

RACE EQUALITY: Communication and Consultation Report for Higher Education Institutions

A JNCHEs/ECU Higher Education Race
Equality Project on Communication
and Consultation

JNCHEs

Joint Negotiating Committee
for Higher Education Staff



Foreword

All public bodies in England, Wales and Scotland, including the higher education (HE) funding councils and further and higher education institutions, are in the process of implementing the General and Specific Duties outlined in the Race Relations (Amendment) Act 2000 (RR(A)A). Meeting the requirements of the RR(A)A means that extensive consultation needs to be undertaken in the development of race equality policies, and in their publication, implementation and subsequent evaluation. Furthermore, *The Partnership for Equality: Action for Higher Education*, launched on 3 February 2002 by the Equality Challenge Unit (ECU) and JNCHES (comprising the Universities and Colleges Employers Association (UCEA), AUT, NATFHE, Unison, T&G, GMB, Amicus and EIS), highlighted partnership and collaboration as central to the set of recommendations made, and emphasised the importance of having in place better and more inclusive consultation and communication practices within the sector. The importance of good communication and consultation on diversity and equality matters, in improving equality and diversity in every aspect of higher education life – be it learning and teaching, student access, employment or training – is recognised and fully accepted by the sector.

It was primarily these challenging requirements that led to the commissioning of a *Communication and Consultation Toolkit for Higher Education Institutions*. The best practice guide takes specific note of the legislative responsibilities and obligations placed upon the higher education sector as employers and providers of education. The guide seeks to support the sector to meet its responsibilities, obligations and duties.

The key message in the guidance for leaders and equality champions in the higher education sector is that good communication and consultation on diversity and equality is critical to the success of each individual policy initiative and the way in which an institution delivers its services. Whilst the toolkit provides a framework for addressing the complex area of communication and consultation on diversity and equality matters, it should not be seen as a panacea in itself. That is

why, alongside this toolkit, there are a number of recommendations for action that will also need to be undertaken if the toolkit is to have the effect and impact intended.

Preparation and production of the guide involved close working between the Gus John Partnership, the ECU, UCEA and the higher education trade unions (jointly referred to as JNCHES), working with a steering group drawn from the HE sector and beyond. The partnership working, expertise and commitment from this group has enabled the identification of a wide range of good practice and resources from across the sector, including some excellent case studies to assist the communication and consultation process. Particular thanks are due to the higher education institutions that participated in the exercise. By doing so they have enriched this guide with real experiences and allowed the sector as a whole the opportunity to share and build on their experience.

This consultation and communication project demonstrates that, whilst progress is patchy, higher education is serious in wanting to address race equality by taking proactive measures that will benefit the sector as a whole. It also demonstrates that leadership by university councils and boards, vice-chancellors and principals, and senior managers is essential in the development and ownership of best practice.

We hope this report, its recommendations and the associated best practice guidance and toolkit document will provide universities and colleges with a practical and effective approach on which to base their own consultation and communication strategies. We believe this will, in turn, play an important part in the promotion and mainstreaming of race equality.

Professor David Melville

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Chair of the JNCHES/ECU Communication and Consultation
Steering Group

Project background

Rationale, aims and objectives

The rationale for this consultation and communication project was derived primarily from the needs identified by the higher education sector and particularly the obligations placed on the sector by the Race Relations (Amendment) Act 2000 (RR(A)A).

Against that background, the Gus John Partnership (GJP) Limited were contracted to provide evidence-based guidance on a range of options for consultation and communication best suited to the higher education sector. The guidance has a particular focus on the implementation of the RR(A)A in the light of the sector's obligations to fulfil both the General and Specific Duties, and has been produced on the basis of research and tested experience.

The key aims of the project were:

- The provision of evidence-based guidance on the range of options for consultation and communication suitable for higher education.
- The systematic identification of the real issues concerning race equality within the HE sector.
- Advancing the fulfilment of the implementation of the Race Relations (Amendment) Act 2000 in the light of the sector's Specific Duties.
- Provision of information about consultation and communication options that have been or are being employed elsewhere.

The expected outcomes from these aims were:

- A guidance publication, including recommendations for good practice.
- Supporting events in England, Scotland and Wales.
- A learning experience for HEIs which would be sustainable

over time and applicable to other equality and diversity areas, thus pro-actively preparing HEIs for forthcoming legislation.

