



# Putting equality **in the frame**

An AUT and NATFHE campaign toolkit



**NATFHE**  
The University & College  
Lecturers' Union



THE HIGHER EDUCATION UNION

# TOOLKIT CONTENTS

## Introduction

ii

## How to use this toolkit

iii

1	PUTTING EQUALITY IN THE FRAME	1	3	DELIVERING ON EQUALITY AND THE FRAMEWORK AGREEMENT	23
i)	Equal pay – a union issue	1	i)	Delivering on equal pay	23
ii)	What is equal pay?	2	ii)	Communication and consultation	23
iii)	The causes of unequal pay	4	iii)	Negotiating on equality and the Framework Agreement	24
iv)	Equality and the Framework Agreement	6	iv)	Campaigning on equality and the Framework Agreement	26
2	CLOSING THE PAY GAPS	13	v)	Taking forward the campaign	28
ii)	Introduction	13	4	FURTHER RESOURCES AND INFORMATION	29
i)	Equalities legislation	13	5	EQUAL PAY IN HE – THE FACTS	
iii)	Equal pay reviews	15		Gender pay gap in UK HEIs	31
iv)	Conducting an equal pay review	16		Race and ethnicity pay gap in UK HEIs	36
v)	Impact assessment	18			
vi)	Conducting an impact assessment	19			

## INTRODUCTION

The Higher Education sector is currently undergoing the biggest restructuring of pay and grading for a generation through the implementation of the Framework Agreement for the modernisation of pay structures. AUT and NATFHE believe that this gives us a unique opportunity to tackle the long-standing causes of pay discrimination and the gender, race and disability pay gaps in higher education. We now have a chance of ensuring that equal pay for equal work is finally made a reality for all those who work in the sector.

In order to do this, it is crucial that equality is placed at the heart of the implementation of the Framework Agreement. New pay structures will only be truly modern if their introduction tackles existing inequality and helps prevent future inequality. If we fail to act now we may only further embed discriminatory pay practices in higher education.

We believe the campaign for equal pay is of interest to all our members. While the gender pay gap is the most well known, many of our members also face pay discrimination on the basis of other equality factors such as their race, disability, sexual orientation, religion or belief, contractual terms and age. Furthermore, equal pay benefits all staff in the long term as all staff will benefit from a transparent, consistent and fair system for pay and grading.

For too long, Higher Education Institutions (HEIs) have shirked away from tackling the problems of unequal pay. It is

simply unacceptable for them to do so anymore. The Framework Agreement which was agreed by employers and unions in April 2004 stated that its aim was 'to foster more equal opportunities and to ensure delivery of equal pay for equal value'. We now want employers to act on that commitment and take action to ensure that the new pay and grading structures being introduced are indeed checked for their impact on all forms of inequality.

There are several ways HEIs can do this. In 2002, the Joint Negotiating Committee for Higher Education Staff (JNCHES) developed guidance for carrying out Equal Pay Reviews. Moreover, employers have a duty to conduct race impact assessments under the *Race Relations (Amendment) Act 2000* (RR(A)A) which means that HEIs are now legally required to assess the impact of all their policies and practices on the grounds of race.

This guidance from AUT and NATFHE is intended to ensure that both locally and nationally the implementation of the Framework Agreement results in fairer and more equitable pay for all our members.

We hope you will join us in the campaign to ensure that we **put equality in the frame.**

**Sally Hunt & Paul Mackney**

SEPTEMBER 2005

# HOW TO USE THIS TOOLKIT

This toolkit provides practical guidance for AUT and NATFHE activists, campaigners and negotiators on the equality impact of the Framework Agreement. The flow chart on page iv acts as a quick reference point for finding the information you need quickly.

The toolkit is in five sections:

## Section 1 – Putting equality in the frame

This section outlines:

- Why equal pay is an important issue for trade unionists
- How equal pay is defined, its nature and its causes
- The equality implications of the Framework Agreement

## Section 2 – Closing the pay gaps

This section outlines:

- The relevant equalities legislation and how it can help tackle pay gaps
- Equal pay reviews: what they are and how to conduct them
- Impact Assessments: what they are and how to conduct them

## Section 3 – Delivering on equal pay

This section outlines:

- The importance of communication and consultation with members
- How to campaign on equal pay
- How to negotiate on equal pay
- How to take the issue of equal pay forward

## Section 4 – Further resources and information

This section gives details of

- Guidance that has been produced on equal pay related issues
- Organisations that can provide assistance in campaigning and negotiating on equal pay

## Section 5 – Equal Pay in HE: the facts

This section is an extract from the AUT publication, *The Diverse Academy* and analyses the recent HESA statistics by gender, ethnicity and disability presenting a shocking picture of inequality in HE.

## If you:

ARE NEGOTIATING THE  
FRAMEWORK AGREEMENT

ARE THINKING OF CAMPAIGNING  
MORE GENERALLY ON EQUAL PAY

WANT TO KNOW ABOUT  
THE NATURE AND CAUSES OF EQUAL PAY AND  
DISCRIMINATION IN PAY

WANT TO KNOW MORE ABOUT  
THE EQUALITIES LEGISLATION  
COVERING EQUAL PAY

WANT TO KNOW MORE ABOUT  
EQUAL PAY REVIEWS AND HOW THEY  
SHOULD BE CONDUCTED

WANT TO KNOW MORE ABOUT  
IMPACT ASSESSMENTS AND HOW THEY  
SHOULD BE CONDUCTED

## ...visit these sections of the toolkit

- Equality and the Framework Agreement on page 6
- Negotiating on equality and the Framework Agreement on page 24
- Equal pay – a union issue on page 1
- Delivering on equal pay on page 23
- Campaigning on equality and the Framework Agreement on page 26
- What is equal pay on page 2
- Negotiating on equality and the Framework Agreement on page 24
- Equalities legislation on page 13
- Equal pay reviews on page 15
- Impact assessments on page 18

## i) EQUAL PAY – A UNION ISSUE

This toolkit is written for AUT and NATFHE activists and members to help you campaign and negotiate on equal pay issues. Its purpose is to ensure that equality becomes integral to the implementation of the Framework Agreement at a local level and that HEIs carry out equal pay reviews and impact assessments in line with JNCHES guidance and legislative requirements.

The Putting Equality in the Frame campaign complements the hard work already being carried out at a local level to implement the Framework Agreement and should ensure that we are representing and taking up equality issues that affect all our membership.

**AUT and NATFHE believe that equal pay is an issue that must be tackled collectively.**

While we will continue to support individual cases and members in their struggles for pay parity, we believe that embedded structural inequalities can only be effectively challenged by collective action. This means our unions have a responsibility to take up the issue of equal pay and negotiate on it at a local and national level.

In any case, all unions are under a legal duty to ensure they provide services to members in a non-discriminatory way. This means that AUT, NATFHE and their local branches have a responsibility to do their best for members irrespective of members' gender, race, disability, sexual orientation or religion or belief. Bringing equality issues to the negotiating table is the most effective way of ensuring that the interests of all members are highlighted.

AUT and NATFHE want to end the scandal of unequal pay in higher education.

This will only be achieved if all HEIs:

- Carry out regular equal pay reviews in line with the JNCHES guidance
- Carry out impact assessments of the introduction of new pay arrangements in line with legislative requirements
- Begin to plan now for the introduction of the positive duties for gender and disability
- Review carefully all the mechanisms which currently create occupational segregation and discrimination which can often underpin unequal pay
- Take steps to ensure compliance with legislation prohibiting discrimination on the grounds of part time or fixed-term contractual status.

Nationally AUT and NATFHE are lobbying the government for the statutory provision of mandatory equal pay reviews. We will also be running a series of regional workshops on equal pay and will be closely monitoring the progress of HEIs over the next 12 months.

## Section 1 Putting equality in the frame



## ii) WHAT IS EQUAL PAY?

Legally 'equal pay' encompasses much more than salary and wages. It also includes bonuses, pay rises, benefits, allowances, shift premia, sick pay, severance pay, performance-related pay, holiday entitlements, maternity pay and occupational pensions.

In the UK we have had equal pay legislation for 35 years since the *Equal Pay Act 1970* was introduced. This focussed on the gender pay gap (which is the most clearly evidenced pay gap) but has failed to make substantial inroads to end it. The gender pay gap nationally currently stands at 18% of male earnings for full-time working women and a scandalous 43% for part time working women.<sup>1</sup>

Equal pay has traditionally been seen as a gender pay gap issue. In this context equal pay means ensuring that women receive the same level of pay as their male colleagues for undertaking like work, work rated as equivalent or work of equal value.

### Definitions

- Like work – work which is the same or broadly similar
- Work rated as equivalent – work which has the same or similar number of points under a job evaluation scheme
- Equal value – work which is of broadly equal value to an institution.

But the pay gap isn't just a gender problem. Last year the government's Ethnic Minority Employment Task Force which was made up of representatives from the Commission for

Racial Equality, TUC and CBI revealed shocking figures that showed a 'black pay gap' also exists with people from a black and minority ethnic (BME) background. The taskforce found that BME employees earn an average 7% less than their white counter-parts although research from other agencies places it much higher.<sup>2</sup>

In addition, recent analysis of *Labour Force Survey* reports by the Low Pay Commission has highlighted a 15% pay gap between disabled and non disabled workers nationally in the UK in 2004.<sup>3</sup>

While there are no statistics for discrimination in pay specifically on the basis of religion or belief or sexual orientation, there is widespread and acknowledged discrimination in practice against members from these groups. This discrimination manifests itself in a variety of ways from the application of stereotypes, subtle forms of exclusion in the workplace, to verbal abuse or physical attacks. These patterns of discrimination can result in barriers to career progression which can produce a pay gap.

Although members from particular groups may face the brunt of the discriminatory effects of unequal pay it is also important to remember that equal pay is an issue that has the potential to affect all our members, as, everyone benefits from transparent, consistent and equitable systems for determining the awarding of pay.

HEIs reflect the patterns of discrimination evidenced in wider society. This means that discrimination in working environments and in pay is a daily reality for many of our members. Quantitative and qualitative evidence backs this up.



*I graduated BSc at the age of 31, after spending a number of years at home looking after children. I spent 17 years working as a contract researcher, during which time I obtained my PhD. My skills are highly specialised (there are only about 4 laboratories in the UK doing the kind of work we do) and for personal reasons, I was not geographically mobile for many years.*

*Recently a lecturer's post was advertised in a centre that I have worked closely with for 15 years. The job description could have been written for me, but I was told informally, by the head of group after I challenged him, not to bother applying because the age profile of the department was too old. They were looking for a younger candidate and I had noticed that the head of group had been mentoring a younger male colleague for this post, whilst leaving me out of the circle as far as communication was concerned, after I had worked for/with him for 15 years.*

*In the end, I did not apply for the post, because I knew that I would have very little chance of success being old (50) and expensive (top of RA2 scale). Only two candidates were interviewed, one of whom was a similar age and level of experience to myself, but male. The younger, less experienced (cheaper!) candidate with potential for the future was appointed, and I am looking for a change in career, as I have realised that I will never be a lecturer and I am too expensive to be funded from external sources as a researcher. Women and anyone who has a mid-life career change, are particularly vulnerable to this kind of discrimination.*

Female researcher, pre-1992 university

Last year, the AUT's report, *The Unequal Academy*, showed that although there has been a sharp increase in the number of female academics in UK higher education, their jobs are more casualised and less senior than those of their male colleagues. In 2002/03 female full-time academics earned on average just 85.1% of the salary of their male counterparts – a gender pay gap of 14.9%. That report mirrored the finding of earlier work done on pay inequality such as the work NATFHE published by *The Guardian* in 2003 on gender pay gaps within each HE department<sup>4</sup> and research on the segregation of female academics in junior academic grades.<sup>5</sup>

Our disabled members have also voiced concerns that reflect national patterns of discrimination which in turn affect career progression and pay. Many employers in HEIs have misconceptions about disabled people. The use of negative stereotypes and assumptions about disabled people's work patterns and abilities is having a detrimental impact on the daily working lives of many of our disabled members.

