- = published equality outcomes every four years (starting 2013) and reported on progress every two years?
- = published a mainstreaming report and employee equality data every two years (starting 2013)?
- = developed an action plan for increasing board diversity?
- = undertaken EIAs of all new and revised strategies, policies and practices?
- = established clear accountability for equality outcomes and action plans, with senior managers committed to their success?

- = ensured that all managers are aware of the contribution that they need to make?
- = taken action, including the provision of training, to ensure there is increased awareness of equality and diversity issues at all levels of the organisation?

Resources

Definitions

- = Protected characteristics
www.ecu.ac.uk/guidance-resources/equality-legislation
 - = ECU's Athena SWAN Charter
www.ecu.ac.uk/equality-charters/athena-swan
 - = ECU's Race Equality Charter
www.ecu.ac.uk/equality-charters/race-equality-charter
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Equality law

- = ECU (2016) *The public sector equality duty: specific duties for Scotland*.
www.ecu.ac.uk/publications/the-public-sector-equality-duty-specific-duties-for-scotland
 - = ECU's guidance on the Equality Act:
www.ecu.ac.uk/guidance-resources/equality-legislation
 - = EHRC's guidance on the public sector equality duty:
www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/non-statutory-guidance-scottish-public-authorities
-

Governing bodies and equality

You can find information, resources and guidance on equality and diversity for board members on our website.

www.ecu.ac.uk/guidance-resources/governance-and-policies/governing-bodies/

- = ECU (2016) *How to embed equality in outcome agreements: Toolkit for colleges*.
www.ecu.ac.uk/guidance-resources/governance-and-policies/outcome-agreements
- = ECU (2015) *Governing bodies, equality and diversity in Scottish higher education institutions: research report*.
www.ecu.ac.uk/publications/governing-bodies-equality-and-diversity-in-scottish-higher-education-institutions/
- = ECU (2009) *Governing bodies, equality and diversity: research report*.
www.ecu.ac.uk/publications/governing-bodies-equality-and-diversity-research-report-2009/
- = Good Governance Institute (2011) *The governance of diversity and inclusion: Maturity matrix*.
www.good-governance.org.uk/wp-content/uploads/2017/04/The-governance-of-diversity-and-inclusion-Maturity-Matrix.pdf

- = Women on boards:
www.gov.uk/government/collections/women-on-boards-reports
- = Women count:
<https://womencountblog.wordpress.com>
- = Scottish Government (2012) *Report of the review of further education governance in Scotland*.
www.gov.scot/Resource/0038/00386490.pdf
- = College Development Network (2016) *Code of Good Governance for Scotland's colleges*.
www.collegedevelopmentnetwork.ac.uk/wp-content/uploads/2016/09/Code-of-Good-Governance-for-Scotland's-Colleges-August-2016.pdf
- = Further and Higher Education (Scotland) Act 2005
www.legislation.gov.uk/asp/2005/6/contents
- = The Post-16 Education (Scotland) Act 2013
www.legislation.gov.uk/asp/2013/12/contents

Equality Challenge Unit

Equality Challenge Unit (ECU) supports higher education institutions across the UK and in colleges in Scotland to advance equality and diversity for staff and students.

ECU provides research, information and guidance, training, events and Equality Charters that drive forward change and transform organisational culture in teaching, learning, research and knowledge exchange. We have over ten years' experience of supporting institutions to remove barriers to progression and success for all staff and students.

ECU believes that the benefits of equality and diversity and inclusive practice are key to the wellbeing and success of individuals, the institution's community, the efficiency and excellence of institutions, and the growth of further and higher education in a global environment.

We are a registered charity funded by the Scottish Funding Council, the Higher Education Funding Council for Wales and Universities UK, and through direct subscription from higher education institutions in England and Northern Ireland.

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Equality Challenge Unit

First Floor, Westminster Tower
3 Albert Embankment
London, SE1 7SP
T 020 7438 1010
F 020 7438 1011
E info@ecu.ac.uk
www.ecu.ac.uk

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