



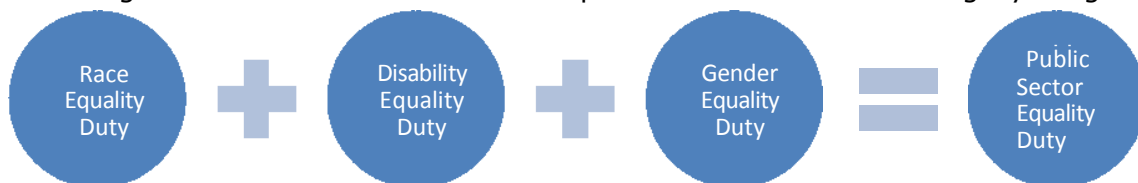
Workbook on the Public Sector Equality Duty (Wales) 2011

Stage 1: Strategic Equality Plans

Introduction

The Equality Act combines previous legislation in England, Scotland and Wales and includes a new Public Sector Equality Duty which replaces the separate duties covering race, disability and gender. The new duty combines the previous duties covering race, disability and gender and extends the areas of discrimination covered.

Following the introduction of these duties public authorities became legally obliged to



promote equality of opportunity and eliminate discrimination for service users and staff, rather than waiting for individuals to complain.

To extend that areas of equality covered and combine with them into one duty, the new duty covers a series of "protected characteristics". People who share these characteristics are regarded as being members of certain "protected groups". The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty also covers marriage and civil partnership, but only for certain parts of the duty.

What is the new equality duty?

The new equality duty is broken down into two separate parts:

- A general equality duty
- The specific equality duties

The general equality duty came into force on 6 April 2011; the specific duties in Wales only also came into force on 6 April 2011. A delay in announcing the specific duties in Scotland and England has been announced.

The General Duty

The general duty has three aims, it requires public bodies to have **due regard** to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people from different groups-this involves tackling prejudice and promoting understanding between people from different groups

In order to demonstrate due regard, institutions must consider the three aims of the general duty when making decisions as employers, education providers and service providers; for example when:

- Developing, evaluating and reviewing policies
- Designing, delivering and evaluating services, including education provision
- Commissioning and procuring services from others



The Specific duties

There are 20 Regulations which provide for the specific duties in Wales. These duties came into force from April 2011.

There are 6 interlinked requirements which are evidence based:

- Employment information by each characteristic on:
 - Number employed
 - Recruitment (including applicants and those changing positions)
 - Leavers
 - Training
 - Grievance and disciplinary
 - Additionally by gender, jobs, grades, pay, contract type, working patterns
- Other relevant equality information (includes pay information and information around students)
- Assessment of relevant information, including pay information
- Assessing the impact of policies and practices (Equality Impact Assessment)
- Strategic Equality Plan (including gender pay difference action plan)
- Annual Report in compliance and Specific duties



Strategic Equality Plan and Gap Analysis by 2 April 2012

The strategic equality plan must contain a statement setting out:

- A description of the HEI
- Its equality objectives
- The steps that the public body had taken or intends to take to achieve each equality objective, the timeframe for achieving the objective and how the authority intends to monitor the progress and effectiveness of the steps (regulation 14)
- The public body's action plan in respect of gender pay difference (regulation 11)
- Arrangements to identify and publish relevant equality information (regulation 7)
- Arrangements to assess the impact of policies and practices (regulation 8)
- Arrangements to promote understanding and knowledge of the general duty among employees and training needs in relation to the specific duties

When a public body is making, re-making or revising a strategic equality plan, they **must engage with people** and have due regard to relevant information it holds (regulation 15).

The Equality and Human Rights Commission (EHRC) Guidance on engagement suggests that this should take place at every stage of the process, such as:

- At the beginning of the decision making process to gather opinions, evidence and ideas on the policy
- At the point of developing options and making decisions
- When implementing decisions such as the development of action plans or implementation strategies
- Following implementation, to review and evaluate whether the information and objectives are meeting the three aims.

It also recommends that public bodies engage with those who have an interest in how it carries out its work generally or on a particular policy, including staff equality groups and trade unions, along with the wider community.