Our research has also shown that a pay gap exists on the grounds of race. Nationally in the HE sector there is a BME pay gap of 6% although there are a significant number of institutions with gaps of over 12%.<sup>6</sup> Equally concerning is the evidence of continuing discrimination against BME staff in terms of promotion, with white academic staff being much more likely to progress to a senior post such as professor whereas BME staff are more likely to occupy a junior post.

A full breakdown of the gender and race pay gaps in all higher education institutions in the UK can be found in Section 5 of this toolkit on page 31.

## Section 1 Putting equality in the frame



AUT research has also highlighted the widespread pattern of discrimination arising from the use of performance-related pay (PRP) and discretionary points with white academics 1.6 times more likely than BME colleagues to be awarded them.<sup>7</sup>

This is of particular concern as the current process of implementing the Framework Agreement involves all staff in UK higher education being employed on grades with discretionary or contribution points above the pay points of the main grade. If current practice in pre-1992 UK higher education institutions is anything to go by, BME employees should be particularly concerned about the likely outcomes. At one of the few post-1992 institutions with a PRP scheme, for example, the chances of BME staff getting the highest award was just half that of their white equivalents.

### iii) THE CAUSES OF UNEQUAL PAY

Pay gaps can occur for many different reasons and it is important to understand some of the reasons behind why pay gaps appear in order to develop effective solutions to removing them.

Equal Opportunities Commission research on the gender pay gap has found there to be three main causes of the gap.

#### Occupational segregation

Women are often employed in certain types of jobs such as the cleaning, catering and caring services which are historically undervalued and underpaid. This occupational segregation can result in low pay as women are often clustered in low-paid occupations or work in lower graded jobs in an organisation. In higher education, for example, female academic staff are disproportionately concentrated in hourly-paid lecturing. Ethnic minority staff are disproportionately concentrated in fixed-term research posts.

#### Unequal caring responsibilities

Women often bear the responsibility for looking after children and dependents which in the absence of adequate 'family friendly' policies can have an adverse impact on career progression, affecting pay. This can especially impact on female staff seeking progression within the 'long hours culture' of many departments, especially research teams. Many HEIs fail to take into account the reasons for female academics taking career breaks. Therefore on their return to work women are less likely to receive credit for prior experience than a male academic with no conspicuous 'gaps' in their employment history.



## Discrimination

Despite changing cultural attitudes towards the role of women and men in society, gender stereotyping and sexism still exists and can manifest itself in discrimination in the awarding of pay.<sup>8</sup> This will be of particular concern in grading decisions and the allocation of contribution points within the Framework agreement.

It is also important to consider the impact of the deliberate employment practices utilised by HEIs in maintaining pay discrimination. The continuing use of fixed-term contracts precludes many academic staff from gaining the continuity necessary to develop their careers in a meaningful manner and secure promotion. The continued wide-scale use of fixed-term hourly-paid contracts ensures that many academic staff are employed on a casual basis and in many cases excluded from professional development, promotion and the career pathways open to full-time colleagues employed on a permanent contract.

Time after time research has shown that even after factors such as educational attainment and experience are taken into account a pay gap still persists on the basis of gender, race and disability. This 'unconscious discrimination' is very pervasive and makes it especially important to tackle pay discrimination where it is embedded in the structures, policies and practices of an institution rather than simply in the acts of individuals.

*I applied for promotion from Lecturer to Senior Lecturer in the last round and did not get it. The main reason was stated as not enough journal papers, and that I should preferably not have them jointly with a professor from our department. Interestingly, a male colleague was in a similar position on the previous round (that all his papers, equal in number to mine, were with a professor from our department, who was actually his former PhD supervisor). In his case this joint authorship was not a problem and he got promoted! It really annoyed me as I have the number required for the next RAE, and in the best journals, and based on the ones that have been already accepted or are in print, the overlap with a professor will not be a problem.*

*So, if a female lecturer is working with a professor from the same department, the professor is seen as the leader (although I am the instigator for most joint grants, with typically 75% to me and 25% to him, and I started the whole direction of research). But if a man does it, it's cause for promotion.*

Female lecturer, pre-1992 institution

## iv) EQUALITY AND THE FRAMEWORK AGREEMENT

The implementation of the Framework Agreement is currently being negotiated at all HEIs. The main elements of the agreement are:

- The implementation of a new 51-point national single pay spine
- The design and implementation of a new grading structure
- The introduction of institution-wide systems of role analysis and job evaluation for all groups of staff
- The introduction of contribution points on top of all the main grades
- Clearer guidance on the use of market supplements.

The Agreement states that action to foster equal opportunities and to ensure delivery of equal pay for work of equal value is at its heart and needs to underpin its implementation at local level.

AUT and NATFHE welcome this commitment to equality and believe that, if implemented properly, the Framework Agreement provides an opportunity to tackle pay discrimination through:

- The design and application of new grading structures, with fair and transparent procedures across institutions to deal with progression, promotion and the award of contribution points
- The application of job evaluation and role analysis procedures, with the use of the national academic role

profiles providing a consistent grading framework across all institutions

- A commitment to a thorough assessment of the impact of pay modernisation through the use of regular equal pay audits and the fulfilment of statutory duties to promote race equality to all aspects of the agreement including contribution points and market supplements
- The inclusion of all groups of staff, including hourly-paid academics and contract researchers, within the new pay system, ensuring that pay is determined in the same manner regardless of part-time or fixed-term contractual status.

The briefing below is intended to cover the key issues which may contribute to the gender, race and disability pay gap at your institution and which we have an opportunity to change as a result of the implementation of the Framework Agreement. Local negotiators are advised to read this advice in conjunction with the advice on how to carry out an equal pay audit and impact assessment provided in this toolkit.

### Inclusion of all staff

There are an estimated 75,000 hourly-paid staff working as academics in UK universities.<sup>9</sup> It is important that any campaign to achieve equal pay and combat pay discrimination includes a focus on hourly paid staff and their right to achieve pay parity with their non-hourly-paid colleagues as part of the current negotiations on pay modernisation. The Framework Agreement will fall a long way short of its objective to ensure equal pay for work of equal value if the position of part-time, fixed-term and particularly hourly-paid staff is ignored.



The Framework Agreement requires institutions to use a single pay spine to determine pay rates for all staff (other than clinical academics) – including hourly-paid staff – covered by national agreements in force on 31 July 2003. It is crucial that the job evaluation process is scrupulously fair to hourly paid lecturers and that local institutions are not allowed to skew the samples, or the process of evaluation such as to discriminate against hourly-paid staff.

For example, it would be unlawful to deliberately take away key functions from hourly paid staff ahead of an evaluation, or to interpret the factors within a job evaluation scheme in such a way as to understate the value of work done by hourly-paid lecturers. Hourly-paid staff should be treated fairly in respect of training and career development, and opportunities for transfer to permanent posts. The position of hourly paid staff in pre-1992 and post-1992 institutions is, however, slightly different.

### Hourly-paid staff in the pre-1992 sector

Currently, hourly-paid staff in the pre-1992 sector are not covered by a national agreement. AUT and NATFHE are concerned that the continued use of hourly rates that do not relate to the national pay spine and grades are unlikely to meet equal pay requirements, or the equal treatment provisions of the fixed-term employees and part-time workers regulations.

The principle of equal pay must underpin any new grading structure. Grades should be determined by what members of staff do, not the type of contract they are on or how they are paid. In pre-1992 institutions AUT is campaigning for a minimum hourly rate of pay for teaching staff of £35.34 as well as

for hourly-paid staff to be included in negotiations on the implementation of the pay Framework Agreement. £35.34 equates to the entry point on the academic 2 grade using AUT's preferred grading model point 33.

### Hourly-paid staff in the post-1992 sector

These members of staff do have a national agreement on grading. It provides:

- For a minimum assimilation point (point 30) to the national pay spine which results in assimilation to the bottom increment of grade Ac2 with the assurance that the Framework Agreement specifically excludes any post-1992 lecturer from being assimilated into grade Ac1. This provides for the first time, annual incremental progression for all hourly-paid lecturers. Many hourly-paid lecturers will be graded at Ac3 alongside post-1992 senior lecturers and significant numbers of posts are expected to convert to fractional pro rata contracts
- A minimum hourly-rate of £33.31 per hour from 1 August 2005
- A right to rely on the formula agreed for calculating what additional hours on top of their teaching hours are needed for preparation and related activities.

For further information on negotiating equal pay for hourly-paid teaching staff:

- JNCHES guidance on pay for hourly-paid lecturers in post-1992 institutions: [www.natfhe.org.uk/down/jnhourly04.doc](http://www.natfhe.org.uk/down/jnhourly04.doc)
- NATFHE guidance on calculating hourly-paid rates: [www.natfhe.org.uk/down/ptpaguid.doc](http://www.natfhe.org.uk/down/ptpaguid.doc)



- AUT negotiating guidance hourly rates for hourly-paid lecturers in pre-1992 institutions
- [www.aut.org.uk/circulars/html/1a7566.html](http://www.aut.org.uk/circulars/html/1a7566.html).

## New legal rights for hourly-paid and fixed-term employees

AUT and NATFHE have launched a joint hourly-paid campaign highlighting the impact on both staff and students of the abuse of this group of staff. NATFHE's detailed report, *Hiring Lecturers by the Hour – The Case for Change in Higher Education* (NATFHE research report by Colin Bryson April 2005) brings together some of the evidence of the impact of this abuse. The report can be downloaded from [www.natfhe.org.uk/down/brysonmain.pdf](http://www.natfhe.org.uk/down/brysonmain.pdf). Details of AUT's Security Alert campaign which aims to end the abuse of fixed-term contracts can be found at [www.aut.org.uk/index.cfm?articleid=904](http://www.aut.org.uk/index.cfm?articleid=904)

The combination of the new regulations, legal test cases being brought by trade unions and the Framework Agreement ought to be an opportunity to make radical improvements in the treatment of hourly-paid staff who currently suffer a double discrimination – insecure employment and poor pay and treatment.

Hourly-paid staff on fixed-term contracts are covered by the *Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000* and the *Fixed-term Employees ((Prevention of Less Favourable Treatment) Regulations 2002* which prohibit less favourable treatment of part-time or fixed-term staff compared with their full-time or permanent colleagues. The fixed-term regulations will also limit the successive use of fixed-term contracts from July 2006. At

this point, large numbers of hourly-paid staff can expect to be transferred to permanent contracts.

*An hourly-paid lecturer involved in legal proceedings against her employer on the grounds of discrimination on the basis of her part-time status was asked to try and quantify her losses over the years. This is her response:*

*Apart from wanting the obvious which is the same terms and conditions pro rata as my comparators, how do you quantify the rest?*

*How do you quantify the years of having to accept any course that is put your way, in order to feed your kids as the only breadwinner in the family with a pensionable husband? The teaching from morning till early afternoon, rushing to meet kids from school, take them home, turn around and go back not only to teach in the evening but to run the entire course because for various reasons all other lecturers have been taken off it? To have an 85-mile round trip on each of those days. To get home exhausted at 10pm and spend three hours preparing for the next day because there is no course material for a business course which you have been told is the most prestigious course in the department?*

*How do you quantify the toll it has taken on your family? How do you quantify having to borrow on your mortgage in order to live a normal daily life because for two weeks at Christmas, Easter and throughout the summer there are no classes and therefore no money?*

*How do you quantify the knock to your confidence from the constant knowledge that although you have had more experience and could do the job even better than*

## Section 1 Putting equality in the frame



*some of your full-time peers, you are classed as second-class by virtue of the employer wanting to save money?*

*How do you quantify the personal stress of worrying about money, of being treated poorly within the centre because you're a part-timer (when it suits them) but not when they want a new course written (then you become a valued and experienced member of the department)/*

*And for every second throughout all of the above, you are mindful that although you are working 'shoulder-to-shoulder' with senior lecturers, they are getting £33,000 and you would get just under £19,000 if you taught for the same contractual hours as they did (550), so you have to work at least 650 or more to augment your salary and then have the added indignation that for some of the classes you get the 'lower hourly rate' but the full-time lecturers do not get a lower salary when they teach on the same classes.*

*And finally how do you quantify the injustice of the pension system where full-time lecturers are automatically put on the Teacher's Pension Scheme but we have to apply only to be told that we have to work two years as a part-timer to get a point up the scale, whereas full-timers move up annually? Besides this, full-timers also get an incremental point by virtue of length of service, not performance, while you slog your guts out doing more hours and only get the nationally agreed pay hikes, which the full-timers get as well as their increments.*

Hourly-paid lecturer, post-1992 institute

## Job evaluation

The Framework Agreement states that the allocation of staff to grades will be based on the outcome of institution-wide job evaluation/role analysis arrangements. The introduction of job evaluation for academic and academic-related staff could provide an opportunity to identify some of the existing anomalies in pay. However, job evaluation alone will not solve the causes of unequal pay and must be seen as one tool in a wide package of measures to establish equality in pay systems.