- Improved basis of knowledge and understanding on the part of the ECU, UCEA and trade unions nationally, which would add value to the advice they subsequently offer and the quality of the support provided through seminars, workshops and institutional engagements.

Methodology

The research was carried out collaboratively with a representative set of nine HEIs throughout the UK. By agreement the anonymity of these volunteer institutions has been preserved.

Drawing substantially upon collective experience, the approach adopted by GJP to meet the project remit was to examine with each participating institution a number of key issues. This examination was achieved through a limited form of action research utilising discussions, interview and literature search. Standardised templates were used throughout the project.

Summary of findings

On the basis that the institutions studied are representative of the sector as a whole, the following summarises the key findings for the HE sector.

The research found evidence of a clear commitment at the highest level in each institution to meeting the requirements of the legislation and promoting race equality across the university's many functions. However, most institutions are still grappling with the challenges of formulating and effectively implementing an inclusive race equality strategy, and are at an even later stage of formulating an effective communication and consultation strategy to support the implementation of the RR(A)A.

Although some positive examples can be identified in the case of race, more positive examples in other areas of equality, in particular with regard to gender and disability, were evident during the research.

Whilst generally HEIs have given attention to internal and external communication and consultation policies on a range of matters, there is little evidence of race equality issues being an explicit component. Equally, although HEIs can in general point to a number of policy documents specifically relating to race, consultation and communication does not feature significantly within them.

Conclusions and recommendations

This project sought to establish the policies and strategies for inclusive consultation and communication that HE institutions are applying in the process of implementing the RR(A)A 2000. Specifically, we were concerned to identify the policies and strategies institutions typically have in place, the extent to which they involve the participation of and engagement with black and minority ethnic stakeholders, internal and external, the extent to which they feature in the process of formulating and approving the institutions' race equality policy and action plan and the part institutions envisage for those policies and strategies in assessing the impact of the application of their race equality policy and the implementation of the RR(A)A.

From the findings, a number of specific conclusions and recommendations can be drawn on the challenges facing the HE sector with regard to consultation and communication.

Conclusions and recommendations are presented under the broad headings used in the research, namely: *Policies and Strategies; Top Level Commitment; Monitoring, Evaluation and Adjustment* and *Awareness and Understanding*. In addition, conclusions and recommendations are provided for the 'other issues' identified in the course of the research.

Policies and strategies

Whilst there is evidence that race issues are embedded in a number of different institutional policies, these did not generally include policies on consultation and communication. In addition no evidence was found of guidelines on consultation and communication being made available to managers with responsibility for functions concerned with mainstreaming race equality.

Actual communication and consultation procedures and practices tended to flow from the institutions' existing practice. Little evidence was found of evaluation and review of those arrangements and practices and their impact in enabling the institution to realise its objectives on any given issue. The picture in relation to communication and consultation with respect to promoting race equality and implementing the RR(A)A was very similar. Where activity was focused and related to clear objectives and intended outcomes, however, institutions demonstrated clear evidence of good practice.

This was especially noticeable in the case of activities concerned with widening participation, tackling ethnic minority under-representation and catering for the support needs of international students.

Since institutions are required to demonstrate how they would mainstream race equality through the functions they identify as race equality-relevant, it is important that everyone in the institution is aware of the strategies and processes for inclusive consultation and communication that the institution is applying.

Recommendations

- That HEIs formulate clear policies and procedures for engaging in inclusive consultation and communication to underpin the process of implementing the RR(A)A and assessing its impact.
- That, in formulating such policy and procedures, each institution has regard for:
 - the need to ensure that the policy and procedures are informed by and reflect the institution's race equality values and anti-racist principles
 - the need to define who its internal and external stakeholders are
 - the methods that black and minority ethnic staff and students consider most appropriate for engaging them in consultation and communication

- the views and preferred methods of engagement of external black and minority ethnic stakeholders
- partnership with the trade unions and the student union
- the specific roles and responsibilities students have across the institution and especially within functions that have relevance for race equality
- whatever resource implications may flow from the proposed procedures and arrangements
- the need to build in mechanisms for monitoring, evaluating and, if necessary, adjusting the policy and procedures.
- That HEIs review and, if necessary, amend their race equality policy and action plan in the light of their policy and procedures on inclusive consultation and communication.
- That any such review should highlight the role of inclusive consultation and communication in impact assessment.
- That institutions review their overall consultation and communication policies to ensure that race equality issues are mainstreamed within them.