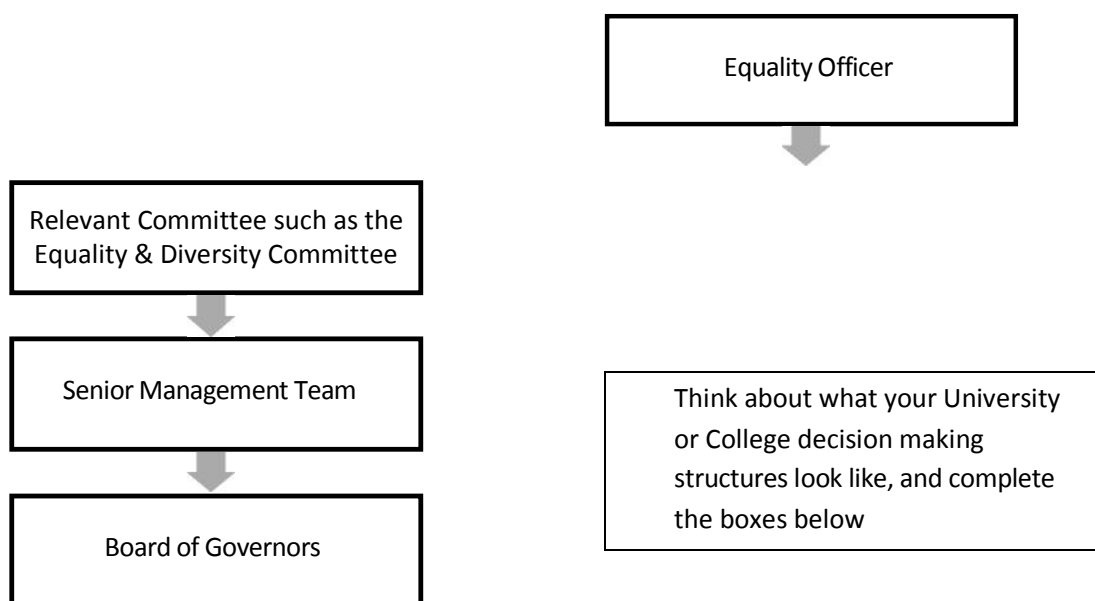
Public bodies are required to publish the result of any engagement. The EHRC guidance suggests that public bodies should document the engagement with, as well as giving a summary of the key points discussed and how often these have been incorporated and if not why not.

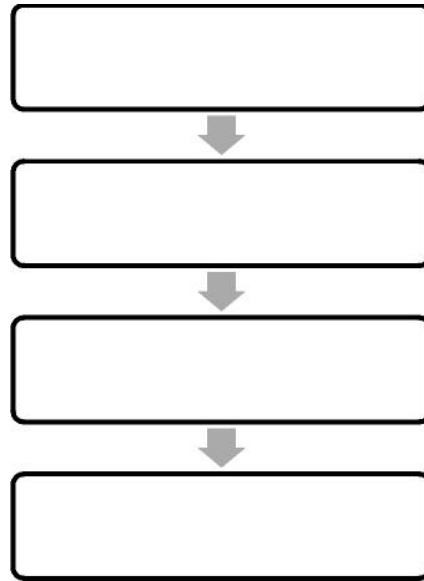


How does your institution make its decisions on matters such as its strategic equality plan?