It is important to ensure that job evaluation is introduced in a non-discriminatory way which is why it is crucial that the process is audited prior to implementation and that the results of implementation are monitored. In particular, institutions in partnership with their trade unions must check to ensure that red circling and green circling has not disproportionately affected women, BME members or disabled members.

Further detailed information about the introduction of role analysis and job evaluation including the use of the national academic role profiles is available from:

- [www.aut.org.uk/media/docs/roleprofilesguidance.rtf](http://www.aut.org.uk/media/docs/roleprofilesguidance.rtf)
- [www.natfhe.org.uk/down/roleguid.doc](http://www.natfhe.org.uk/down/roleguid.doc)

## Occupational segregation

Within grades, women and BME academics tend to be over-represented at the lower salary points and under-represented at the highest points. The length of the pay grade affects the difference in pay due to the position of men and women within a pay grade. Under the Framework Agreement, the

# Section 1 Putting equality in the frame



grading structures cannot have longer grades and must have common boundaries between academic and academic-related grades. This should assist in narrowing this gap.

## Promotion criteria

Women, disabled members and BME members are currently over-represented in the most junior positions and grossly under-represented in the most senior positions – for example only 13% of professors in pre-1992 universities are women and 96% are white.<sup>10</sup>

The AUT and NATFHE believe there is widespread discrimination within UK higher education that directly impacts on the equality of appointments and promotions procedures. There are very few BME members of staff, disproportionately low numbers of women professors or equivalent and above, disproportionately high numbers of women on lower grades, on fixed-term contracts and working part-time. Women members, disabled members and BME members regularly report their experiences of barriers to promotions.

Inequality and discrimination in pay crucially starts with how staff are recruited, promoted, and given opportunities to develop. Better pay structures can help prevent inequality between staff doing the same or equivalent job. They can't stop universities discriminating in how staff are recruited, promoted, progress and develop.

The Framework Agreement states that progression of staff to a higher grade will be on an equitable and transparent basis and JNCHES will issue guidance on key aspects of promotion procedures in the future. AUT and NATFHE believe that promotion criteria must be transparent and easily

understood and that institutions must ensure that all staff have equal access to the opportunities that are necessary for their promotion. One starting point must be the regular and open publication of data showing patterns of employment, recruitment, promotion and access to training and development. Your university should have an agreement with local unions on providing and considering the implications of such data regularly as it is a legal requirement under the RR(A)A (see page 13).

The operation of existing promotion procedures, and the implementation and application of any new promotion procedures related to the introduction of role analysis, should be analysed carefully as part of an equal pay audit, and should be subject to an impact assessment under the RR(A)A. Appendix C of the JNCHES guidance on conducting an equal pay audit lists a number of areas in the checklist which should be considered. You should also consider:

- Women, BME or disabled staff clustering near the top of a pay scale may point to a promotion problem. It may be that women, disabled or BME staff tend to stay longer in that particular grade due to lack of promotion opportunities or bias in the promotion procedure.
- How do employees progress through the scale or grade? Has the method of progression been checked, for example, to ensure that men and women (or white and BME staff or disabled and non disabled staff) are equally able to do the job and receive equal treatment?
- Do women and men or people from different BME groups progress through recognisable career paths at similar rates? Do disabled men and women progress



differently from each other? If there are different rates of progression, what are the reasons for these?

## Contribution-related pay

A number of institutions already have systems in place for the award of accelerated increments. Pre-1992 institutions operate discretionary points at the top of some academic and academic-related grades. The Framework Agreement states that progression within pay ranges will depend in part on an individual's length of service (through annual automatic incremental progression) and in part on an assessment of their contribution. The commended grading structure in Appendix C of the Framework Agreement sets out a range of contribution points at the top of each grade.

We know that pay discrimination already exists in the awarding of discretionary or contribution related pay. It is therefore very important to ensure that any contribution-related pay is introduced in a non-discriminatory way.

The JNCHES guidance on the conduct of equal pay reviews sets out a checklist of questions to be considered when identifying any potential discrimination in the award of accelerated increments or contribution points.

The JNCHES guidance on pay progression and contribution-related pay is available at: [www.natfhe.org.uk/download/jnprogress04.doc](http://www.natfhe.org.uk/download/jnprogress04.doc)

One interesting way of tackling the threat of discrimination in contribution points is to replace them with additional increments to which all staff progress.

## CASE STUDY – UNIVERSITY OF HUDDERSFIELD AND UNIVERSITY OF ULSTER

Unions and management at the University of Huddersfield have agreed to replace contribution pay with an additional increment at the top of each of the new grades. This replaces a selective means of delivering rewards with a fair reward of an increment to all staff once they reach the top of their pay scale. It avoids the potential risk of litigation associated with the allocation of contribution pay and ensures that the framework agreement is not compromised by biased and discriminatory decision making in the allocation of discretionary pay.

A similar agreement has been reached between Ulster AUT and the University.

## Attraction and retention premia (market supplements)

Appendix E of the Framework Agreement sets out clear guidelines for the use of such premia, and advises that institutions should develop appropriate policies and procedures in partnership with their trade unions. Any such policies must be subject to impact assessment. These should then be regularly reviewed and monitored for any potential discrimination.

In some circumstances 'market forces' can provide a defence to an equal pay claim, but the scope for using market forces as a basis for explaining the difference in pay between a man and a woman doing equal work is limited. An employer cannot rely on the fact that the market rate suggests that certain jobs usually done by women are paid at less than jobs



usually done by men, because that market rate may itself be based on discriminatory assumptions. Moreover, to provide a complete defence against an equal pay claim, market forces must account for all the difference in pay, and not just a part of it. If not, the courts will determine what proportion of the difference is accounted for by market factors.

In many circumstances, upholding a market forces defence will serve to undermine the principle of equal pay, because it tends to perpetuate the discrimination inherent in the labour market. AUT and NATFHE are generally wary of the belief of university employers that market supplements are an alternative to improving basic pay. Great care must be exercised to avoid them being used to bump up pay in primarily male departments such as the sciences or engineering at the expense of primarily female departments such as education, health or languages.

## Starting salaries

One common factor which contributes to the pay gap is the salary paid to individuals on appointment or promotion. Any differentials can lead to institutions either importing pay inequity from the wider labour market and/or compounding pay inequity on promotion.

A properly conducted equal pay audit will identify if there is a problem in your institution by looking at the amount paid on recruitment, on change of job, and on promotion, to men and women, people from different ethnic groups and those with a disability compared to those without, over the past year. If records show that there is a tendency for people from one group to be favoured over another, then the institution must address this through their action plan and monitoring programme.

## Training opportunities

Many women, BME members and disabled members especially those currently on local pay grades or rates of pay, often report being denied training and development opportunities, which in turn affects their career progression and rates of pay. The Framework Agreements states that suitable training and development opportunities must be made available for all staff.

The areas highlighted above all show the potential for progressing on equality through the implementation of the Framework Agreement. However, this progress will only be made if trade unionists organise, negotiate and campaign on the issues of equal pay. HEIs have been reluctant to take up the issues of equal pay and therefore trade unionists need to put the issue on the agenda. Simply put, this means equality must be taken into local negotiations on the implementation of the Framework Agreement.

## References

- 1 Women and Work Commission (March 2005) *Women and Work Commission: Interim Statement*.
- 2 EME Task Force Progress (Nov 2004) *Ethnic Minority Employment Task Force Progress Report*. [www.emetaskforce.gov.uk](http://www.emetaskforce.gov.uk)
- 3 [www.lowpay.gov.uk/lowpay/lowpay2005/chapter4.shtml](http://www.lowpay.gov.uk/lowpay/lowpay2005/chapter4.shtml), Aug 2005
- 4 *The Guardian* HE pay tables 2002/03
- 5 NATFHE submission to the *2002 Comprehensive Spending Review*
- 6 AUT (October 2005) *The Diverse Academy*.
- 7 *ibid*
- 8 EOC (2000) *Just Pay. Report of the Equal Pay Task Force 2000*
- 9 Byson, C. *Hiring Lecturers by the Hour* downloadable from <http://www.natfhe.org.uk/down/brysonmain.pdf> 1067



## i) INTRODUCTION

Closing the gender and other equality pay gaps requires taking action to tackle their root causes. As well working to prevent discriminatory behaviour through training interventions, awareness raising and self organisation by those groups affected by discrimination, there are also several specific mechanisms that can be used to close discriminatory pay gaps. This section of the toolkit will examine in detail what AUT and NATFHE regard as two of the most powerful and significant tools - equal pay reviews and impact assessments.

First though, it is useful to be aware of equalities legislation and how it can be used to close pay gaps and challenge inequality.

## ii) EQUALITIES LEGISLATION

Equalities legislation can be a powerful tool in tackling unequal pay. There are several pieces of legislation that are particularly relevant to the implementation of the Framework Agreement and the eradication of pay discrimination.

But legislation alone will not change embedded patterns of discrimination. We believe that in order to ensure that employers comply with the law, collective action is required. One reason for the slow progress on equality in higher education is that employees and unions have placed too much reliance on resolving issues through legal means. It should be remembered that the law provides only minimal protection for workers and obtaining redress through the courts is a lengthy and difficult task.

Compliance can be achieved if trade unions make equality central to their local and national agenda, ensuring that every agreement is equality proofed and every opportunity is taken to mobilise support for equality campaigns. Test cases and individual claims are important, but as trade unions we believe that the collective influence of thousands of members can and must be brought to bear in order to change institutional behaviour.

### **Equal Pay Act (1970)**

Paying men and women differently for work of equal value has been illegal now for 35 years through the Equal Pay Act 1970. This prohibits discrimination in pay and benefits on the grounds of gender and gives an individual a right to the same contractual pay and benefits as a person of the opposite gender in the same employment, where the man and the woman are doing:

- Like work; or
- Work rated as equivalent under an analytical job evaluation study; or
- Work that is proved to be of equal value.



Any differences in pay or benefits must be shown to be for a genuine reason other than one related to gender.

The *Equal Pay Act* has failed to make a substantial impact on the gender pay gap due to its woefully weak nature. Crucially, it does not insist on compulsory equal pay reviews. The AUT and NATFHE are working with other trade unions and the TUC to push for the law to be changed in this area and for mandatory equal pay reviews to be enforced on employers. Nevertheless, the threat of equal pay claims can be a potent one as recent high profile successes in the NHS and the civil service have shown.

## The 'Positive Duty' legislation

More recently, much stronger pieces of equality legislation have emerged that can be used in the area of equal pay. Underpinning much of the new legislation is the concept of introducing a 'positive duty' on public sector employers which means that **pro-active steps must now be taken to tackle discrimination in HEIs.**

## Race Relations (Amendment) Act 2000

The *Race Relations (Amendment) Act 2000* (RR(A)A) has transformed the way public sector organisations – including HEIs – have to act on race equality. The Act has direct implications for the implementation of the Framework Agreement.