Top level commitment

The clear commitment of leaders and managers to the RR(A)A and its objectives and to promoting equity within their institutions is not, in general, seen to be reflected in ensuring inclusive communication and consultation. While there is evidence of strategic decisions being taken and interventions made in respect of particular situations, generally there is some way to go in sector leadership on these issues.

Consequently, it was difficult to determine where responsibilities and accountabilities rested for ensuring that relevant people had been consulted and that due regard had been taken of their perspectives and proposals.

While students and staff were represented on the council or governing board of all the institutions, there was little evidence of those and other forums concerned with governance and management interrogating the effectiveness of communication and consultation processes in respect of race equality.

The fact that some councils and governing boards approved their institutions' race equality policy and plan, albeit without evidence of a clear commitment to – and strategy for – inclusive consultation and communication, would suggest that council/board members themselves might not be fully aware of how integral consultation and communication is to the process of implementing the RR(A)A and of their duty to ensure that the race equality policy paid due regard to it.

Recommendations

- That leaders and managers take action to put in place an effective, inclusive and sustainable consultation and communication policy and strategy and monitor its application.
- That they designate a senior manager to oversee the strategy and its application and to co-ordinate monitoring reports from across all functions on the use being made of the strategy.
- That the university council/board is apprised of the importance of consultation and communication and is asked to encourage feedback from staff and students' representatives with respect to mainstreaming race equality across functions.

Monitoring, evaluation and adjustment

The absence of stated policies and agreed procedures with respect to inclusive consultation and communication is matched by the lack of measures for monitoring and evaluating such practices that do occur. A patchy picture therefore emerges, in that where departments or functions develop an organised and systematic approach to consultation and communication in pursuit of given objectives, they also invariably monitor outcomes and seek to adjust their practices as necessary and maintain a productive relationship with the groups and partners involved.

In general, however, very little evidence was found of inclusive consultation and communication being given a high profile, or of existing practices that pre-dated the RR(A)A being assessed for their effectiveness or their appropriateness in implementing the Act.

Monitoring, evaluating and making necessary adjustment is important both in developing good practice, and in improving the policy and action plan. For those reasons, effectively engaging black and minority ethnic staff, students and external groups in consultation and communication is a way of supporting the meaningful and reflective implementation of the RR(A)A.

Recommendations

- That institutions include in their policies and action plans specific arrangements for monitoring, evaluation and adjustment through inclusive communication and consultation.
- That examples of good practice be recorded, evaluated and disseminated across the institution.
- That the results of such evaluation be fed in to the process of formulating the consultation and communication policy/strategy.
- That national bodies, in particular the ECU and trade unions, gather and disseminate good practice.

Awareness and understanding

There is a general understanding in the sector of the need for inclusive communication and consultation and the extent on which that arose from the requirements of the RR(A)A. Beyond that, institutions typically face two challenges. The first is that where consultation and communication is not part of the way the institution generally conducts its business, managers find it difficult to envisage how a strategy for communicating and consulting in relation to race equality would work.

The second is that, even where there is a commitment to inclusive consultation and communication and managers are persuaded of the value of it, there is the basic issue of implementation, specifically in relation to race issues.

Recommendations

- That institutions affirm to all staff and students the centrality of inclusive communication and consultation on the implementation of the RR(A)A and the application of its race equality policy and action plan.
- That the institution publishes simultaneously a timetable for having in place an effective, inclusive and sustainable consultation and communication policy and strategy.

Other issues

Trade unions

Institutions need to be clearer about the role of the trade unions and improve consultation particularly at earlier points in the RR(A)A implementation process. In the main, the trade unions demonstrate a high level of commitment to working with senior management, but have varying levels of awareness of the RR(A)A and its requirements. Work with their members leaves them with the view that some institutions do not act in a manner that is inclusive in relation to black and minority ethnic staff. For their part, the unions accept that they could be more proactive in challenging the resistance of some of their members to the institution's policies and practices with respect to promoting race equality. Equally they accept that there is much work to be done in raising their members' awareness of the benefits of promoting race equality and diversity, and in building a culture of equity in the institution.