Post 92 Institutions and FE colleges

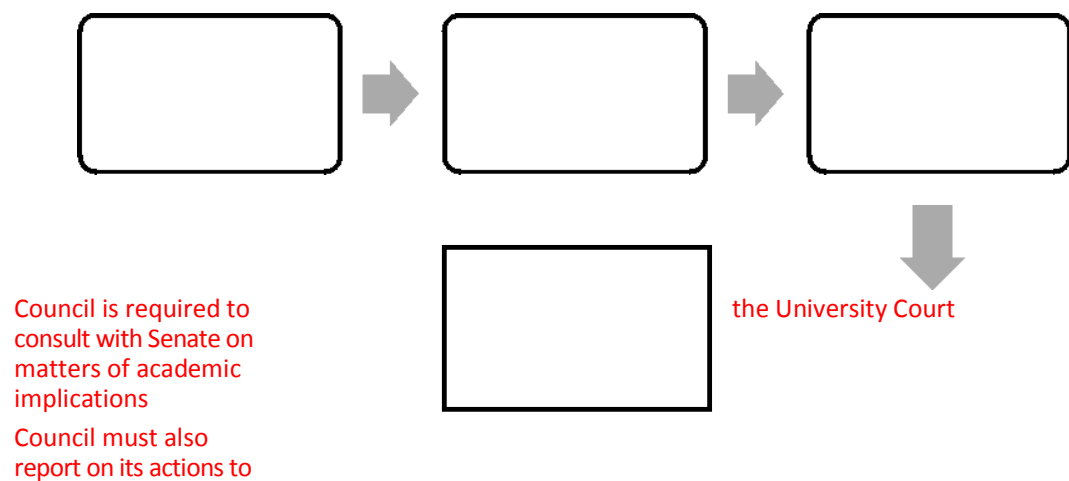
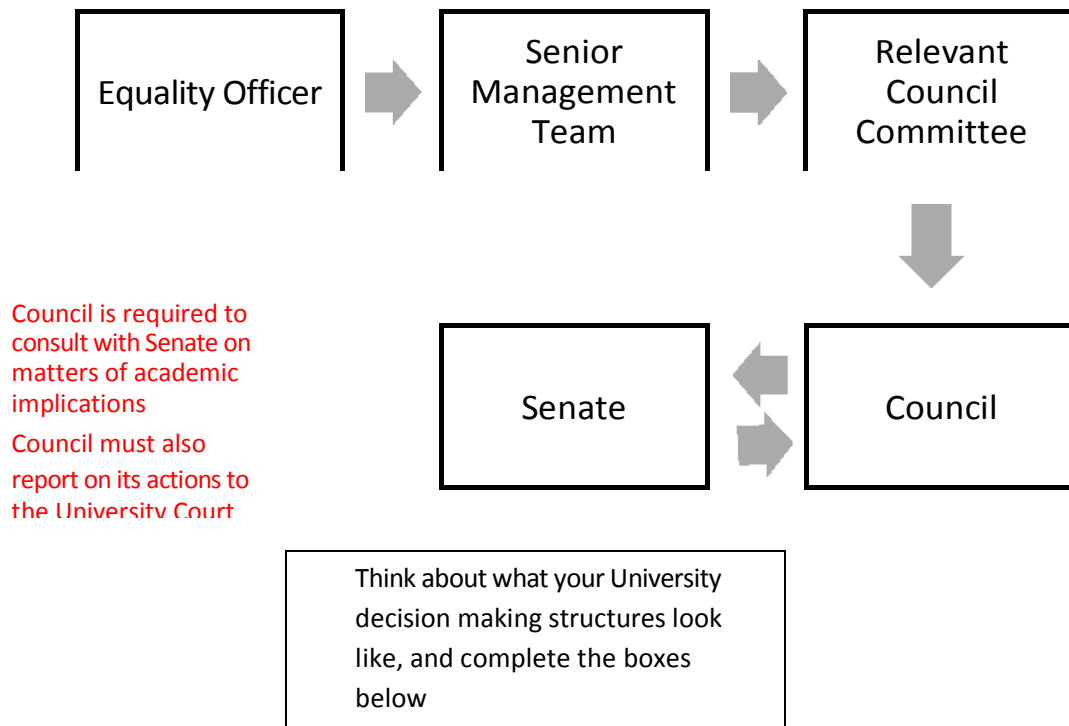
For Post 92 Institutions and FE Colleges, UCU Wales would expect there to be at least 3 stages to the decision making process.





Pre 92 Institutions

Pre 92 institutions have a different structure of governance to that of FE Colleges and post 92 institutions. It involves Senate where there would be academic implications. As the Strategic Equality Plan will involve students, Senate may need to be consulted.







Has your Branch or Local Association been approached to engage in the discussions around strategic equality plan?

The public body is required to publish a strategic equality plan no later than 2 April 2012. In order for Universities and Colleges to meet this deadline, discussions should be taking place early into the autumn term.

Timescales



Every Town University is required to produce a Strategic Equality Plan by 2 April 2012, as it is a post 92 Institution the Plan must be ratified by the Board of Governors.