The RR(A)A came out of the Stephen Lawrence Inquiry into the murder of black teenager Stephen Lawrence. The inquiry was a damning account of institutional racism in the police force and as such the Act contains several provisions which are intended to tackle 'institutional racism' and challenge policies and practices that may be indirectly discriminatory.

The Act places HEIs under a general duty to promote race equality. This duty states that universities and colleges must take steps to:

- Eliminate unlawful discrimination
- Promote equality of opportunity and
- Promote good race relations between persons of different racial groups

In addition to this, institutions have to implement certain specific duties which help meet the general duty. These are:

- Having a race equality policy
- Monitoring for race equality
- Assessing the impact of all their policies for their impact on racial groups
- Publishing the results of all their work on race equality.

## Compliance

If an institution fails to implement any of the specific duties or is in breach of the general duty it is failing to comply with the law. In these circumstances legal steps can be taken against an institution by the Commission for Racial Equality (CRE) which was given enforcement powers under the RR(A)A to ensure public sector institutions deliver on these issues.

## CASE STUDY – INVESTIGATION INTO RR(A)A COMPLIANCE

A large metropolitan university has one of the most diverse student populations and staff workforces in the country. It had imposed a PRP scheme on staff following a major dispute in 1999. When NATFHE sought the outcomes of the PRP scheme (called PADAS) during its 16 month dispute, the data showed a pattern of apparent discrimination in which white staff were twice as likely as ethnic minority staff to receive the top award. The University planned to introduce changes to the scheme, so NATFHE requested a copy of the race impact assessment that should have been carried out on any such proposal, especially bearing in mind the evidence of apparent discrimination.

The university was unable to provide a copy of the assessment. Indeed it was unable to provide copies of any of the race impact assessments requested. It conceded at a hearing of the central arbitration council in May 2005 that it conducted such impact assessments 'in their heads' and that there was no written record. As a result of course, there was no means of checking progress or accounting to the Board of Governors on the implementation of their duties under the Act. NATFHE has reported these shortcomings to the CRE and an investigation is underway.

The positive duties that come under the RR(A)A are shortly also going to be introduced in the areas of disability through the Disability Discrimination Bill 2004 and gender through the Equality Bill 2005. This means that the duties to impact assess, monitor and have policies in place will soon be applicable in these areas too.

This is highly significant as it means that HEIs will soon be forced to carry out reviews of pay policies in all three equality areas.

### iii) EQUAL PAY REVIEWS

Equal Pay Reviews (EPRs) are a way of determining whether there are pay gaps on the basis of a qualifying characteristic such as gender, race or disability. They involve analysing in detail the nature of any inequalities found and identifying the causes of any pay gaps. Crucially, an equal pay review then determines what action is required to deal with any inequalities and devises steps to deal with them.

The HE sector has been aware of the importance of conducting equal pay reviews for a long time and is ahead of many other areas of the public sector through having already produced nationally agreed guidance between employers and trade unions on this issue. In 2002, JNCHES produced guidance, which recommended that all HEIs conduct equal pay reviews.

The agreement reached within the HE sector is groundbreaking in two respects; firstly as HE is the only area of the public sector to produce joint trade union and employer guidance on EPRs, and secondly as the JNCHES guidance obliges employers to analyse pay gaps on the basis of gender, racial origin, disability and contractual status.

The guidance is endorsed by the Universities and Colleges Employers Association (UCEA) who 'recommend' that all their subscribers conduct an Equal Pay Review in accordance with the JNCHES document. The document is not binding on HE employers; however this is the approach to delivering equal pay for work of equal value recommended by the employers' association and the HE trade unions.

Unfortunately, three years on from this guidance being produced, HEIs' progress on tackling pay discrimination has been shockingly poor. The majority of HEIs have not conducted EPRs or taken any action to eradicate unequal pay. Of those that have taken some steps on the issue, most have not been meaningful, or in line with JNCHES guidance.

The role of AUT and NATFHE activists and campaigners is to ensure that HEIs comply with the JNCHES guidance and take action to eradicate unequal pay. This means conducting an EPR and involving trade unions in the process.

## iv) CONDUCTING AN EQUAL PAY REVIEW

### Consultation and partnership

The guidance states that employers should carry out EPRs in partnership with trade unions. This is essential if the review is to successfully identify and eliminate discriminatory pay gaps. The term 'partnership' should be taken to mean the identification of a mutual interest in conducting an EPR.

Employers therefore need to work with their local trade unions to agree on

- the remit for the review
- the timetable for implementation and allowing time for negotiation over the necessary remedial actions required to address discriminatory pay gaps.

In accordance with Section 181 of the *Trade Unions and Labour Relations (Consolidated) Act 1992*, HE employers must disclose information to local branches to enable the union to carry out collective bargaining. As UCEA recommend a partnership approach to EPR, it is to be hoped that employers will not attempt to exclude trade unions from the process. In the event that any employer refuses to conduct the Review in partnership with local trade unions, the local branch or association should contact their regional office. A pro forma letter to be used in seeking such information is available with the Putting Equality in the Frame campaign materials at [www.aut.org.uk/equalpaycampaign](http://www.aut.org.uk/equalpaycampaign).

### A three staged approach

The guidance sets out a method for conducting EPRs which is broken down into three specific stages.

- Analysis
- Diagnosis
- Action

AUT research indicates that while some HEIs have done initial data gathering for equal pay this has predominantly only been undertaken in the area of gender pay thus failing to address the equally shameful disability and race pay gaps. Furthermore, in the overwhelming majority of cases no further action has been taken after statistics have been gathered. Simply collecting data that show that pay disparity exists in your institution is **not** what an EPR means. An outline of what employers are required in each section is given below; the JNCHES guidance provides more detail on this and can be downloaded from [www.aut.org.uk/equalpay](http://www.aut.org.uk/equalpay).

### ANALYSIS

The first stage of an EPR is gathering data for analysis. Pay data must encompass all elements of pay and should be broken down according to gender, ethnic origin, disability status and contractual status. This analytical stage should pull out the extent and nature of a pay gap at a given institution.

Employers must investigate pay gaps of more than 5%, furthermore, where pay gaps of less than 5% occur as a pattern, this should also be investigated.

Specific points that should be focused on include:

- Average pay for each grade
- Average pay for each job category
- Average pay for full/part time staff
- Position on incremental scale
- Contractual status
- Eligibility for market supplements
- Number of contribution points awarded broken down by gender, ethnic origin disability and contractual status
- Pay gap for jobs and grades.

## DIAGNOSIS

Once data has been analysed, certain patterns should emerge. If an institution's pay system is not operating in a discriminatory manner, there should be a broadly even (proportionate) distribution of employees across the grading structure regardless of gender, ethnic origin, disability status or contractual status.

If pay gaps are apparent, this stage of an EPR is concerned with finding out why any gaps exist and how they can be removed. Pay gaps should be analysed to see if they can be objectively justified and what causes them. If they can't be justified then the diagnosis should indicate what action should be taken to remedy it.

The diagnosis should include:

- Pay gaps within grades
- Pay gaps across comparable grades
- Pay gaps between staff on different contracts (including hourly paid staff)
- Pay gaps between staff of different gender
- Pay gaps between staff of different ethnic origin
- Pay gaps between disabled and non-disabled staff
- Anomalies on appointment
- The impact of accelerated incremental progression
- Promotion procedures and practice.

## ACTION

This is the most crucial aspect of the EPR process. Having identified the causes of unequal pay, action should be taken to deal with it. A starting point for this is for employers to draw up an action plan on how they intend to remove any discrimination in pay structures. This action plan should cover:

- timeframes
- resource implications
- how the actions suggested will be monitored and by whom.

The actions chosen should be related to the specific problems identified. They could include:

- changes in policy
- new additional policy or
- training opportunities.

Some examples of what different institutions have done can be found below. Branches or local associations should ensure that adequate consultation takes place before any action plan is implemented.

## IDENTIFYING THE CAUSES OF UNEQUAL PAY

At the University of Sheffield an equal pay audit was carried out in 2003 alongside ongoing work on job evaluation and pay restructuring. Data was collected across for gender, race and disability and pay gaps were found in each area. The biggest contribution to the pay gaps for gender and race was found to be the under-representation of women and BME employees in the highest paid job categories and their over-representation of them in the lowest paid categories.

### PROFESSORIAL PAY

An equal pay review was conducted at the University of Leeds which among other things highlighted the gender pay gap in professorial pay. In order to tackle this and promote a fair and transparent system of the awarding of professorial pay, Leeds have introduced an extension to the nationally agreed 51-point pay scale to create a professorial grade with incremental points going up to point 60. Furthermore, in order to disseminate the information on unequal pay and to engage union members and other staff with the issue, the local association (LA) held a half-day equal pay seminar. National speakers were invited to this and it was an opportunity for the LA to discuss the problems of unequal pay and how to tackle it at a local level.

## STARTING SALARIES

Loughborough University has engaged its campus unions with the work it has undertaken on gender pay, communicating and consulting with them throughout its pilot equal pay review. The pilot raised evidence of unequal pay and a diagnosis of the causes of the pay gap led to work being initiated on tackling discrimination in starting salaries. Policy and guidelines were developed on the awarding of starting salaries which included recommendations such as:

- basing starting salaries on knowledge and understanding not the number of years previous experience
- recording how a decision on starting salary is made and how this is consistent and
- advice for ensuring non discriminatory salaries for those returning to work after a career break

## FROM PORTER TO PROFESSOR

In implementing the Framework Agreement at the University of Gloucestershire unions and management agreed to extend the single pay spine to 75 points with a maximum salary of £94,110. This allows for 6 additional senior academic and managerial grades to be included within local collective bargaining and equal pay arrangements. The pay system genuinely covers staff from 'porter to professor'. Regular equal pay reviews are carried out facilitating scrutiny of progression arrangements and other potentially discriminatory factors for professorial and other senior staff

The importance of carrying out EPRs cannot be overstated. They are the only way to ensure that unequal pay is revealed and action is taken to deal with it. While they will take resources in terms of money and time, current and future legislative requirements may soon mean they become a legal obligation.

## v) IMPACT ASSESSMENT

One of the strongest measures in the RR(A)A is the duty to conduct impact assessments. This is a particularly important mechanism to utilise when addressing unequal pay.

Impact assessment is a straight forward process that acts as a form of risk assessment. It is complementary to an EPR as many of the tools and processes involved in both are the same. In a similar way to the need for pressure to be put on employers to conduct EPRs, trade unions also need to ensure that the impact assessment process occurs and that it occurs in the right way. Impact assessment is not just a paper exercise, it requires in depth and detailed processes of consultation and review. The steps are outlined below and form the model that HEIs should be following.

### What is an impact assessment?

An impact assessment is the analysis of a policy, practice or criterion to see if it has a positive or negative impact on a particular group of people.

A policy is any decision, principle, plan or set of procedures that determines how an institution functions. It does not have to be written down or formalised and can be a long standing or new type of institutional practice.

Impact assessment is not an end in itself – it is a way of checking against institutional discrimination. This means discrimination that is embedded in the procedures and policies of an organisation. While the process can seem daunting at first, it is only through a thorough analysis of policies that indirect, institutional discrimination can be exposed and dealt with.

It is a legal requirement that all new and existing policies that are likely to have an equality dimension are impact assessed. This means that HEIs that are not carrying out impact assessments are not complying with the law.

The impact assessment process involves gathering information to see if a policy has any direct or indirect

discriminatory elements to it, consulting relevant stakeholders and then adapting the policies if necessary.