The importance of institutions engaging the trade unions in consultation and communication on the implementation of legislation cannot be over-emphasised. Institutions have a right to expect that trade unions would sign up to their race equality values and anti-racist principles and to the objective of eliminating unlawful discrimination and promoting race equality. Trade union members need to be aware of the manner in which they could be implicated in processes of institutional discrimination, for example. The research indicated that where trade unions are not engaged in consultation and communication and fail to inform themselves about equality legislation and its impact on their members, they begin to reflect the antipathy of their own members to institutional race equality measures.

Recommendations

- That institutions take steps to engage trade unions in consultation and communication processes in the context of the implementation of the RR(A)A.

- That senior managers and equality officers/advisers work with the trade unions to provide guidance, where necessary, to assist their own efforts to raise their members' awareness of race equality issues and the provisions of the RR(A)A.
- That, wherever possible, trade union officials and designated members be facilitated to attend training on the RR(A)A and on consultation and communication provided by the institution for managers and staff.
- That institutions take forward the aims and objectives of the national Partnership Agreement with the trade unions on pursuing equality objectives across the board.

Students

Students appeared receptive to the institutions' approaches for them to take part in this action-research. In each of the institutions, the students needed little reminding of the extent to which they help determine the nature and culture of the institution.

In a general sense, the student unions require the support of the institution in fulfilling their own responsibilities under the Act and doing their duty by those they employ as well as in relation to the student body. While the level of commitment and enthusiasm we found among the student body in some cases was commendable, we found that some student representatives were discovering their institution's race equality policy and action plan through the project or, where they had been aware of its existence, were engaging with it and what it means for them for the very first time.

Institutions need to ensure that inputs from students are discussed and acted upon by the various decision making forums of the institution. Our research suggests the need for much improved consultation arrangements governing the work of the student unions at the interface with the institution on equality issues generally and implementing the RR(A)A in particular. The communication mechanisms adopted by institutions should be reviewed with regard to communication with the student body on race equality objectives and their related activities.

Having regard to the frequent handover of responsibilities from one group of student representatives to another, institutions should discuss with their student union the most appropriate method of ensuring continuity of commitment and practice on the union's and student body's part with respect to promoting race equality and implementing the legislation.

On race equality issues it is important for the students' union to be represented on institutions' informal committees and to participate more consistently in the formal committee mechanisms so that the views of students with respect to embedding action to promote race equality can be fully taken on board.

Recommendations

- Student representatives and student unions officers, sabbatical and unpaid, should be facilitated to play a more systematic role in consultation and communication.
- The student unions should take responsibility for understanding and taking appropriate action in relation to the requirements of the RR(A)A and should be supported in this by appropriate members of the management group (e.g. Pro-Vice Chancellor of Student Affairs) and the equality manager.
- There should be greater student involvement both within the union and across the institution as part of the consultation/communication strategy, and its role in mainstreaming race equality across all relevant functions.

Staff

The situation of staff with respect to inclusive consultation and communication in the context of implementing the RR(A)A is as critical as it is complex. Like students, staff have a major influence upon the culture of the institution and the extent to which it is experienced as caring, respecting diversity, valuing difference, respectful of all backgrounds and knowledge and committed to combating discrimination and promoting equity and social justice.

In as much as they are involved in designing curricula and in teaching, learning and assessment, staff who are members of black and minority ethnic groups might be expected to be more sensitive to the need for a more inclusive curriculum, and for teaching and pastoral support practices that reflect the diversity of the student population. But they may also be victims of institutional cultures and practices that they experience as discriminatory. For those reasons, a distinction needs to be made between all staff as partners and stakeholders in promoting race equality and combating unlawful discrimination and black and minority ethnic staff whose experience of the institution could be qualitatively different from that of their colleagues.

Any policy and strategy for inclusive consultation and communication, therefore, should indicate the mechanisms through which black and minority ethnic staff would be consulted and would be facilitated to engage in the process of monitoring the mainstreaming of race equality and assessing the impact of implementation.

