



Implementing the public sector equality duty

A toolkit for UCU branches

September 2015

The public sector equality duty

The public sector equality duty came into force on 5 April 2011 and is supported by specific duties.

Although the equality duty applies to England, Scotland and Wales, Scotland and Wales are able to set their own specific duties.

The equality duty does not apply to Northern Ireland. Northern Ireland has separate legislation. Information is available on the UCU website.

The information on undertaking equality impact assessments will support all nations in progressing equality.

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Introduction

As you will know your employers were previously subject to three separate equality duties relating to race, disability and gender equality. Each was underpinned by further duties in secondary legislation (specific duties) with different features, timescales and reporting requirements.

Section 149 of the Equality Act 2010 consolidates and harmonises the race, gender and disability duties into one and has extended coverage of the duty to age, gender reassignment, religion or belief, pregnancy and maternity, and sexual orientation.

The duty covers:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

There is now one set of general and specific duties for your institution to follow.

UCU has expressed its concern along with all trade unions, on the dilution of the duty. The regulations are silent on consultation with trade unions, the requirement to undertake equality impact assessments and to produce a single equality scheme.

UCU believes that if employers are serious about equality, they will continue to do the above to demonstrate their commitment to progressing equality. This updated guidance explains the duty, the requirements and how branches can use the new duty to ensure fair and just workplaces.

The UCU Equality Committee are keen to know how branches are using the new duty, the response from employers and receive examples of good and poor practice. Please send your experiences and any agreement to Helen Carr, Head of Equality hcarr@ucu.org.uk.

1 Why the positive duty is important for UCU members

Challenging unfairness and discrimination at work is a core concern for UCU members. Further and higher education are both rife with inequality and unfair treatment. UCU branches and local reps work hard to protect individual members when they are affected and it is a constant challenge to prevent unfairness and discrimination happening in the first place.

As many reps and members know, even when we work really hard to defend an individual member who has been treated unfairly, it is hard to win, and even those who ‘win’ often suffer damage to their careers or self confidence.

The public sector equality duty can be used to help prevent unfairness and discrimination. For example:

- If an employer wants to make staff redundant they have to be able to demonstrate they have considered the equality implications and sought to make the process as fair as possible – with the added bonus of giving UCU reps more time to challenge the redundancy itself.
- Before an employer tries to impose a new pay system – say with a discretionary element – conducting an impact assessment will identify what the possible discriminatory impact might be – again giving UCU reps more time to challenge the proposal and ensure any final scheme is as fair as possible.
- UCU branches can use the duty to demand equal pay audits.

- If an employer moves departments, closes sites, or changes working patterns significantly (say to increase weekend or evening working), they could carry out an impact assessment to see how disabled staff, or staff with family responsibilities are affected and take measures to address concerns raised.
- If an employer tries to change a staff sickness policy ask, in advance, whether any proposals could discriminate, for example, against female or disabled staff.
- If fewer women are being promoted than men UCU can demand to know what steps are being taken to create a level playing field.
- Where female and black and minority ethnic staff are disproportionately on hourly-paid or fixed-term staff contracts, UCU can demand to see the statistics and ask what is going to be done to ensure such staff do not face discrimination.
- If black and ethnic minority staff believe they face more disciplinary action than other staff, UCU can insist on seeing the statistics and insisting on a review of the policy.

What’s more, the duty can apply to students so there is considerable opportunity for UCU branches to make common cause with students over, for example, poorly designed buildings or the activities of racist groups on campus.

Fairness in all aspects of education employment is not only good for those facing discrimination; it helps create fair and transparent appointment systems for all staff, and helps ensure students get the best lecturers on merit, not on whether their face fits.

The duty remains a powerful, collective tool for UCU branches. It can help prevent many

of the individual grievances and disciplinary cases which soak up branch time and are often frustrating for members and reps alike. Branches have been successful in using the old duties so just think 'business as usual', build on your experience and expertise and continue to be proactive with the new duty.

2 Legal requirements

- The public sector equality **general duty** applies to all colleges and universities in England, Scotland and Wales. Scotland and Wales have their own **specific duties**.
- The general duty also applies to contractors who are in the process of 'exercising public functions'. This means that private companies, charities, social enterprises and other voluntary organisations delivering public services must give 'due regard' to the general duty. Staff involved in commissioning and procurement need to have a good understanding of the equality duty.