### EXAMPLE OF AN IMPACT ASSESSMENT

An HEI conducted an impact assessment of its practice of awarding discretionary points. It gathered data on the awarding of points over the last five years and broke it down by ethnicity; it also undertook a staff survey on the issue. The results indicated that BME members of staff were less likely to be awarded discretionary points than their white counterparts. Thus, BME members could be seen to suffer a negative impact from this policy. The HEI then tried to ascertain the reasons for this negative impact occurring and decided that in order to reduce the negative impact it would introduce a policy which outlined a clear and transparent process with appropriate criteria for the awarding of discretionary points.

The HEI consulted on its proposed changes with BME groups and campus unions and then wrote up a report of its process and published it.

### Impact assessment and the Framework Agreement

Impact assessments are particularly important in the areas of recruitment, retention, progression and pay and therefore are directly relevant to the current process of pay modernisation. HR departments should have mechanisms in place for carrying out impact assessments and consultation with campus unions should have already taken in place in HEIs. The statutory Codes of Practice that accompany the legislation clearly state that claiming lack of resources cannot be used as an excuse for not carrying out impact assessments. These can be ordered and downloaded from [www.cre.gov.uk](http://www.cre.gov.uk).

## vi) CONDUCTING AN IMPACT ASSESSMENT

The impact assessment process can be split into two stages. Whilst this toolkit is primarily concerned with conducting impact assessments with regards to the Framework Agreement it is useful to see how impact assessment fits into general institutional systems of review. The main steps HEIs are obliged to take are outlined below based on guidance from the Commission for Racial Equality, the Equality Challenge Unit and the Higher Education Funding Council for England. Branches and LAs should be ensuring that these steps are followed and that they are consulted at the appropriate points.

### Stage One

Initially, all institutional policies and practices should be mapped out in order to determine each policy's race equality relevance, that is, how much of an impact it is likely to have on racial equality. Those policies that are deemed most 'equality relevant' are prioritised for the impact assessment process. The CRE recommends rating policies as being of a high, medium and low priority.

#### EXAMPLE

A promotions policy is more likely to have an impact on racial equality than a procurement policy for computer equipment and therefore the promotions policy should be given a higher priority in terms of a race impact assessment.

**AUT and NATFHE believe that the framework agreement has clear equality implications and therefore a high priority needs to be given to impact assessing aspects of its implementation.**

In particular impact assessments should be conducted of:

- The likely impact of any proposed contribution points scheme
- The likely impact of the proposed approach to job evaluation

### Stage Two

Having prioritised policies into the order in which they will be tackled, the next step is to choose an individual policy and assess it in detail. This can be done in seven steps and HEIs need to do the following 7 steps:

- Identify the aims of a policy
- Collect necessary data
- Assess the impact of the policy
- Consider alternatives to the policy
- Consult on changes to the policy
- Publish results of impact assessment
- Monitor and review the policy

#### 1. IDENTIFY THE AIMS OF A POLICY

In order to impact assess a policy it is necessary to determine the policy's aims. This is important so that the overarching purpose of a policy is not lost in the impact assessment process. Questions that can help identify the aims of a policy include: who is affected by the policy? Who is responsible for implementing the policy? In what context does the policy operate? And what is the intended outcome of the policy?

#### 2. COLLECT NECESSARY DATA

The next stage of the process is to gather all the data and information needed to analyse a policy. This can be statistics from the institution, staff surveys, national or local data, benchmarking data and qualitative or quantitative research. Institutions should be prepared to commission more research if necessary and consult with relevant groups such as BME staff. The purpose of this stage is to collect all the evidence in order to assess any negative or positive impacts of a policy.

## EXAMPLE

If an institution was carrying out a race impact assessment on the awarding of professorial pay, some examples of the kind of data that would need to be gathered would include:

- a breakdown of professorial pay by ethnicity
- some national benchmark figures and trends
- consultation with BME staff on their perceptions of professorial pay.

### 3. ASSESS THE IMPACT OF THE POLICY

Having gathered all the data and research it is then necessary to analyse the impact of the policy. This is the main part of the impact assessment process; quite simply it means working out if the policy affects people of certain racial backgrounds differently.

This is done through looking at the data that has been collected and seeing if any disparities are thrown up between racial groups. If no disparities are found then this is the end of the impact assessment process for this particular policy, a report should be written, the results published and a time-frame should be set for the policy to be reviewed at some point in the future (see steps 6 & 7 below)

If disparities are found and these indicate a negative impact against a particular racial group, then the process continues and it needs to be ascertained whether the negative impact is justified i.e. it occurs because of a particular justifiable characteristic. If there is no justification for the negative impact on people from certain racial groups then steps must be taken to adapt the policy or make amendments to related policies. At this point the institution should be aware that failure to do so means it may be committing indirect discrimination or indeed direct discrimination.

### 4 CONSIDER ALTERNATIVES

If a negative impact is found against a particular racial group, HEIs are under an obligation to take steps to remove this.

This means looking at the original aims of a policy (under step 1) and finding alternative methods of meeting the same aims. This could involve making changes to a policy, altering the way it is implemented or introducing measures to mitigate any negative impact.

Using the example above on discretionary points, if evidence of a negative impact on BME groups becomes apparent, it could be mitigated by introducing a policy which clarifies procedures for the awarding of points, with clear standardised criteria and justifications for awarding them alongside a system for monitoring and appeals.

### 5. CONSULTATION

When the process of analysing and adapting policies is completed a HEI then must consult on these proposed changes. This consultation process should include BME members, those specifically affected by the policy and campus unions.

If the consultation highlights any problems with the changes suggested, these should be taken into account and dealt with accordingly.

### 6. PUBLISH RESULTS

Having agreed on changes to policies or mitigating alternatives, a report of the impact assessment process should be made available. This report should outline the process undertaken, the results found, the consultation and any changes made. It should be available externally and internally.

### 7. MONITOR AND REVIEW THE POLICY

HEIs should ensure that the policy is reviewed at regular intervals and the effects of any changes made monitored. The CRE recommends repeating impact assessments every 3 years.

Many HEI's have been slow in implementing more than the most basic requirements of the RR(A)A. In most institutions NATFHE and AUT branches and local associations are unaware of these provisions of the Act or of what their employer is doing to implement the Act.

It is essential that branches:

- Ask for copies of all impact assessments
- Use that list to identify the obvious gaps
- Insist that this information is set alongside pay audit and other information to provide a complete picture of equality in the university.

## i) DELIVERING ON EQUAL PAY

AUT and NATFHE believe that equal pay is an issue that needs to be tackled collectively. While we will continue to support individual cases and members in their struggles for pay parity, we also believe that embedded structural inequalities can only be challenged by collective action.

The implementation of the Framework Agreement provides us with an unprecedented opportunity to finally end discrimination in the awarding of pay in HE. Local associations and branches have the vital role, through negotiation, in ensuring their respective institutions carry out EPR in line with JNCHES guidance and to conduct impact assessments as required by the RR(A)A. This section of the toolkit outlines some campaigning and negotiating tips for delivering on equal pay and will cover the following:

- The importance of communication and consultation
- Tips for negotiating on equal pay
- Tips for campaigning on equal pay.

## ii) COMMUNICATION AND CONSULTATION

A crucial factor in making a campaign or negotiation credible and successful is engaging with members. Members in an LA or branch need to know what activists are doing and how it relates to them. This means that decisions that are made should be done so openly, transparently and with as much buy-in from the membership as possible.

When organising around equal pay issues it is particularly important to get the views of and involve members who are more likely to face pay discrimination. These include women, part-time members, hourly-paid members, fixed-term members, BME members, disabled members and LGBT members. It is vital that members from these groups get involved and feel ownership over any campaigning or negotiation as by taking this approach you will ensure that the priorities for your campaign will be set by those who will be directly affected by it. Furthermore, it could also enable you to maximise the opportunity to recruit new members and activists from these groups of staff and build a more diverse and active membership base.

Taking steps to communicate and consult with members means that an LA or branch is more likely to be effective and responsive to the needs and interests of its members. A variety of methods could and should be used to do this to ensure that the message gets through to people; this can include some or all of the following:

- Email – are all members on an email network and is the network regularly used with relevant information?
- Meetings – are these held at times and places where members can get to them, that is, would lunchtime meetings on campus be most suitable?
- Surveys – these can be done electronically
- Leaflets – leaving them in public places or electronic distribution can be an effective way of getting the word out
- Posters
- Local branch or association websites

The key point is to ensure that all members know what the union is doing, why it is doing it and how they can get involved.

As legislation and national JNCHEs guidance applies to all staff across an institution it is recommended that a partnership approach is taken with other campus unions dependent on local priorities and bargaining arrangements. This would make the position of the union stronger and have a greater chance of delivering on the issue. This also includes working with the student union who may be able to offer support.

### iii) NEGOTIATING ON EQUAL PAY

Negotiating on equal pay is crucial in order to make employers take action on the issue. In many cases employers will not disagree with unions when they say equality is a priority for them, not least because they are now aware of the legislative requirements being placed on them. But too often they simply make statements about equality and pay lip service to the issues without taking any action. That is why we need to take a collective approach on this issue.

Perhaps the most important means of mainstreaming the equal pay campaign is to ensure it is central to the way in which the Framework Agreement is implemented in each HEI. Unless an employer agrees to conduct an equal pay review and to impact assess the new pay structure to ensure the new arrangements are non-discriminatory local representatives should not finalise the implementation agreement. This will require each LA and branch to explain to members that the union is prioritising equality and will not agree to the assimilation of staff to new pay structures until the employer agrees to tackle equal pay.

Vague assurances of good conduct on equality in the future are no substitute for clear, unambiguous written commitments set out in a local framework implementation agreement.

The following are a series of steps that provide a template of what is needed for successful negotiations. Underpinning all of this is the need to regularly consult and communicate any progress of negotiations with your members.

#### 1. Agree your local negotiating priorities

The key minimum priorities of this national campaign are to ensure that equality, and the elimination of pay discrimination, is at the heart of our negotiations over the implementation of the Framework Agreement. We believe this can be best achieved by:

- Ensuring your institution achieves full compliance with the RR(A)A in conducting impact assessments of new pay arrangements and procedures. This is a legal requirement and HEIs who fail to do this will be breaking the law.

- Ensuring your institution carries out a regular equal pay audits in line with the JNCHES guidance. As outlined in the earlier section of this toolkit, the forthcoming legal ‘positive duties’ for gender and disability will also bring in the need to impact assess all relevant policies and practices along similar lines to the RR(A)A. This means such reviews will soon become a legal requirement too.

When your local association or branch is deciding on your negotiating priorities, you will want to take into account your own particular local circumstances, and how much progress you have already made in the area of equal pay. In order to assess how much progress your institution has made to date, you may find this checklist useful:

- Has your institution carried out an equal pay audit in line with the JNCHES guidance?
- If yes, what problems were diagnosed, and how much progress has been made in implementing the action plan to resolve these problems?
- If yes, ensure you are fully involved in the monitoring of the action plan, and discuss and agree timescales for the next equal pay audit. Best practice would suggest that an equal pay audit should have been undertaken at the outset of negotiations on the Framework Agreement, and after new pay arrangements have been implemented to ensure that firstly any identified problems have been resolved and, secondly to ensure that the process of introducing new pay and grading arrangements has not embedded any pay discrimination.
- If no, the minimum requirement is for your employer to carry out an equal pay audit in line with the JNCHES guidance by the end of 2006. In order for this to be done properly, work should start now on data gathering and the diagnosis of problems.
- Has your employer made a commitment to carry out impact assessments of all new pay and grading arrangements?
- If yes, ensure that you are fully involved at each stage of the process.

## 2. Make sure these issues are central to pay negotiations

It is crucial the equal pay is not seen as a separate negotiating issue but integral to the implementation of the Framework Agreement. Local negotiators are therefore advised to ensure that the negotiating objectives identified above are pursued through your regular negotiating meetings on the Framework Agreement. You may of course want to suggest that the agenda for the next meeting is dedicated specifically to equal pay and equalities issues.

## 3. Starting negotiations: making the case for equal pay

There are many reasons why HEIs must act on the issue of equal pay, it's important that you articulate the reasons why the LA wants them to be taken up. A few examples of what you could use to make the broad case for equal pay are given below but your members will no doubt be able to come up with more reasons too.