Our research points to the need for increased participation of black and minority ethnic staff in consultation processes. Only a very small number of such staff co-operated with the consultation project. There appears to be an issue about their engagement in consultative processes generally. In particular, in the absence of a black and minority ethnic staff network, individual black and minority ethnic staff may choose, or not, to collaborate with the institutions' efforts to engage them in race equality matters.

Recommendations

- Institutions should carefully and sensitively review the ways in which black and minority ethnic staff views can be sought.
- Institutions and trade unions should encourage the formation of a black and minority ethnic staff network.
- Attention should be paid to the situation of black and minority ethnic staff in all categories, including those providing outsourced services, and opportunities created for them to provide feedback on how they are experiencing the institution, without fear of negative responses or repercussions.

Action plan template

Recommendation	Who Responsible	Proposed Completion Date
Policies and strategies		
That each HEI formulates clear policies and procedures for engaging in inclusive consultation and communication to underpin the process of implementing the RR(A)A and assessing its impact.		
That in formulating such policy and procedures, institutions have regard for:		
<ul style="list-style-type: none"> ● the need to ensure that the policy and procedures are informed by and reflect the institution's race equality values and anti-racist principles 		
<ul style="list-style-type: none"> ● the need to define who its internal and external stakeholders are 		
<ul style="list-style-type: none"> ● the methods black and minority ethnic staff and students consider most appropriate to engaging them in consultation and communication 		
<ul style="list-style-type: none"> ● the views and preferred methods of engagement of external black and minority ethnic stakeholders 		
<ul style="list-style-type: none"> ● the partnership with the trade unions and the students' union 		
<ul style="list-style-type: none"> ● the specific roles and responsibilities students have across the institution and especially within functions that have relevance for race equality 		
<ul style="list-style-type: none"> ● whatever resource implications may flow from the proposed procedures and arrangements 		
<ul style="list-style-type: none"> ● the need to build in mechanisms for monitoring, evaluating and, if necessary, adjusting the policy and procedures. 		
That HEIs review and if necessary amend their race equality policy and action plan in the light of their policy and procedures on inclusive consultation and communication.		
That any such review should highlight the role of inclusive consultation and communication in impact assessment.		

Recommendation	Who Responsible	Proposed Completion Date
Top level commitment		
That leaders and managers take action to put in place an effective, inclusive and sustainable consultation and communication policy and strategy and monitor its application.		
That they designate a senior manager to oversee the strategy and its application and to co-ordinate monitoring reports from across all functions as to the use being made of the strategy.		
That the university council/board is apprised of the policy and its objectives and are asked to encourage feedback from staff and students' representatives with respect to its application in mainstreaming race equality across functions.		
Monitoring, evaluation and adjustment		
That institutions commit themselves to formulating and applying a strategic policy and procedures governing inclusive communication and consultation.		
That in order to inform that process a review is conducted of the range of existing consultation and communication practices spread across the institution.		
That examples of good practice be recorded, evaluated and disseminated across the institution.		
That the results of such evaluation be fed in to the process of formulating the consultation and communication policy/strategy.		
Understanding		
That institutions affirm to all staff and students the centrality of inclusive communication and consultation to the implementation of the RR(A)A and the application of its race equality policy and action plan.		
That the institution publish simultaneously a timetable for having in place an effective, inclusive and sustainable consultation and communication policy and strategy.		

Action plan template

Recommendation	Who Responsible	Proposed Completion Date
Service delivery		
That, as part of their service monitoring and performance review procedures, institutions identify current practices with respect to consultation and communication, especially with black and minority ethnic students and staff.		
That existing insights and the considerations arising from such a review be fed in to the process of constructing an effective, inclusive and sustainable consultation and communication policy and strategy.		
Trade unions		
That institutions take steps to engage trade unions in consultation and communication processes in the context of the implementation of the RR(A)A and to sustain their involvement.		
That senior managers and equality officers/advisers work with the trade unions to provide guidance where necessary in respect in their own efforts to raise their members' awareness of race equality issues and the provisions of the RR(A)A.		
That, wherever possible, trade union officials and designated members be facilitated to attend training on the RR(A)A and on consultation and communication provided by the institution for managers and staff.		
That institutions take forward the aims and objectives of the national Partnership Agreement with the trade unions on pursuing equality objectives across the board.		
Students		
Student representatives and student unions officers, sabbatical and unpaid, should be facilitated to have a more systematic role in consultation and communication.		