THE GENERAL DUTY

The equality duty has three main aims. It requires public bodies to have 'due regard' to:

- **eliminate** unlawful discrimination, harassment, victimization and any other conduct prohibited by the Act
- **advance** equality of opportunity between people who share a protected characteristic and people who do not share it, and
- **foster** good relations between people who share a protected characteristic and people who do not share it.

The third of these three aspects is new and should have important implications in the workplace.

Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. Public authorities are not required to promote equal opportunities or foster good relations for this characteristic.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision making. This means that consideration of equality issues must influence the decisions reached by institutions such as how they act as employers, how they develop, evaluate and review policy or how they design services. Undertaking equality impact assessments is an excellent tool for demonstrating due regard.

Remember: the general duty is a positive duty and your employer should be moving beyond compliance to actively promoting and using the general duty.

THE SPECIFIC DUTIES (ENGLAND)

The specific duties regulations are intended to support institutions to meet the requirements of the public sector equality duty. They are specific actions which public authorities need to do to comply.

There are three steps to the specific duties:

- 1 information analysis
- 2 equality objectives
- 3 publication

The specific duties regulations will require institutions to publish:

- one or more equality objectives by 6 April 2012, and thereafter at least every four years. Equality objectives must be specific and measurable

- information to demonstrate their compliance with the equality duty by 31 January 2012 and thereafter, at least annually.

Key areas for collective bargaining are:

- deciding equality objectives
- ensuring equality impact assessments remain the tool for demonstrating 'due regard'
- jointly assessing policies and functions
- being consulted on monitoring information and to be involved in any review.

Although the specific regulations in England do not specify undertaking an equality impact assessment, institutions must

'... under the requirements of the general duty to have 'due regard' to the matters set out in the Act, public bodies will need to understand the effect of their policies and practices on equality – this will involve looking at evidence, engaging with people, staff, service users and others and considering the effect of what they do on the whole community.'

(Government policy review paper *Equality Act 2010: The public sector equality duty: reducing bureaucracy*)

SPECIFIC DUTIES (SCOTLAND)

The specific equality duties for Scotland came into force on the 27 May 2012 and the Equality and Human Rights Commission has published guidance to support Scottish public authorities subject to the specific equality duties. Public authorities subject to the specific equality duties are required to:

- report on mainstreaming the equality duty
- publish equality outcomes and report progress
- assess and review policies and practices
- gather and use employee information

- publish gender pay gap information
- publish statements on equal pay
- consider award criteria and conditions in relation to public procurement
- publish required information in a manner that is accessible.

The specific equality duty to assess and review policies and practices requires a university to assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty.

In carrying out the assessment institutions must consider relevant evidence relating to people who share a protected characteristic (as in, for example, evidence from a disabled peoples' organisations). Institutions must publish the outcome of each assessment where they decide to apply the policy or practice in question.

Institutions are required to publish equality information in a way that is accessible and where possible to use existing public reporting mechanisms such as annual reports.

Ideally members of the public should be able to access information easily via public authorities websites and be able to request alternative formats if required.

Institutions should have published the following by 30 April 2013:

- a mainstreaming report (which includes employee information)
- equality outcomes, prepared using involvement and evidence
- gender pay gap information
- a statement on equal pay and occupational segregation in relation to gender

Two years after first reporting, a listed authority is required to publish:

- a mainstreaming report (which includes employee information)
- a report on progress towards achieving equality outcomes
- gender pay gap information.

31 December 2015 – by this date Scottish Ministers must publish a report on progress in relation to the activity proposed by Ministers in 2013.

SPECIFIC DUTIES (WALES)

The focus of the specific duties is to deliver positive outcomes through evidence based equality objectives, developed with the engagement of the people affected by the objectives, and after relevant information has been collected and analysed. There are further duties for Welsh ministers to report compliance with the general duty.

To meet the specific duties Welsh institutions will need to:

- create an evidence base relevant to their functions
- engage staff, students and other people
- assess the impact of policies and practices
- develop pay difference objectives
- develop equality objectives
- report on compliance with the duty
- embed equality into all functions.

UCU Wales has produced a toolkit on the Welsh duty which is available on the UCU website.

DUE REGARD

These principles developed through case law and used by the government Equality Office must be considered by public bodies to show due regard.

Knowledge: Those who exercise the public body's function need to be aware of the requirements of the equality duty. Compliance with the equality duty requires a conscious approach.