### LEGAL OBLIGATIONS

An institution's legal obligations should certainly be raised with employers and they should be made aware of the consequences if they fail to comply with legislation. One HEI is currently being investigated by the Commission for Racial Equality for failing to conduct impact assessments.

### PUBLIC SECTOR AUDITS

As well as the *Equal Pay Act 1970* and the RR(A)A it may also be useful to draw an institution's attention to the forthcoming Commission for Equality and Human Rights (CEHR) that will start operating from 2007. This Commission will combine all the current equality commissions (the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission) as well as bodies such as Stonewall which campaigns for LGBT rights and create new posts to deal with the areas of religion, belief and age. One of the commission's new duties will be to conduct an annual 'equalities audit' of the public sector, this would include HEIs. Institutions will be publicly evaluated on their work on equality which would have implications for their reputation and status.



## BUSINESS CASE

Not only is it ethically right that pay parity is achieved but it also has significant benefits for an institution. Describing the business case for ensuring equal pay can sometimes help convince more people that it is a necessity for institutions to take action on the issue. For example, having equal pay for equal work can deliver:

- **A more content and productive workforce** if pay systems are transparent and employees are rewarded fairly for their contribution to an organisation it boosts self worth and morale of staff.
- **Improved recruitment and retention** of better staff from a wider pool of potential applicants. People are more likely to apply to institutions where there is equal pay for work of equal value and AUT and NATFHE have plenty of anecdotal evidence from members who have chosen to move on from institutions on the basis of being discriminated against in pay and/or progression.
- **Potential savings against future litigation** equal pay and discrimination cases can be very costly to an employer. Taking steps to ensure that claims are not brought against an institution safeguards against those risks. Recently, the cap has been lifted for the amount of money that can be awarded in damages in discrimination cases which means that institutions could suffer heavy penalties.
- **Improved national profile and reputation.** Around the country AUT and NATFHE members have already negotiated action to be taken on equal pay. It is important to tell your institution this and highlight that they could be left behind. There is also a risk they could be named and shamed because of their discriminatory employment practices which would damage their reputation.

## 4. Taking the issue forward and timescales for implementation

Having secured a commitment from your employer to take action equal pay, it is crucial to then negotiate a timescale with them for implementation. Notably the legislation of the RR(A)A specifically states that lack of resources is not an excuse for failing to comply with the Act and this should be brought to employer's attention should they be faltering at this stage.

If working parties are set up it is recommended that there is representation from senior academic managers such as pro-vice-chancellors. Closing the pay gap will only come about from a change in the employment culture and the academic culture.

AUT and NATFHE can assist regionally and nationally in helping local associations and branches negotiate on the issue of equal pay. NATFHE branches already have detailed guidance on some of these issues through the Framework Agreement handbook, in CD or hard copy format. Please contact your regional office if you need advice and keep them up to date with how your negotiations are progressing.

See the list of contacts and useful resources included in this pack for national contacts at NATFHE and AUT and for other sources of information.

## iv) CAMPAIGNING ON EQUAL PAY

The aim of your campaigning work is to support your negotiators. A high profile, well run campaign will make a big difference to the outcome of any talks on implementing equal pay.

In this campaign aims, objectives and timings need to be agreed between those doing the negotiations and those whose responsibility it is to run campaigns and communications with members. So, first things first. Decide who is going to do what and call a meeting of all those who will be involved.

The priorities are to:

- Make sure members understand the issues
- Make sure potential members also know what the union is doing
- Find new activists who are prepared to help with this issue
- Report regularly on negotiating progress to members and non-members alike – even if there is no progress
- Allow members to participate in the campaign through surveys to establish their priorities and open meetings
- Make the campaign as personal as possible. Are individuals willing to go on record as saying why equal pay is a big issue for them? Individual cases resonate, whereas streams of statistics are quickly forgotten.

At this first meeting agree a campaign plan. This plan is the starting point, but don't get wedded to it. Events mean that you need to review what you do regularly. The aim of your plan is to support the negotiating objectives in this pack. More specifically, the campaign plan should include:

- Who will do what (who will be the link between campaigners and negotiators for example)
- How, when and where you will meet each other
- What resources you already have (see AUT website), and what you might produce locally
- Who you will seek to target initially
- What type of campaigning activity and when (eg stalls, advert in university newsletter, petition, open meeting, survey etc)
- Timescales

More detailed information and resources can be found in the AUT Campaign Toolkit and on the AUT website [www.aut.org.uk/equalpay](http://www.aut.org.uk/equalpay). AUT members can also use the DAN activist list to exchange ideas and swap experience. Other activists will be campaigning at the same time as you. They will hit different problems and find solutions to the things that you are struggling to overcome.

### Resources

Equal Pay negotiations and campaigns should directly fit in to the work already being undertaken for the implementation of the Framework Agreement and therefore the people and energy involved need not be separate. This campaign could also be an opportunity to engage new members or those who have not traditionally been involved so this could help spread out the resource implications of the campaign.

### Engaging branches and local associations

There has sometimes been a reluctance to take forward issues of equal pay and equality at a union level as it has not been seen to be 'everyone's issue'. It is crucial that this myth is dispelled through highlighting the collective nature of equality issues and equal pay. Local branches should look at their membership and check that they are representing the interest of all groups of members.

A small book could be written on the potential barriers to running and winning an effective campaign. Mostly, problems come down to a lack of communication between those who are doing the negotiation and those whose work supports it. Let's focus instead on the positives:

- A united branch or local association – work hard to make sure that your branch or local association prioritises equal pay in its framework negotiations
- Communication – tell members what is going on even if nothing is
- Ask for help when you need it – there is a wealth of campaigning resources available from NATFHE and AUT. Talk to your regional and national officials and campaign teams if you still need advice
- Don't get depressed if the world doesn't change overnight. Momentum is the key to successful campaigning, and things can be slow at first. If you get bad news on the negotiating front don't give up. Use it to stir up members and non-members still further.

- Use national resources, but be as local as possible. Simple messages are better than reams of statistical analysis because members can relate to them
- Don't get hung up on fancy design and colour schemes. Well written leaflets which get to the heart of the matter will be remembered long after glossy booklets are thrown in the wastepaper bin.
- Use every opportunity you get to talk to members and others about the issues – like your institution's internal governance bodies or newsletters. Things never change unless management are challenged to change them.
- Celebrate success, learn from failure and never give up

## v) TAKING THE CAMPAIGN FORWARD

It is important to take action **now** on equality within pay as the HE sector undergoes its biggest restructuring of pay for decades. If action does not take place now we may simply further embed discriminatory practice. Each local association or branch should only finalise their implementation agreement if it contains detailed proposals to tackle inequality, therefore the issue will have to be addressed before implementation.

If a HEI is unresponsive – then the Framework Agreement will not be implemented, as neither union should agree to the introduction of pay structures that are not fully compliant with best equality practice in relation to pay, grading, contribution pay and progression arrangements. Each union currently has its own arrangements for nationally approving local Framework Agreement implementation.

AUT and NATFHE will be publicising examples of good practice and also exposing those employers who refuse to provide fair and equality proofed pay structures for their staff.

We hope you will join us in our campaign.



A dedicated section of the AUT website has been established containing further guidance and information on pay equality. The site includes links to AUT policies, documents and more detailed guidance on some of the issues outlined in this toolkit. It will also present progress reports on Putting Equality in the Frame around UK HEIs. The pages can be accessed on [www.aut.org.uk/equalpaycampaign](http://www.aut.org.uk/equalpaycampaign)

For further inquiries, questions or support you can contact:

## AUT HQ

Rachel Curley, Assistant General Secretary  
[Rachel.curely@aut.org.uk](mailto:Rachel.curely@aut.org.uk)

Justine Stephens, Head of Campaigns  
[Justine.stephens@aut.org.uk](mailto:Justine.stephens@aut.org.uk)

They can both be reached at 0207 6709700

## NATFHE HQ contacts

Roger Kline, Head of Universities department  
[rkline@natfhe.org.uk](mailto:rkline@natfhe.org.uk)

Andy Pike, National Official  
[apike@natfhe.org.uk](mailto:apike@natfhe.org.uk)

They can both be reached at 020 7837 3636

## Documents

JNCHES, Equal Pay Reviews: Guidance for Higher Education Institutions 2002 available from [www.aut.org.uk/equalpaycampaign](http://www.aut.org.uk/equalpaycampaign)

JNCHES and ECU, Race Equality: Communication and Consultation Toolkit for Higher Education Institutions 2004

HEFCE and ECU, Conducting Impact Assessments for Equal Opportunities in Higher Education 2004

Both available from <http://www.ecu.ac.uk/publications/guidancepublications/>

TUC, Guide to Equality Law, 2005  
<http://www.tuc.org.uk/extras/equalitylawguide.pdf>

Women and Work Commission, A fair deal for women in the workplace: interim statement, 2005

[http://www.womenandequalityunit.gov.uk/women\\_work\\_commission/index.htm](http://www.womenandequalityunit.gov.uk/women_work_commission/index.htm)

CRE, Race Equality Impact Assessment guide, 2004  
<http://www.cre.gov.uk/duty/reia/what.html>

## Equality advisory bodies

Commission for Racial Equality (CRE)  
St Dunstan's House  
201-211 Borough High Street  
London SE1 1GZ  
Tel. 020 7939 0000  
Fax. 020 7939 0001  
E-mail: [info@cre.gov.uk](mailto:info@cre.gov.uk)  
Website: [www.cre.gov.uk](http://www.cre.gov.uk)

Disability Rights Commission (DRC)  
DRC Helpline  
Freepost MID 02164  
Stratford-Upon-Avon CV37 9BR  
Tel. 08457 622 633  
Fax. 08457 778 878  
Textphone: 08457 622 644  
E-mail: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)  
Website: [www.drc-gb.org](http://www.drc-gb.org)

Equal Opportunities Commission (EOC)  
Arndale House  
Arndale Centre  
Manchester M4 3EQ  
Tel. 0845 601 5901  
Fax. 0161 838 1733  
E-mail: [info@eoc.org.uk](mailto:info@eoc.org.uk)  
Website: [www.eoc.org.uk](http://www.eoc.org.uk)

Employers Forum on Age  
Astral House  
1268 London Road  
London SW16 4ER  
Tel. 020 8765 7597  
Fax. 020 8765 7374  
E-mail: [efa@ace.org.uk](mailto:efa@ace.org.uk)  
Website: [www.efa.org.uk](http://www.efa.org.uk)

Equality Challenge Unit (ECU)  
4 Tavistock Place  
London WC1H 9RA  
Tel. 020 7520 7060  
Fax. 020 7520 7069  
E-mail: [info@ecu.ac.uk](mailto:info@ecu.ac.uk)  
Website: [www.ecu.ac.uk](http://www.ecu.ac.uk)

Equality Commission for Northern Ireland  
Equality House  
7-9 Shaftesbury Square  
Belfast BT2 7DP  
Tel. 028 90 500600  
Fax. 028 90 248687  
Textphone 028 90 500589  
E-mail: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)

Higher Education Equal Opportunities Network (HEEON)  
Website: [www.worc.ac.uk/services/equalopps/HEEON](http://www.worc.ac.uk/services/equalopps/HEEON)

Higher Education Statistics Agency (HESA)  
18 Royal Crescent  
Cheltenham GL50 3DA  
Tel. 01242 255577  
Fax. 01242 211122  
Website: [www.hesa.ac.uk](http://www.hesa.ac.uk)

Stonewall  
46-48 Grosvenor Gardens  
London SW1W 0EB  
Tel. 020 7881 9440  
Fax. 020 7881 9444  
Minicom: 020 7881 9996  
Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)  
Website: [www.stonewall.org.uk](http://www.stonewall.org.uk)



## EQUALITY IN HIGHER EDUCATION – THE FACTS

The following summaries are taken from AUT analysis of the Higher Education Statistics Agency (HESA) data for 2003/04. A fully detailed report is available from the AUT publication *The Diverse Academy*, available from [www.aut.org.uk/equalpaycampaign](http://www.aut.org.uk/equalpaycampaign).

