The specific duties of the public sector equality duty (PSED) require higher education institutions (HEIs) in England to:

- publish information to show their compliance with the equality duty, at least annually
- set and publish equality objectives, at least every four years

All information must be published in a way which makes it easy for people to access it.

The information must relate to employees and to others affected by the institution’s policies and practices (for example students). It must be accessible to the public and be sufficiently detailed to enable people who access it to make a reasonable assessment of how well the institution is complying with the general duty.

The specific duties in Scotland and Wales also include requirements to publish data so this briefing, while focusing on the specific duties in England, may also be of general relevance to Scottish and Welsh HEIs.

For more information on the PSED see ECU’s briefings:

  www.ecu.ac.uk/publications/public-sector-equality-duty-specific-duties-for-england
  www.ecu.ac.uk/publications/the-public-sector-equality-duty-specific-duties-for-scotland
- ECU (2011) Public sector equality duty: specific duties for Wales
  www.ecu.ac.uk/publications/the-public-sector-equality-duty-specific-duties-for-wales
Review of public authority performance

Public authorities in England, including HEIs, published this equality data for the first time in April 2012.

The Equality and Human Rights Commission (EHRC) assessed how well they had met their legal requirement to publish equality information.


Key findings

The EHRC judged information to be ‘accessible’ if assessors could find it on the website within ten minutes. They looked for an equality page or links first, then used keywords and finally looked in strategic plans and annual reports. If they couldn’t find any relevant equality information after ten minutes, they did not look any further.

Assessors also looked for whether alternative formats and languages were available. This included in-built accessibility functions and accessibility pages.

The assessors did not count documents that were published before 2011 (as the general duty only came into force in April 2011) or undated documents. Data that was published by a group of public authorities and that did not differentiate between the different authorities was not considered.

Most authorities overlooked information on pregnancy and maternity. Only a minority included information on gender reassignment. Few authorities acknowledged having gaps in their information.

The EHRC looked at whether supporting text was given with the equality information. This is important to explain quantitative information in an accessible way, and so people can understand how institutions have identified actions to improve equality.

The assessment covered 1,159 public authorities in England including NHS, local authorities, police and probation services and all 130 English HEIs.
HEIs’ performance

The report found that the performance of universities in England is relatively mixed.

- HEIs were better (50%) than average (36%) at publishing information on service users, but this data was unlikely to be split by service or function.

- HEIs were slightly above average (35% compared with 30%) in providing evidence of the approach used to assess the impact of their work on equality. However, only 18% published evidence that they are assessing impact on equality in practice.

- HEIs were the lowest performers in providing employment information (31%) and service delivery information (11%) on race, gender and disability, age, plus either religion/belief or sexual orientation.

The report offers recommendations on how to improve performance, including best practice criteria (p 91–93). There are also good practice examples from the University of Birmingham and Leeds University (p 70–71).
Improving performance

There are steps HEIs can take to improve their performance in meeting their requirements. The following points are based on recommendations from the EHRC on best practice in publishing equality information.

Ensure information is up to date

Equality information needs to be reviewed and updated annually. HEIs should set up systems so that the information is produced as a matter of routine. HEIs should clearly allocate responsibility for co-ordinating the publication of the information, and assign appropriate resources.

Equality information should be available whenever necessary during the course of a year. In this way, issues can be picked up and dealt with on an ongoing basis. Ideally, equality information, including an assessment of compliance, should be an integral part of all board reports where general student, community and workforce matters are being considered.

Ensure it’s easy to find

Make information easily available online, in one place or clearly linked together.

Equality information should be clearly signposted from the front page of an HEI’s website. It should be easy to navigate and compatible with assistive technology.

Ensure relevant data is available

Information should, wherever possible, include data across all the protected characteristics. It might include:

- a staff profile by occupation, grade, salary level and contract type
- a staff profile at different stages of employment:
  - recruitment
  - retirement, resignation or other reasons for leaving
  - promotion
  - training and other development opportunities
- analysis of complaints of discrimination and other prohibited conduct
- how the institution has responded to specific needs, such as reasonable adjustments for disabled staff or responses to flexible working requests
= the student experience:
= applications
= admissions
= levels of educational attainment
= employment outcomes post-graduation
= breaks in study
= withdrawals

= information from engagement exercises with staff, trade unions, students, other users of HEI services and the wider community

= information relating to take-up of and satisfaction with services, including complaints

= any quantitative and qualitative research undertaken, for example student surveys and focus groups

= information on how gaps in the data will be addressed

It may not be possible to analyse all of the information by each protected characteristic if diversity monitoring does not yet include all of the categories.

www.ecu.ac.uk/inclusive-practice/extending-diversity-monitoring

Identify areas for future progress

Using the data as the evidence base, HEIs should give an overview of the issues that require further attention and demonstrate how these are reflected in the institution’s objectives.

HEIs must publish equality objectives that outline the actions they intend to take to make further progress. The objectives should be informed by the equality information and address identified areas of inequality.

The links between the current situation and the areas prioritised for action should be made clear. Some areas that require further work may not appear in the objectives. HEIs should make sure that it is clear how issues will be prioritised and progressed. Otherwise it may seem that some areas of inequality are not considered important.
Include a clear analysis with facts and figures

Graphs and tables should be accompanied by a clear analysis that highlights particular areas of risk and achievement.

It can be useful to test the information with a group of staff and students before publishing it to ensure that users will be able to easily understand the data. This can highlight the types of questions that users might have and provide the opportunity to address them in the published information.

Explain how the impact on equality is assessed

The information should demonstrate how equality and diversity considerations inform decision-making in the institution. This would include the type of information included in equality analysis exercises or impact assessments. Although there is no explicit legal requirement to publish equality analysis or impact assessments in full, HEIs may find it valuable to do so. They can help to demonstrate transparency and compliance with the general duty.

Make information fully accessible

Unless an institution already has evidence of a demand for alternative formats and languages, it is not necessary to produce the information in a variety of versions ahead of publication. However, HEIs should be prepared to respond positively to requests for alternative formats within a reasonable time of the request being made.

Graphs and tables included in information published online should be easily read by assistive technology.

Producing equality information in alternative languages might add value by meeting the needs of particular groups (for example, recruitment events for international students).
About us

Equality Challenge Unit works to further and support equality and diversity for staff and students in higher education across all four nations of the UK, and in colleges in Scotland.

ECU works closely with colleges and universities to seek to ensure that staff and students are not unfairly excluded, marginalised or disadvantaged because of age, disability, gender identity, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation, or through any combination of these characteristics or other unfair treatment.

Providing a central source of expertise, research, advice and leadership, we support institutions in building a culture that provides equality of both opportunity and outcome, promotes good relations, values the benefits of diversity and provides a model of equality for the wider UK society.

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