Timeliness: The equality duty must be complied with before and at the time a particular policy is under consideration or decision is taken. A public body cannot satisfy the equality duty by justifying a decision after it has been taken.

No delegation: Public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the equality duty; are required to comply with it and that they do so in practice.

Sufficient information: The decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the equality duty.

Real consideration: Consideration of the three aims of the equality duty must form an integral part of the decision-making process. The equality duty is not a matter of box-ticking; it must be exercised in substance with rigour and with an open mind.

Review: Public bodies must have due regard to the aims of the equality duty, not only when a policy is developed and decided upon but also when it is implemented and reviewed. The equality duty is a continuing duty.

Undertaking an equality impact assessment is the best way to demonstrate 'due regard' and branches should continue to demand their employers carry them out. Branches should keep a record of how decisions on service delivery or staffing are reached in their institution which will help identify good and poor compliance.

Remember:

- The duty arises before a decision is made or a proposal is adopted
- The decision maker must be aware of the requirements of the duty – check existing equality policies and schemes. Is there a commitment to undertake equality impact assessments (EIAs)?
- Actively seek to be consulted and engaged with the process.
- Where negative effects are identified, potential mitigation must be considered – seek reasons for any unwelcome decision. Community groups or individuals with sufficient interest in the decision can bring a challenge.
- The process of having due regard should be documented and transparent.

3

Three steps: information, objectives and publish

INFORMATION

Public authorities have to demonstrate compliance with the duty by publishing information. The information must cover employees if there are more than 150 staff. This will provide a basis for understanding what the effect of policies, practices and decisions have on different groups. It will help identify what steps need to be taken to advance equality and foster good relations. The information is to support the development of the objectives and provide the basis for the monitoring and reviewing of the objectives.

(Please note that in Scotland and Wales employers need to do significantly more to meet the duty).

The information should cover:

- the race, disability, gender, age breakdown and distribution of the workforce (grade, job/contract type, full- or part-time, occupation)
- indication of likely representation on sexual orientation and religion or belief provided that no individual can be identified as a result
- an indication of any issues for transsexual staff, based on consultation
- gender pay gap information.

Other information should include:

- success rate of job applicants
- take up of training opportunities
- applications for promotion and success rates
- applications for flexible working and success rate
- return to work rates after maternity leave
- numbers taking maternity, paternity and adoption leave
- grievance and dismissal
- other reasons for termination of employment such as redundancy and retirement
- length of service/time on pay grade
- pay gap information for other protected groups
- reported incidents of hate crime
- application and selection for submission to the REF (HE)

Your employer should cover all protected characteristics and can use the following ways to collect the information:

- national statistics
- staff satisfaction surveys
- HR records

- equal opportunities monitoring forms
- evidence of involvement, engagement and consultation
- equality impact assessments.

Sensitive information

If you work somewhere where employees are reluctant to disclose their sexual orientation, gender identity, disability or religion or belief, your employer will not be able to properly analyse equality issues in your workplace. UCU has guidance on disclosing a disability at work. To have confidence in disclosing, people need to know:

- why the information is being collected
- what it will be used for
- how privacy will be protected.

The **Gender Recognition Act 2004** provides, that where a person holds a gender recognition certificate, they must be treated according to their acquired gender and it is a criminal offence to disclose their status. A transsexual person may consent to disclosing the information but the consent must be explicit and not assumed.

Interpreting monitoring on **religion and belief** can be an issue as there will be varying levels of commitment for people who identify themselves as belonging to a particular religion. For instance there may be significant differences between someone who identifies themselves as Christian and a person to whom Christianity influences every aspect of their lives.

EQUALITY OBJECTIVES

Your employer must prepare and publish one or more specific and measurable objective/s that it thinks it should achieve to meet any of the three aims of the equality duty.

The revised regulations in England introduce much greater flexibility to the previous duties. The revised regulations simply require public

bodies to publish their equality objectives and information to demonstrate their compliance with the duty (this is a lesser requirement than the previous equality schemes). Although there is now no requirement to produce an equality scheme, it is a useful way to present equality information and for communicating the objectives.

Employers need to demonstrate that they have collected appropriate information in setting their objectives. This should not be a 'tick box' exercise but one where the employer reviews what information it holds and whether additional information is needed by undertaking equal pay audits or improving members confidence in monitoring. Monitoring the objectives will be key in holding the employer to account.