The data currently only examines the gender and race context in HE. From next year the AUT will be carrying out detailed analysis on disability in the higher education context.

### Gender

#### PAY GAP

In 2003/04 female full-time academic staff in the UK earned on average £32,320, according to data collected throughout the sector by the Higher Education Statistics Agency.<sup>i</sup> The average for their male colleagues was £37,639. Pay for female academics was 85.9% of pay for men, which meant that for every pound earned by a male academic, a female earned only 86 pence – a gender pay gap of 14.1%.

Although the gender pay gap for UK academics has consistently narrowed since 1999-2000, when it stood at 15.6% – and is narrower than the gap for the UK economy as a whole, of 18% – equal pay for academics is still a long way off.

There was considerable variation among institutions in terms of gender pay gaps (Table 1). At the great majority, women earned less on average than their male colleagues, sometimes by more than 25%. At a small number of institutions, the gender pay gap was reversed, with women earning slightly more on average than men. Because of small numbers of staff at some institutions, data on the gender pay gap was not available.

#### DISCRETIONARY PAY

Discretionary pay is currently used in a number of job grades for academic staff in UK higher education. Discretionary pay is a form of performance-related pay, and is at a higher level than pay for other employees on the same job grade.

Analysis of data for 2002/03 shows that male academics in the UK are 1.5 times more likely than their female colleagues to be awarded discretionary pay. While the discretionary ‘pay gap’ is relatively narrow in England, in Wales and Northern Ireland male academics are twice as likely as female colleagues to be awarded discretionary pay.

#### JOB GRADES

The gap between the proportion of women and men on senior academic grades is gradually getting narrower. In 1995, only 8% of professors in pre-1992 institutions were women.<sup>ii</sup> By 2003/04, that proportion had risen to 14%. In the same period, the percentage of females on the top research level of grade IV rose from 17% to 26%. In post-1992 institutions over the same period, the percentage of female principal lecturers rose from 23% to 33%, and females on the more senior researcher B grade rose from 35% to 51%.<sup>iii</sup>

The following tables give details of the gender pay gap by higher education institution in the UK. They are taken from AUT analysis of the 2003/04 data from the Higher Education Statistics Agency.

**Table 1 – Full-time academic staff: gender pay gap by institution 2003/04**

	Average full-time academic salary	Women's pay as a proportion of men's	Gender pay gap*
<b>ENGLAND</b>			
Anglia Polytechnic University	£36,956	95.7%	4.3%
Aston University	£37,952	78.9%	21.1%
Bath Spa University College	£34,193	98.9%	1.1%
The University of Bath	£36,074	82.6%	17.4%
Birkbeck College	£36,075	95.4%	4.6%
Birmingham College of Food, Tourism and Creative Studies	£29,732	95.5%	4.5%
The University of Birmingham	£35,988	81.0%	19.0%
Bishop Grosseteste College	£34,447	99.4%	0.6%
Bolton Institute of Higher Education	£35,753	95.3%	4.7%
The Arts Institute at Bournemouth	£31,263	90.0%	10.0%
Bournemouth University	£33,780	92.4%	7.6%
The University of Bradford	£35,091	92.6%	7.4%

(continued overleaf)

**Table 1 – Full-time academic staff: gender pay gap by institution 2003/04 (continued)**

	Average full-time academic salary	Women's pay as a proportion of men's	Gender pay gap*
The University of Brighton	£35,698	90.9%	9.1%
The University of Bristol	£35,961	81.4%	18.6%
Brunel University	£34,564	93.1%	6.9%
Buckinghamshire Chilterns University College	£35,916	96.2%	3.8%
The University of Cambridge	£33,985	82.4%	17.6%
The Institute of Cancer Research	£33,923	78.2%	21.8%
Canterbury Christ Church University College	£36,443	95.1%	4.9%
University of Central England in Birmingham	£33,421	95.6%	4.4%
The University of Central Lancashire	£33,272	93.3%	6.7%
Central School of Speech and Drama	£30,049	97.7%	2.3%
University College Chester	£33,433	94.7%	5.3%
University College Chichester	£36,057	96.9%	3.1%
City University	£39,951	84.4%	15.6%
Conservatoire for Dance and Drama	£26,000	102.5%	-2.5%
Coventry University	£36,030	91.5%	8.5%
Courtauld Institute of Art	£40,953	86.9%	13.1%
Cranfield University	£38,984	81.4%	18.6%
Cumbria Institute of the Arts	£29,826	92.1%	7.9%
Dartington College of Arts	£34,798	84.7%	15.3%
De Montfort University	£36,411	93.2%	6.8%
University of Derby	£32,695	93.8%	6.2%
University of Durham	£34,069	88.7%	11.3%
The University of East Anglia	£35,015	83.5%	16.5%
The University of East London	£37,233	90.9%	9.1%
Edge Hill College of Higher Education	£33,268	96.2%	3.8%
The University of Essex	£38,100	81.6%	18.4%
The University of Exeter	£35,167	82.9%	17.1%
Falmouth College of Arts	£33,680	94.6%	5.4%
University of Gloucestershire	£36,149	94.5%	5.5%
Goldsmiths College	£37,539	90.8%	9.2%
The University of Greenwich	£36,655	91.8%	8.2%
Harper Adams University College	£34,322	86.6%	13.4%
University of Hertfordshire	£35,347	93.0%	7.0%
Homerton College	£33,560	100.5%	-0.5%
The University of Huddersfield	£35,973	92.9%	7.1%
The University of Hull	£36,690	91.6%	8.4%
Imperial College of Science, Technology & Medicine	£38,709	82.9%	17.1%
Institute of Education	£38,021	85.6%	14.4%
The University of Keele	£36,435	85.5%	14.5%
The University of Kent	£36,364	80.8%	19.2%
Kent Institute of Art & Design	£34,191	101.9%	-1.9%
King's College London	£38,579	79.8%	20.2%
Kingston University	£36,659	97.2%	2.8%

*(continued overleaf)*

**Table 1 – Full-time academic staff: gender pay gap by institution 2003/04 (continued)**

	Average full-time academic salary	Women's pay as a proportion of men's	Gender pay gap*
The University of Lancaster	£35,513	81.4%	18.6%
Leeds Metropolitan University	£35,928	95.8%	4.2%
The University of Leeds	£36,315	84.3%	15.7%
The University of Leicester	£37,211	76.2%	23.8%
The University of Lincoln	£35,335	86.0%	14.0%
Liverpool Hope University College	£32,597	97.0%	3.0%
Liverpool John Moores University	£35,262	93.3%	6.7%
The University of Liverpool	£36,648	80.7%	19.3%
University of the Arts, London	£34,529	96.8%	3.2%
London Business School	£110,611	73.2%	26.8%
University of London (Institutes and activities)	£32,327	71.9%	28.1%
London South Bank University	£36,633	93.2%	6.8%
London School of Economics and Political Science	£40,876	78.9%	21.1%
London School of Hygiene & Tropical Medicine	£39,811	85.8%	14.2%
Loughborough University	£36,074	85.4%	14.6%
University of Luton	£35,653	89.7%	10.3%
University of Manchester (pre-merger)	£36,150	80.1%	19.9%
The University of Manchester Institute of Science & Technology (pre-merger)	£34,093	84.8%	15.2%
The Manchester Metropolitan University	£34,805	93.5%	6.5%
Middlesex University	£36,314	90.5%	9.5%
The University of Newcastle-upon-Tyne	£36,621	80.1%	19.9%
Newman College of HE	£33,394	88.9%	11.1%
University College Northampton	£34,503	97.0%	3.0%
Northern School of Contemporary Dance	£28,955	n/a	n/a
The University of Northumbria at Newcastle	£34,810	92.0%	8.0%
Norwich School of Art and Design	£37,632	n/a	n/a
The Nottingham Trent University	£36,531	87.9%	12.1%
The University of Nottingham	£36,069	83.2%	16.8%
The Open University	£38,290	94.5%	5.5%
Oxford Brookes University	£37,005	91.5%	8.5%
The University of Oxford	£32,454	84.4%	15.6%
The University of Plymouth	£36,468	86.9%	13.1%
The University of Portsmouth	£35,108	87.6%	12.4%
Queen Mary and Westfield College	£36,882	82.6%	17.4%
Ravensbourne College of Design and Communication	£40,880	n/a	n/a
The University of Reading	£34,040	81.3%	18.7%
Roehampton University	£35,120	93.5%	6.5%
Rose Bruford College	£10,687	n/a	n/a
Royal Academy of Music	£46,554	n/a	n/a
Royal Agricultural College	£34,717	n/a	n/a
Royal College of Art	£41,440	78.4%	21.6%
Royal College of Music	£42,388	n/a	n/a
The Royal College of Nursing	£36,810	81.9%	18.1%

*(continued overleaf)*

**Table 1 – Full-time academic staff: gender pay gap by institution 2003/04 (continued)**

	Average full-time academic salary	Women's pay as a proportion of men's	Gender pay gap*
Royal Holloway and Bedford New College	£36,331	86.2%	13.8%
Royal Northern College of Music	£36,769	81.9%	18.1%
The Royal Veterinary College	£39,692	73.8%	26.2%
St George's Hospital Medical School	£37,144	76.6%	23.4%
College of St Mark and St John	£35,986	87.6%	12.4%
St Martin's College	£33,616	95.5%	4.5%
St Mary's College	£34,335	94.7%	5.3%
The University of Salford	£36,135	93.1%	6.9%
The School of Oriental and African Studies	£34,722	86.3%	13.7%
The School of Pharmacy	£35,642	84.8%	15.2%
Sheffield Hallam University	£34,605	92.3%	7.7%
The University of Sheffield	£36,099	83.8%	16.2%
Southampton Institute	£34,482	93.9%	6.1%
The University of Southampton	£35,750	85.7%	14.3%
Staffordshire University	£34,992	97.9%	2.1%
The University of Sunderland	£36,044	90.7%	9.3%
The Surrey Institute of Art and Design, University College	£35,247	97.0%	3.0%
The University of Surrey	£20,383	70.1%	29.9%
The University of Sussex	£35,611	89.6%	10.4%
The University of Teesside	£34,721	95.2%	4.8%
Thames Valley University	£35,297	93.7%	6.3%
Trinity and All Saints College	£34,268	93.4%	6.6%
Trinity College of Music	£25,915	n/a	n/a
University College London	£39,869	80.5%	19.5%
The University of Warwick	£36,173	82.6%	17.4%
University of the West of England, Bristol	£35,138	94.4%	5.6%
The University of Westminster	£37,193	94.3%	5.7%
Wimbledon School of Art	£41,100	91.6%	8.4%
University College Winchester	£34,275	94.1%	5.9%
The University of Wolverhampton	£33,717	94.7%	5.3%
University College Worcester	£34,000	95.1%	4.9%
Writtle College	£30,017	78.4%	21.6%
York St John College	£35,045	96.9%	3.1%
The University of York	£34,145	86.8%	13.2%
<b>England total</b>	<b>£35,847</b>	<b>86.5%</b>	<b>13.5%</b>
<b>WALES</b>			
University of Wales, Aberystwyth	£45,369	66.5%	33.5%
University of Wales, Bangor	£34,567	81.0%	19.0%
Cardiff University	£34,360	77.4%	22.6%
University of Wales Institute, Cardiff	£33,927	91.5%	8.5%
University of Glamorgan	£33,733	92.5%	7.5%
The University of Wales, Lampeter	£33,906	75.7%	24.3%
University of Wales College of Medicine	£41,563	72.6%	27.4%