The Board of Governors is due to meet next on the 25 March 2012, prior to the Plan going to the Board of Governors it must be approved by the Equality and Diversity Steering Committee and the University must engage with those people with an interest.

Jo Williams Equality Officer for Every Town University has worked backwards from the date of 25 March 2012 to work out when engagement should start.

Board of Governors to approve Plan by	2 April 2012
Board of Governors meet to approve plan	25 March 2012
Senior Management meet to discuss the plan and finalize	21 February 2012
Equality and Diversity Steering Committee meets to discuss the consultation/engagement amend plan if necessary	8 December 2011
Engagement	November 2011
Equality and Diversity Committee meets to discuss how the engagement will take place	8 October 2011
Jo Williams Equality Officer writes the draft Plan ready for consultation and engagement. Jo also provides ideas on how the University can engage	25 September 2011

Timescales for your institution

Thinking about the example given by Every Town University, note what dates the relevant meetings will need to be held by to ensure that there is a strategic Equality Plan in place in your institution by 2 April 2012.

Try to engage in the process as early as possible. Can your Equality representative request a meeting with the Equality Officer drafting the plan before it gets submitted to the Committee. The Union can suggest ways to engage and consult

Are there any deadlines that need to be met? For example what is the date of the meeting of the last Governing Body before 2 April 2011? This meeting will have to ratify the plan otherwise the Institution will be breaching the Public Sector Equality Duties.



Points to note – Note any deadlines or issues here:



Who from your Branch or Local Association should be involved in these discussions/meetings?

The EHRC Guidance suggests that public bodies give particular attention to engaging with people who have faced barriers to participation in the past, such as people with mental health conditions, learning difficulties and those with disabilities.

Branches and Local Associations should therefore be looking to encourage those members with protected characteristics to participate in the consultation and development of the plan.

As a Branch or Local Association complete the questionnaire below to get an idea of the ways in which you can encourage these members to get engaged in the process

Branch & Local Association Questionnaire - Engagement

	Question	Yes	No	n/a
1.	Does your branch or local association have an all members email distribution list that can be used to communicate with members?			
1a.	If the answer to 1 is yes, can an email be sent to all members asking for volunteers?			
2.	Does your branch or local association have an equality officer on the committee who has responsibility for taking these matters forward?			
2a.	If the answer to 2 is no, is there a member willing to undertake this role?			
3.	Do you have any members sitting on the relevant committees or meetings that would be able to contribute to the development of the plan?			
3a.	If the answer to 3 is yes, do you have the contact details for these members and can you meet regularly with them?			
4.	Does the branch or local association have a good working relationship with the Institution's Equality Officer?			
4a.	If the answer to 4 is no, can representatives of the branch or local association meet with the institution's equality officer with a view to building a good working relationship?			
4b.	If the answer to 4 is yes, can representatives meet with representatives of the branch or local association to discuss amendments or proposals for the plan?			

Thinking about your answers to the questions above, discuss as a Committee how you will encourage members to be involved in the plans. Once you have decided how you will get representatives make a note of your ideas here:



Having a plan of action ~~#~~

Sam Williams, chair of Every Town College's UCU Branch understands that work is to begin on the drafting of the Strategic Equality Plan. A branch meeting was organized and officers were tasked with certain actions. The actions are as follows:

- > Sam to send an email to all members asking members with protected characteristics to become involved
- > Chris to arrange a meeting with Helen the College's Equality Officer
- > Alex to contact members sitting on the Board of Governors and the Equality and Diversity Committee

Sam has therefore produced a plan of action so that everyone is clear on their role and how the work is being progressed.

Action	Name of lead person	Date action to be completed by	Date action completed/status
email to all members asking members with protected characteristics to become involved	Sam Williams	15 October 2011	Outstanding
Arrange meeting with Helen the College's Equality Officer	Chris Wind	15 October 2011	Completed on 26 September 2011, meeting to take place on 20 October 2011
contact members sitting on the Board of Governors and the Equality and Diversity Committee	Alex Winterbone	End of September	Email sent 20 September, awaiting a response



Having completed the Questionnaire and looked at the Every Town College example, complete an action plan for your branch or local association

Action	Name of lead person	Date action to be completed by	Date action completed/status



What is a strategic equality plan?