The college/university has to commit to the objectives which can be selected according to their own discretion, but which focus on the issues that have the greatest importance and impact on equality. The objectives should also be based on evidence and to make them effective, state what steps are to be taken to achieve them, listing who is responsible in particular areas. Branches should encourage their employer to include equality objectives on workforce issues.

The inclusion of additional protected characteristics such as sexual orientation and gender reassignment gives the branch an opportunity to progress issues that their employer may have disregarded as too challenging. This toolkit includes a model sexual orientation checklist. Branches can use this as a basis for developing checklists for any of the newly included characteristics.

The objectives need to be reviewed no later than four years after publication but public bodies do need to set out how progress against the objectives will be measured. Branches should monitor progress and challenge their employer when it is clear insufficient progress is being made.

Action

- Ensure your employer understands the equality issues facing your institution and the wider sector through consultation; get involved in the information gathering.
 - Influence the equalities objectives to be set.
 - Make sure the objectives are specific and measurable.
 - Make sure the objectives meet the requirements of the general duty.
 - Ensure the objectives are published and available to members.
 - Ensure that mechanisms are in place to measure progress.
 - Provide challenge when necessary and take part in any reviews.
- You can't find your institution's objectives or the information that evidenced the objectives.
 - Your institution has agreed objectives but it is unclear how trade unions have been involved or what influence this has had on the objectives.
 - You have been involved in the development of your institution's objective setting but you can't see what impact your involvement has had.
 - You think your institution's action plan does not include the right actions to remove discrimination and promote equality.
 - You think your institution has failed to give due regard to its general duty to promote equality.
 - Your institution is introducing a new policy or practice eg a redundancy process, and they do not appear to have paid due regard to the general duty before beginning the process.

WHERE TO PUBLISH

Your employer must publish the information and objectives in a place which is accessible to staff and the public.

Branches should be aware that, under the Data Protection Act, some of the information about the protected characteristics of staff and others will constitute 'sensitive data'. For example, it may be possible to identify individuals from monitoring analysis, or your information may point to a small group of people. This could affect their rights under the Data Protection Act.

CHALLENGING DECISIONS AND NON-COMPLIANCE

As a union member you might find that your college/university is not meeting the requirements under the general or specific duty to promote equality. If you think that your institution is not meeting its duty and you want clarification on this, you should write to them or raise the issue at any joint meetings. You may want to raise any of the following:

If you are not satisfied with the response you get to any of the above, take your enquiry to the next stage by initiating the institution's formal complaints procedure.

If you completely exhaust the formal complaints procedure of the institution and are still not satisfied with the progress in meeting the equality duty, you may wish to consider forwarding details of your initial complaint and all subsequent communications to the Equality and Human Rights Commission (EHRC) – the enforcement body for the equality duty. The EHRC will require copies of all correspondence. Information should only be forwarded to the EHRC if the above process has been followed, and exhausted.

The EHRC has statutory powers to enforce the duties:

- It can undertake assessments under section 31 of the Equality Act 2006, to assess to what extent a body has complied with the equality duty
- It can issue compliance notices in respect of failure to comply with the general equality duty or the specific duties. These notices require public authorities to provide information about how they will comply with the general or specific duties, including what steps they will take.
- It can intervene in legal proceedings related to the duty by providing the Court with expert advice to help the Court reach its decision.
- It can enter into a formal agreement with an organisation under section 23 of the Equality Act 2006 if it believes that they have breached the equality duty. A section 23 agreement usually includes developing and implementing an action plan to address any breach and prevent future breaches, and will require reports on progress on the action plan.

A public authority can also apply to the High Court for a judicial review.

The EHRC has provided up-to-date guidance and a statutory code of practice.

Appendix:

Model procedures

Impact assessments undertaking the equality analysis

As well as encouraging employers to undertake equality impact assessments, this model is a useful way for branches to gather evidence and identify areas of inequality to be challenged.

Public authorities are no longer required to follow any specific methodology or template to undertake equality analysis. The new duty does not include the requirement to undertake equality impact assessments and the new term is 'equality analysis'. It is UCU policy to push employers to continue to undertake equality impact assessments.

