



University and College Union

‘Further, higher, better’

**Submission to the government’s
second Comprehensive Spending
Review**

Section 31

31 Equal opportunities

The Independent Review of Higher Education Pay and Conditions, chaired by Sir Michael Bett (1999), drew attention to gender inequalities in higher education. The 1999 report, 'Ethnicity and employment in higher education', published by the Policy Studies Institute, found evidence that ethnic minority staff were disadvantaged.

In 2000 the Commission for Black Staff in Further Education investigated the reasons for the under-representation of black and minority ethnic staff at all levels in the sector, and made a number of important recommendations to improve the number and conditions of BME staff.

The 2006 FE White Paper said: 'Sir Andrew Foster rightly identified that there is more to be done to address the current lack of diversity within the workforce. Too many minority groups continue to be under-represented, especially at senior levels, and face barriers to progression in the sector.'¹⁶⁸ To tackle these problems, the Centre for Excellence in Leadership will be working to progress under-represented groups in leadership positions. The DfES says it will review the diversity of the workforce to ensure that legal obligations are met and to actively promote equality and diversity. The DfES will be asking Lifelong Learning UK to assess annually the workforce diversity profile.

The section of this report on staffing highlights the under-representation of BME staff in a number of areas in further and higher education. BME academics in higher education are under-represented on senior academic grades compared with the proportion of BME academic staff overall. In 2003-4, only 4% of professors in the pre-1992 sector were BME staff. BME academics earn less on average than their white colleagues, and are less likely to be awarded discretionary pay.

ECU

The Equality Challenge Unit (ECU) was established in 2000, following an extensive consultation across the higher education sector about how to advance equal opportunities. The ECU is funded by the UK's higher education funding bodies and the two institutional representative bodies (Universities UK and SCOP). The ECU has primarily delivered an advisory and representation role for the sector in the past five years. While this is a useful focal point, the Unit should now place a greater emphasis on challenging the sector to take action and deliver equality for staff.

JNCHES

Through the Joint Negotiating Committee for Higher Education Staff (JNCHES), a range of advice and guidance on equalities issues has been provided to the sector. This includes:

- Equal Pay Reviews: guidance for Higher Education Institutions, March 2002;
- Partnership for Equality: Action for Higher Education, February 2003;
- Work-life balance, July 2003;
- Race Equality – Communication and Consultation Report and Toolkit for Higher Education.

Despite these initiatives, there has been a widespread failure in the sector to implement the recommendations in the guidance; the gender and ethnicity pay gaps remain shockingly wide.

We believe that without mandatory equal pay reviews there will be no change. The HE sector provides an instructive example. In March 2002, all institutions and trade unions signed up to sector-wide guidance on equal pay reviews. JNCHES guidance was produced in line with good practice recommended by the Equal Opportunities Commission. It set out a three-step approach which entails: stage one: analysis (equality check); stage two: diagnosis (pay review); stage three: action.

However, there has been a failure to implement the guidance, and very few institutions have carried out full equal pay audits jointly with trade unions since March 2002. Under the Freedom of Information Act, the AUT wrote to all HE institutions which had indicated they had undertaken an equal pay review in July 2005, requesting disclosure of equal pay review results. Only five had carried out basic or pilot reviews, some of which were prior to March 2002.

Introduction of the public sector duties

Further and higher education institutions have been very slow to respond to the new duties to promote equality introduced in the Race Relations (Amendment) Act 2000. In many institutions this has resulted in little more than a paper exercise, with a focus on processes rather than outcomes. Impact assessments of key policies and procedures are still not regularly taking place and there has been a lack of engagement with the key stakeholders: black and minority ethnic staff, and trade union representatives.

The Learning and Skills Council has failed to provide adequate monitoring data in the further education sector, an omission which appears to breach its duties under the RR(A)A. We are concerned that the failure to understand and act upon the positive duty within the RR(A)A will be reflected in how institutions implement the forthcoming duties on disability and gender.

We believe the public sector duties should be extended to all equality areas. This would, for example, be a key tool in promoting equality on the grounds of sexual orientation and begin to tackle the endemic problem of homophobic bullying in colleges.

How the duty will be enforced and how public bodies will be made to comply with them will be crucial to the legislation's effectiveness, and the speed of its implementation. Compliance should be measured on actions and outcomes.

There needs to be a strategic approach based on enforceable duties that prompt strategic priorities and coordinated action.

Age

The introduction of the age regulations in October 2006 will have implications for further and higher education institutions if the culture shift envisaged by the government is to be brought about. We would support resources being allocated for sector specific training, and statutory codes of practice, to ensure age discrimination is eradicated in our colleges and universities.

Comment

There have been a number of major initiatives and reports over the past ten years which have concluded that more action is needed in the further and higher education sectors to achieve equality of opportunity in employment practices. We welcome the commitment of the 2006 FE White Paper to 'promote greater equality and a more diverse workforce'. We are all aware that more needs to be done.

To promote equality of opportunity in further and higher education, we call for:

- a commission in higher education to consider the position of BME staff in the sector;
- a similar body in further education to higher education's Equality Challenge Unit, with equal levels of resource, to take forward the significant challenges facing the sector;
- mandatory pay reviews to implement equality legislation and guidance in further and higher education sector;
- a substantial improvement in the monitoring data provided by the Learning and Skills Council to meet the requirements of the positive duty legislation in respect of race, disability and gender;
- improvements by the Higher Education Statistics Agency in the quality of its data coverage;
- an urgent and critical assessment of institutional practice in relation to impact assessments under the Race Relations (Amendment) Act 2000, to ensure lessons are learned when implementing the Disability Equality Duty from December 2006, and the Gender Equality Duty from April 2007.