The purpose of a strategic equality plan is to document the steps that a public body is taking to fulfill its specific duties.

The legislation requires that the strategic equality plan must include:

- a description of the authority
 - its equality objectives (including pay objectives)
 - the steps it has taken or intends to take to meet its objectives and in what timescale
 - its arrangements to monitor progress on meeting its equality objectives and the effectiveness of the steps it is taking to meet those objectives
 - its arrangements to identify and collect relevant equality information. This includes information gathered from engaging with protected groups about how the work of an authority may relate to the general duty. It also includes any information about pay differences related to a protected characteristic and the causes of these differences
 - its arrangements for publishing relevant equality information that it holds and which it considers appropriate to publish
 - its arrangements for:
 - assessing the likely impact on protected groups of any policies and practices that an authority is proposing, reviewing or revising
 - monitoring their actual and ongoing impact
 - publishing reports where an assessment shows a substantial impact (or likely impact) on an authority's ability to meet the general duty
 - details of how an authority will promote knowledge and understanding of the general and specific duties among employees, including through performance assessment procedures to identify and address training needs
 - an action plan relating to gender pay objectives (see "Gender pay differences" above)
- It is open to an authority to include in its Strategic Equality Plan any other information relevant to meeting its general duty.

Branches and Local Associations may wish to suggest that the Institution has a strategic equality plan with an accompanying equality objectives action plan.



What are equality objectives?

A public body is required to set an equality objective in relation to each of the protected groups or publish its reasons for not doing so. It will be helpful to ask the following questions in relation to each of the protected groups:

- Have all three aims of the general duty been considered (that is, to eliminate discrimination/harassment, advance equality and foster good relations) in relation to the protected groups?
- Is there a focus on the key issues affecting the different protected groups and the steps that can most effectively address disadvantage experienced by them?

A public body must identify:

- the steps it is taking or intends to take to achieve each of the objectives
- how long it expects to take to fulfil each objective, and
- how it will monitor progress towards each objective.

Objectives should be outcome-focused. Specific improvements in outcomes for employees and service users should be identified, specifying clearly how these will be achieved.

Many of the barriers facing protected groups are long-standing and entrenched and it will take some time to fully address these. To achieve long-term fundamental change it may be necessary to maintain the same objective for a significant period.

To achieve the aims of the duty, the objectives need to focus on the most significant equality issues and be sufficiently wide in scope. In order to meet the duty, the objectives must be based on adequate information and proper engagement.

A key purpose of setting equality objectives is to drive better outcomes for people with protected characteristics. It is important that care is taken to ensure that objectives are drafted to be specific, measurable, realistic and achievable within a clear timeframe.





How do you determine the equality objectives?

Any kind of objective needs to be SMART:

Specific
Measurable
Achievable
Realistic
Timely

Specific

Specific means that the objective is concrete, detailed, focused and well defined. That is the objective is straightforward, emphasizes action and the required outcome. Objectives must communicate what you would like to see happen.

Achievable

Objectives need to be achievable, if the objective is too far in the future, you'll find it difficult to keep people motivated over the long term. Objectives must be achievable to keep you motivated. However, keeping a good balance is important, whilst being obtainable, objectives still need to stretch you, but not so far that you become frustrated and lose motivation.

Realistic

Objectives that are achievable may not be realistic. That being said, realistic does not mean easy. Realistic means that you have the resources necessary to get the job done. The achievement of an objective requires resources, such as, people, money, skills, equipment and knowledge required to support the tasks required to achieve the objective. Most objectives are achievable but, may require a change in your priorities to make them happen.

Measurable

If the objective is measurable, it means that the measurement source is identified and we are able to track the results of our actions, as we progress towards achieving the objective.


Time-Bound

Time-bound means setting deadlines for the achievement of the objective. Deadlines create an all important sense of urgency. If you don't set a deadline, you will reduce the motivation and urgency required to execute tasks. Deadlines create the necessary focus, helps set priority and prompt action.