The EHRC, Association of Colleges and The Equality Challenge Unit (ECU) also suggests in its guidance that this method is one of the best and most reliable ways to show due regard. Case law from the previous duties indicates that impact assessments should be done before decisions are made. It is not just about setting the new objectives but showing due regard to furthering equality in all aspects of its policies and procedures. Below is a model procedure for undertaking an equality impact assessment.

WHAT IS AN IMPACT ASSESSMENT?

An impact assessment is the thorough and systematic analysis of a policy and/or practice

to ensure it is not discriminating against any particular group.

This means that any new or existing policy and/or practice must be analysed in detail.

The impact assessment process involves gathering information to see if a policy and/or practice has any direct or indirect discriminatory elements to it, consulting with relevant stakeholders and then adapting policies and practices as necessary.

An impact assessment is:

- a tool for delivering equality and ensuring no groups are disadvantaged by decisions or activities
- a key way of ensuring the college/university gives due regard to all aspects of equality
- part of good policy and service delivery arrangements
- a positive activity which should consider mitigations where negative impacts are identified.

WHAT SHOULD BE IMPACT ASSESSED?

All policies and practices can be impact assessed and should be subject to the prioritisation process. This includes both old

and new policies and policies existing at all levels – institution, faculty, school or department.

These will include policies and practices relating to:

- day-to-day practices
- learning and teaching
- research and knowledge transfer
- terms and conditions of employment
- grievance and disciplinary procedures
- management, monitoring and quality assurance
- information and ICT
- communications and public affairs
- estates and procurement
- health and safety
- partnerships and community links.

HOW CAN WE DO AN IMPACT ASSESSMENT?

Firstly, establish an impact assessment group consisting of senior management, relevant middle managers, trade unions, student council/union and people from all equality strands – age, disability, gender (including gender identity), race, religion or belief and sexual orientation).

This group should work with staff and students from the equality strands – probably through equality action groups or staff/student networks. (The people on the impact assessment group might be chairs/co-ordinators of these groups.)

- In these groups priorities for impact assessment can be identified from all policies and practices, existing and new (initial screening process, including step 1). An example of an initial screening form is provided with

this toolkit – see page 15.

- The impact assessment group should identify priorities for impact assessment drawn from the initial screening process, involving staff and students from the equality strands (step 2).
- The impact assessment group can then complete the pro-forma (see page 17), thereby producing an action plan (steps 3–6).
- Results of the impact assessment process should then be published (Step 7).

Stages of the impact assessment process

STAGE	ACTIVITY	FURTHER NOTES
Step one	Map all policies and practices	This should be carried out at both organisational and department level. Clearly, some policies and practices have a greater impact on equality than others. The aim of this preliminary mapping exercise is not to examine policies and practices in detail but to determine whether the particular policy or practice is of high, medium or low relevance. There will be need to be wide involvement of people identifying within equality strands at this point in determining priorities.
Step two	Screen to determine priority	Prioritisation will determine the order in which to assess and the amount of time and resources that should be allocated to the process. The example of an initial screening form (page 14) gives a list of possible policies that may be helpful in determining priorities.
Step three	Consider the evidence	Qualitative and quantitative information should be gathered.
Step four	Assess the impact	This stage is at the heart of the impact assessment process and involves systematically evaluating the policy or practice against all the information and evidence gathered.
Step five	Explore options and make decisions	This may involve revising or changing policy or practice.
Step six	Identify monitoring processes	Monitoring ensures that outcomes and changes are having the desired effect.
Step seven	Publish the results of the impact assessment process	

All new policies and practices should go through the same system so that impact can be identified.

For each policy or practice, the following information needs to be gathered (please also refer to the pro-forma on page 16):

- What is the purpose of the policy/practice?
- What are the objectives?
- Who was responsible for creating the policy/practice?
- Who is responsible for implementing it?
- Who are the people affected by the policy/practice?
- Is there any evidence that there are differing needs in relation to the policy/practice?
- Does this policy/practice contribute to or hinder equality in the university or college?