Recommendation	Who Responsible	Proposed Completion Date
<p>The student unions should take responsibility for understanding and taking appropriate action in relation to the requirements of the RR(A)A and should be supported in this by appropriate members of the management group (e.g. Pro-Vice Chancellor Student Affairs) and the equality manager.</p>		
<p>There should be greater student involvement both within the union and across the institution as part of the consultation/communication strategy and its relevance to mainstreaming race equality across all relevant functions.</p>		
Staff		
<p>Allowing for the fact that it would be invidious and unacceptable for managers to seek to determine visually who they think is a member of a black and minority ethnic group, all line managers as part of local action on the implementation of the race equality policy/plan should be required to interview those whom they immediately line manage, explain the reason for ethnic monitoring and its relationship to the RR(A)A and ask their co-operation in stating the ethnic category they would choose to identify themselves as belonging to.</p>		
<p>In as much as the 2001 Census categories which are typically used for this purpose are not acceptable to a large number of people, including those who also may not wish to list themselves as 'other', the institution should be prepared to end up with a wider range of categories than is allowed for in the Census classification.</p>		
<p>Wherever possible, the institution should actively encourage the formation of a black and minority ethnic staff network.</p>		
<p>Attention should be paid to the situation of black and minority ethnic staff in all categories, including those providing outsourced services, and opportunities created for them to provide feedback on how they are experiencing the institution, without fear of negative responses or repercussions.</p>		

JNCHES/ECU**Best Practice Toolkit steering group membership**

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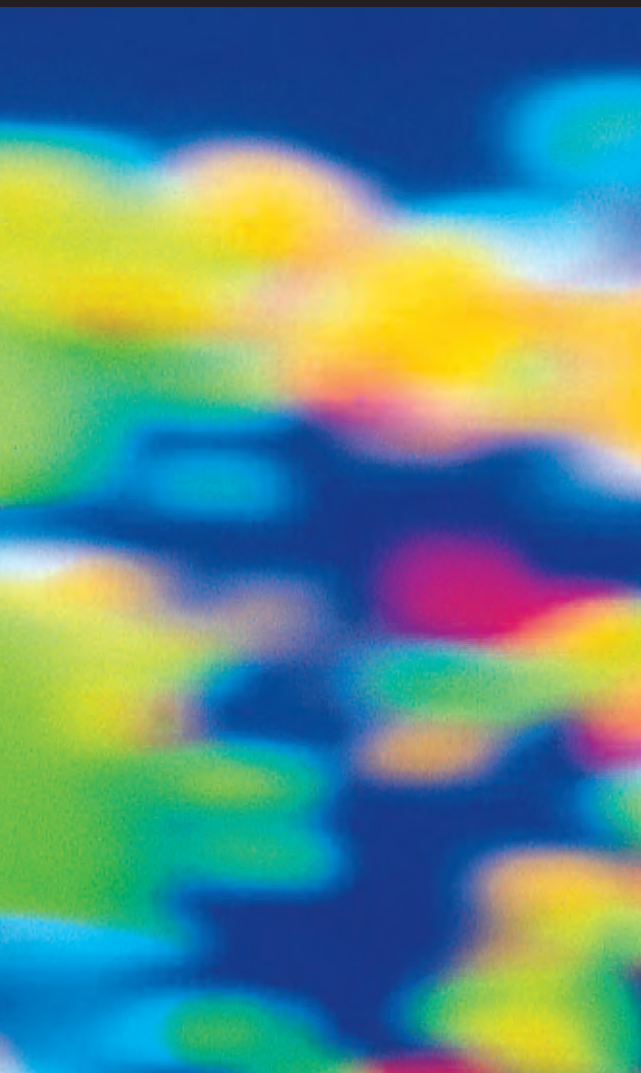
Abbreviations

SCoP	Standing Conference of Principals
CUC	Committee of University Chairmen
ECU	Equality Challenge Unit
UCEA	Universities and Colleges Employers' Association
HEFCE	Higher Education Funding Council for England
SHEFC	Scottish Higher Education Funding Council
HEFCW	Higher Education Funding Council for Wales

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