Example from Every Town University - Setting objectives*Protected Characteristic: Sex*

Objective: To encourage women to consider applying for senior posts

The objective is **specific**-
Everyone involved knows who is
involved; the objective is clear and
free from jargon



Action	Reason for action	Time Scale	Success Measures	Responsible faculties/ departments
Embed the gender element of the Women in Universities Mentoring Scheme into the internal mentoring scheme	Reports on low numbers of women in senior positions (EHRC Sex & Power 2011). Mentoring schemes aimed at encouraging women it aim for senior posts are considered best practice	June 2012 Review in 4yrs	More women represented at a senior level More women going through promotions process More women successful in promotion Information provided to Equality Committee	Human Resources Having a deadline or timescale makes the objective timely

Objective is **achievable**, it has been achieved elsewhere and the necessary resources are available

The objective is **realistic** having regard to human resources/time/money and opportunity

Objective is **measurable**; you will know when the objective has been **achieved** because there is evidence.

It is noted where the success will be recorded



What else are Universities and Colleges required to do the strategic equality plan?

Public bodies must outline how the Institution will assess the likely impact of proposed and reviewed policies and practices on its ability to comply with the general duty (regulation 8).

According to the Equality Challenge Unit's (ECU) guidance on the public sector duties, this will involve assessing the impact on people who share protected characteristics. The regulations do not prescribe what these arrangements should be. Institutions can be flexible in their approach, as different types of policies and practices may require different approaches.

Where a particular policy or practice is found to have a discriminatory impact on a protected group, institutions can explore alternative policies or practices or justify their actions within the constraints of the law. ECU recommends that HEIs record and justify actions and decisions taken during the assessment.

HEIs must publish reports of assessments where the assessment shows that there is likely to be a substantial impact on its ability to comply with the general duty (regulation 8).

The reports must set out:

- the purpose of the policy or practice being assessed
- a summary of the steps taken to assess the likely impact
- a summary of the evidence (for example, in the form of statistical data and research findings) considered as part of the assessment process
- the results of the assessment
- any decisions taken following the assessment

The regulations do not specify when to publish reports of assessments. ECU recommends that the findings from and actions taken as a result of assessments are published as soon as possible. In addition, Institutions should consider making information available during the process of the assessment to enable relevant people to effectively engage with the assessment and ensure it influences how things are done.

Information for UCU Wales members on equality impact assessments can be found at:

<http://www.ucu.org.uk/index.cfm?articleid=5160>



What about the reporting requirements?

Public bodies must publish an annual report (regulation 16). The first report must be published no later than 31 March 2013, covering the period 6 April 2011 to 31 March 2012.

The annual report must contain progress statements including:

- the steps taken to identify and collect relevant information
- how the HEI has used the information
- the reasons for not collecting any relevant information that it has identified but does not hold
- the progress that HEI has made to fulfill each of its equality objectives
- a statement about the effectiveness of the arrangements for identifying and collecting relevant information and the steps taken to fulfill each of its equality objectives
- employment information (unless already done so)

The report may be published as a standalone document, as part of another published document or within a number of other published documents.

The first report must be published no later than 31 March 2013, covering the period 6 April 2011 to 31 March 2012. The second report should be published no later than the 31 March 2014 for the period 1 April 2012 to 31 March 2013.

Each report must be published no later than the 31 March following the year in which the reporting period ends. The reporting period runs from 1 April to 31 March each year.



Key Publishing dates:

Publishing requirement	Date
Employment information	No later than 31 March 2013, then no later than 31 March of the year following the year that the reporting period ends
Other relevant equality information, including pay information	No later than 2 April 2012, and then to ensure relevant equality objectives can be set and reviewed
Identification of relevant information, including pay information	No later than 2 April 2012, and then to ensure relevant equality objectives can be set and reviewed
Assessing the impact of policies and practices	From 5 April 2011
Strategic equality plan (including gender pay difference action plan)	No later than 2 April 2012, then review equality objectives at least every 4 years
Annual report on compliance with the duty	No later than 31 March 2013, then no later than 31 March of the year following the year that the reporting period ends

Further information on the Public Sector Equality Duties can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/>

<http://www.ecu.ac.uk/publications/the-public-sector-equality-duty-specific-duties-for-wales>

www.ucu.org.uk

Branches and Local Associations can also contact:

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