Example of an initial screening form

The form should list all the institution's policies and practices and, for each, the impact assessment group should determine whether there is a high, medium or low likelihood of disadvantaging particular groups. The list of

policies would need to be amended to reflect local policies and practices. A digital version of this form to fill in onscreen or print off can be found on the UCU website at:

www.ucu.org.uk/eqres

POLICY NAME	POLICY OWNERS	RELEVANCE/ LIKELIHOOD	GROUPS IDENTIFIED
Recruitment and selection policy			
Staff development policy			
Probationary policy			
Pay and grading structures			
Promotion policies			
Poor performance/capability procedures			
Disciplinary procedures			
Grievance procedures			
Equal opportunities policy			
Age policy			
Disability policy			
Gender policy			
Race equality policy			
Religion or belief policy			
Sexual orientation policy			
Absence policy			
Adoption policy			
Annual leave entitlement			
Appraisal policy			
Appointments procedure and guidance			
Conflicts of interest policy			
Contribution pay policy			
Determination of duties			
Exclusivity of service			
Expenses claims			

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POLICY NAME	POLICY OWNERS	RELEVANCE/ LIKELIHOOD	GROUPS IDENTIFIED
Facilities and recognition agreement			
Flexible working guidelines			
Gratuity payments for non-pensionable staff			
Harassment policy			
HIV and AIDS policy			
Home working – HR policy and guidance			
HR strategy			
Incremental progression for appointments			
Long service award			
Lone working – guidance notes			
Maternity leave plans and procedures			
Non-re-engagement of staff			
Overtime eligibility			
Paternity and parental leave provisions			
Patents and inventions			
Pension schemes			
Public interest disclosure			
Recruitment and retention payments			
Redundancy policy and procedures			
Re-engagement of retired staff			
References for staff and students			
Security policy			
Service level statement			
Severance payments			
Sick leave and sick pay			
Smoking policy			
Special leave			
Special payments			
Staff induction policy			
Student employment policy			
Study leave			
Time off for dependents			
Working time regulations			

Pro-forma for impact assessment

Name of policy/function being assessed

What evidence do you have for this?

Name of manager/ group carrying out the assessment

What are the risks associated with the policy in relation to the differential impact?

Has the initial screening process been carried out?

Yes No

Is this a new or existing policy/function?

New Existing

In what areas are there concerns that the policy/function could have a differential impact on equality groups.

What are the expected benefits of the policy?

What sort of concern is there that the policy/function could have a differential impact on other groups? Please give details

Which relevant experts of equality groups have been approached to explore these issues?
(Please give dates and details of contact)

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How have you gained the views of these experts/ groups (eg letter, meetings, interviews, forums, workshops, questionnaires or any other method)?

Please give details of the views of the experts/groups on the issues involved

Taking into account these views and the available evidence please outline the risks associated with the policy/ function weighed against the benefits

What changes/ modifications will now be made to the policy/ function in the light of this impact assessment? How will these be monitored to ensure improvements?

How will these changes/ modifications be communicated to interested parties (ie the groups which were adversely affected) and those consulted?

Date of completion of impact assessment

Signed (completing officer)

Job title

A pro-forma to be printed or completed electronically can be found on the UCU website at:

www.ucu.org.uk/media/docs/6/7/ucu_iaproforma.doc.

Sexual orientation equality checklist

This checklist can also be adapted in order to check progress on all the new groups to be covered by the equality duty.

In order to comply with the legislation and to move beyond it into the implementation of equality and diversity, the following questions can be asked of any institution. They follow a few principles: good policy-making and effective procedures in line with entitlements; effective organisation for LGB support; engagement with LGB people and communities; and prominence of sexual orientation equality within the organisation.

1 Entitlements

Does your institution offer survivor pension entitlement to same-sex partners of all staff?

Yes No Don't know

Does your institution offer bereavement, adoption and maternity/paternity leave to both married and civil partners?

Yes No Don't know

Does your institution offer bereavement, adoption and maternity/paternity leave to unmarried and unregistered partners?

Yes No Don't know

2 Policies and procedures

Does your institution have a written equality policy including discrimination on the grounds of sexual orientation?

Yes No Don't know

Are there supportive procedures for the reporting of harassment and bullying?

Yes No Don't know

Has your institution audited its policies and procedures to ensure compliance with the goods and services regulations?

Yes No Don't know

Does your institution ensure that policies against discrimination on the grounds of sexual orientation are complied with in the procurement process?

Yes No Don't know

Has your institution implemented The Joint Guidance on Sexual Orientation Equality? *(This was agreed in FE between the AOC and recognised unions. HE branches may wish to submit this to their employer as a model to be worked on).*

Yes No Don't know

3 Organising

Does your institution have a working group addressing sexual orientation?

Yes No Don't know

Does your institution have any officially recognised lesbian, gay and bisexual (LGBT) groups for staff?

Yes No Don't know

Does your institution have any officially recognised LGBT groups for students?

Yes No Don't know

Does your institution offer support to LGBT staff and students other than an LGBT staff/student group?

Yes No Don't know

If yes, please give details:

4 Engagement

Is your officially recognised LGBT staff group routinely involved in discussions on employment rights, benefits and development?

Yes No Don't know

Is your officially recognised LGBT student group routinely involved in discussions on employment rights, benefits and development?

Yes No Don't know

Does your institution carry out regular comprehensive attitude surveys for staff that can be broken down by sexual orientation?

Yes No Don't know

Does your institution carry out regular comprehensive attitude surveys for students that can be broken down by sexual orientation?

Yes No Don't know

In the past year, has your institution recruited staff or advertised its products or services in any UK LGBT media?

Yes No Don't know

Does your institution monitor for sexual orientation equality?

Yes No Don't know

If yes, please give details:

Does your institution monitor for sexual orientation of students at application stage?

Yes No Don't know

Does your institution monitor sexual orientation in surveys of staff?

Yes No Don't know

Does your institution monitor sexual orientation in surveys of students?

Yes No Don't know

Does it monitor for LGBT in the following:

Promotion? Yes No Don't know

Training? Yes No Don't know

Grievance and disciplinary procedures?

Yes No Don't know

Complaints procedures?

Yes No Don't know

Procedures for leavers?

Yes No Don't know

Does your institution include sexual orientation in environmental impact assessments?

Yes No Don't know

Are there other ways in which your institution monitors for sexual orientation? If yes, please give details:

In the past year has your institution sponsored, or otherwise supported a UK lesbian, gay, bisexual community organisation or event?

Yes No Don't know

Does your institution engage with sexual orientation issues in other ways?

Yes No Don't know

If yes, please give details:

5 Prominence

Does your institution provide diversity awareness training that specifically mentions or refers to 'sexual orientation'?

Yes No Don't know

If yes, is this training mandatory for all staff?

Yes No Don't know

Has your institution had an employment tribunal hearing against them that included a complaint on the grounds of sexual orientation in the last 12 months?

Yes No Don't know

Are there any openly lesbian, gay, or bisexual members of your institution's senior management team?

Yes No Don't know

At what level in the structure of the institution is your lead person for sexual orientation equality?

Senior manager Middle manager

Don't know

The sexual orientation equality checklist above can be downloaded as a separate Word document from the website at www.ucu.org.uk/eqres

Equality duty checklist

The following can be useful in assessing the extent of good practice within the employment aspects of the equality duty at your institution, and can be found on the website at www.ucu.org.uk/eqres

Does your college/university have an equality committee/forum with trade union representation?

Yes No

Has your college/university published information and objectives and can it justify its priorities?

Yes No

Has it made sufficient progress on gathering information on all the equality groups?

Yes No

Were trade unions and staff members from the appropriate groups actively consulted?

Yes No

Do all members of staff have access to the information and objectives (eg in hard copy and/or via the intranet)?

Yes No

Does the college/university monitor the workforce by all the protected characteristics?

Yes No

Has the college/university produced a clear procedure for analysing policies and procedures (ie equality impact assessments) and were trade unions involved in drawing this up?

Yes No

Whenever a new policy or practice is introduced, does the college/university conduct an impact assessment?

Yes No

If 'yes', are the trade unions involved?

Yes No

Does the college/university make clear how and when it will publish the results of staff monitoring and of equality impact assessments?

Yes No

Do the action plans make clear what steps will be taken, and when, to remove any disadvantages revealed by monitoring or impact assessment, particularly in relation to equal pay?

Yes No

Have all staff received training during work time on the implementation of the equality duty?

Yes No

Are there clear plans to publish an annual report on the equality duty?

Yes No

Further resources

GENERAL

UCU equality web pages

www.ucu.org.uk/equality

FURTHER EDUCATION

Guidance agreed between the Association of Colleges, Association for College Management and FE trade unions:

Equality in FE (England and Wales)

www.ucu.org.uk/eqres

HIGHER EDUCATION

Guidance from the Joint Negotiating Committee for Higher Education Staff (JNCHES)

JNCHES guidance on carrying out equal pay reviews www.ucu.org.uk/eqres

The Equality Challenge Unit www.ecu.ac.uk/