*(continued overleaf)*

**Table 1 – Full-time academic staff: gender pay gap by institution 2003/04 (continued)**

	Average full-time academic salary	Women's pay as a proportion of men's	Gender pay gap*
The University of Wales, Newport	£34,410	90.5%	9.5%
The North-East Wales Institute of Higher Education	£31,612	93.3%	6.7%
The University of Wales, Registry	£25,027	n/a	n/a
Royal Welsh College of Music and Drama	£37,694	87.5%	12.5%
Swansea Institute of Higher Education	£32,662	96.8%	3.2%
University of Wales, Swansea	£37,087	81.3%	18.7%
Trinity College, Carmarthen	£32,957	84.5%	15.5%
<b>Wales total</b>	<b>£35,427</b>	<b>82.5%</b>	<b>17.5%</b>
<b>SCOTLAND</b>			
The University of Aberdeen	£35,760	81.2%	18.8%
University of Abertay Dundee	£34,190	92.2%	7.8%
Bell College	£30,754	93.9%	6.1%
The University of Dundee	£33,999	84.4%	15.6%
Edinburgh College of Art	£37,025	98.8%	1.2%
The University of Edinburgh	£36,145	80.0%	20.0%
Glasgow Caledonian University	£36,560	89.3%	10.7%
Glasgow School of Art	£36,450	95.0%	5.0%
The University of Glasgow	£37,751	80.5%	19.5%
Heriot-Watt University	£35,484	82.1%	17.9%
Napier University	£34,843	95.9%	4.1%
The University of Paisley	£36,786	92.0%	8.0%
Queen Margaret University College, Edinburgh	£11,695	96.4%	3.6%
The Robert Gordon University	£33,772	94.3%	5.7%
The Royal Scottish Academy of Music and Drama	£35,441	104.5%	-4.5%
The University of St Andrews	£34,977	71.9%	28.1%
Scottish Agricultural College	£31,659	84.7%	15.3%
The University of Stirling	£35,243	87.5%	12.5%
The University of Strathclyde	£35,946	83.9%	16.1%
<b>Scotland total</b>	<b>£35,417</b>	<b>83.2%</b>	<b>16.8%</b>
<b>NORTHERN IRELAND</b>			
The Queen's University of Belfast	£35,945	83.8%	16.2%
St Mary's University College	£36,488	89.5%	10.5%
Stranmillis University College	£36,143	86.1%	13.9%
University of Ulster	£35,487	85.3%	14.7%
<b>Northern Ireland total</b>	<b>£35,765</b>	<b>84.7%</b>	<b>15.3%</b>
<b>UK grand total</b>	<b>£35,773</b>	<b>85.9%</b>	<b>14.1%</b>

**Table footnotes**

\* Minus means gender pay gap in womens' favour.

N/a indicates a suppressed average on grounds of there being 7 or less staff in the cell.

London Metropolitan University has asked that its individual level data is not released at this time – totals shown include all institutions.

Source: HESA Staff Record 2003/04; percentage calculations by AUT. HESA does not accept responsibility for any inferences or conclusions derived from the data by third parties.



## Ethnicity

### Pay gap

In 2003/04 black and minority ethnic (BME) full-time academic staff in the UK (of UK nationality) earned on average £35,119, according to data collected throughout the sector by the Higher Education Statistics Agency. The average for their white colleagues was £37,322. Pay for BME academic staff was 94.1% of pay for whites, which meant that for every pound earned by a white academic, a BME academic earned only 94 pence – an ethnicity pay gap of 5.9%.

The pay gap between white and BME academic staff has fluctuated over the past decade at around 6% to 7%. But in the past two years, the gap has narrowed to just under 6% – much narrower than the gender pay gap.

At most UK higher education institutions, BME academics earned less on average than their white colleagues in 2003/04 (Table 2). But there were some institutions where BME academics earned considerably more than their white colleagues – particularly at Essex University, where was a gap of 24% in favour of BME academics. Because of small numbers, data on the ethnicity pay gap was not available at a number of institutions.

### Discretionary pay

Discretionary pay is currently used in a number of job grades for academic staff in UK higher education. Discretionary pay is a form of performance-related pay, and is at a higher level than pay for other employees on the same job grade.

Analysis of data for 2002/03 shows there is very little difference between white and Black and Minority Ethnic (BME) academics in England and in the UK overall in terms of the proportion of staff who are at the top of their main grade. However, white academics in UK higher education are 1.6 times more likely than their BME colleagues to be awarded discretionary pay points.

### Job grades

Although figures have been improving, BME academics are still under-represented on senior academic job grades, compared with the proportion of BME academic staff overall, or the proportion of BME people in the UK with a NVQ level 5 qualification.<sup>iv</sup> So, for example, in 1995, 3% of pre-1992 professors were BME staff, rising to 4% in 2003-4.<sup>v</sup> There was the same change in percentages for pre-1992 research grade IV (the most senior research grade) staff. In the post-1992 sector in the same period, BME staff increased from 4% to 5% of principal lecturers, and from 14% to 16% of (the more senior) researcher B staff.

The following tables give details of the ethnicity pay gap by higher education institution in the UK. They are taken from AUT analysis of the 2003/04 data from the Higher Education Statistics Agency.

**Table 2 – Full-time academic staff: ethnicity pay gap by institution 2003/04**

	BME pay as a proportion of white pay	Ethnicity pay gap**
<b>ENGLAND</b>		
Anglia Polytechnic University	97.1%	2.9%
Aston University	87.8%	12.2%
Bath Spa University College	n/a	n/a
The University of Bath	94.1%	5.9%
Birkbeck College	93.5%	6.5%
Birmingham College of Food, Tourism and Creative Studies	90.6%	9.4%
The University of Birmingham	89.6%	10.4%
Bishop Grosseteste College	n/a	n/a
Bolton Institute of Higher Education	91.8%	8.2%
The Arts Institute at Bournemouth	n/a	n/a
Bournemouth University	96.1%	3.9%
The University of Bradford	97.8%	2.2%
The University of Brighton	93.9%	6.1%
The University of Bristol	92.2%	7.8%
Brunel University	92.8%	7.2%
Buckinghamshire Chilterns University College	95.3%	4.7%

(continued overleaf)

**Table 2 – Full-time academic staff: ethnicity pay gap by institution 2003/04 (continued)**

	BME pay as a proportion of white pay	Ethnicity pay gap**
The University of Cambridge	92.7%	7.3%
The Institute of Cancer Research	84.8%	15.2%
Canterbury Christ Church University College	88.0%	12.0%
University of Central England in Birmingham	88.9%	11.1%
The University of Central Lancashire	94.2%	5.8%
Central School of Speech and Drama	n/a	n/a
University College Chester	97.9%	2.1%
University College Chichester	n/a	n/a
City University	87.5%	12.5%
Conservatoire for Dance and Drama	n/a	n/a
Coventry University	95.5%	4.5%
Courtauld Institute of Art	n/a	n/a
Cranfield University	96.0%	4.0%
Cumbria Institute of the Arts	n/a	n/a
Dartington College of Arts	n/a	n/a
De Montfort University	98.9%	1.1%
University of Derby	96.8%	3.2%
University of Durham	101.3%	-1.3%
The University of East Anglia	80.4%	19.6%
The University of East London	83.7%	16.3%
Edge Hill College of Higher Education	n/a	n/a
The University of Essex	124.3%	-24.3%
The University of Exeter	99.8%	0.2%
Falmouth College of Arts	n/a	n/a
University of Gloucestershire	90.4%	9.6%
Goldsmiths College	89.9%	10.1%
The University of Greenwich	95.4%	4.6%
Harper Adams University College	n/a	n/a
University of Hertfordshire	95.6%	4.4%
Homerton College	102.4%	-2.4%
The University of Huddersfield	78.1%	21.9%
The University of Hull	100.8%	-0.8%
Imperial College of Science, Technology & Medicine	87.5%	12.5%
Institute of Education	n/a	n/a
The University of Keele	105.5%	-5.5%
The University of Kent	88.6%	11.4%
Kent Institute of Art & Design	n/a	n/a
King's College London	88.5%	11.5%
Kingston University	89.3%	10.7%
The University of Lancaster	97.6%	2.4%
Leeds Metropolitan University	90.7%	9.3%
The University of Leeds	82.3%	17.7%
The University of Leicester	102.2%	-2.2%
The University of Lincoln	97.3%	2.7%

*(continued overleaf)*

**Table 2 – Full-time academic staff: ethnicity pay gap by institution 2003/04 (continued)**

	BME pay as a proportion of white pay	Ethnicity pay gap**
Liverpool Hope University College	88.2%	11.8%
Liverpool John Moores University	98.5%	1.5%
The University of Liverpool	98.5%	1.5%
University of the Arts, London	92.4%	7.6%
London Business School	n/a	n/a
University of London (Institutes and activities)	n/a	n/a
London South Bank University	95.7%	4.3%
London School of Economics and Political Science	84.5%	15.5%
London School of Hygiene & Tropical Medicine	84.7%	15.3%
Loughborough University	90.1%	9.9%
University of Luton	92.1%	7.9%
University of Manchester (pre-merger)	89.4%	10.6%
The University of Manchester Institute of Science & Technology (pre-merger)	98.4%	1.6%
The Manchester Metropolitan University	91.9%	8.1%
Middlesex University	94.7%	5.3%
The University of Newcastle-upon-Tyne	92.3%	7.7%
Newman College of HE	n/a	n/a
University College Northampton	95.8%	4.2%
Northern School of Contemporary Dance	n/a	n/a
The University of Northumbria at Newcastle	96.3%	3.7%
Norwich School of Art and Design	n/a	n/a
The Nottingham Trent University	97.0%	3.0%
The University of Nottingham	100.6%	-0.6%
The Open University	92.6%	7.4%
Oxford Brookes University	89.7%	10.3%
The University of Oxford	89.7%	10.3%
The University of Plymouth	95.1%	4.9%
The University of Portsmouth	102.7%	-2.7%
Queen Mary and Westfield College	90.9%	9.1%
Ravensbourne College of Design and Communication	n/a	n/a
The University of Reading	86.0%	14.0%
Roehampton University	85.2%	14.8%
Rose Bruford College	n/a	n/a
Royal Academy of Music	n/a	n/a
Royal Agricultural College	n/a	n/a
Royal College of Art	n/a	n/a
Royal College of Music	n/a	n/a
The Royal College of Nursing	n/a	n/a
Royal Holloway and Bedford New College	88.1%	11.9%
Royal Northern College of Music	n/a	n/a
The Royal Veterinary College	73.9%	26.1%
St George's Hospital Medical School	92.9%	7.1%
College of St Mark and St John	n/a	n/a
St Martin's College	104.3%	-4.3%

*(continued overleaf)*

**Table 2 – Full-time academic staff: ethnicity pay gap by institution 2003/04 (continued)**

	BME pay as a proportion of white pay	Ethnicity pay gap**
St Mary's College	n/a	n/a
The University of Salford	101.6%	-1.6%
The School of Oriental and African Studies	93.2%	6.8%
The School of Pharmacy	n/a	n/a
Sheffield Hallam University	94.5%	5.5%
The University of Sheffield	95.2%	4.8%
Southampton Institute	n/a	n/a
The University of Southampton	94.3%	5.7%
Staffordshire University	98.6%	1.4%
The University of Sunderland	94.5%	5.5%
The Surrey Institute of Art and Design, University College	n/a	n/a
The University of Surrey	83.7%	16.3%
The University of Sussex	95.8%	4.2%
The University of Teesside	96.2%	3.8%
Thames Valley University	92.8%	7.2%
Trinity and All Saints College	n/a	n/a
Trinity College of Music	n/a	n/a
University College London	90.2%	9.8%
The University of Warwick	90.2%	9.8%
University of the West of England, Bristol	101.0%	-1.0%
The University of Westminster	90.3%	9.7%
Wimbledon School of Art	n/a	n/a
University College Winchester	n/a	n/a
The University of Wolverhampton	96.5%	3.5%
University College Worcester	92.4%	7.6%
Writtle College	n/a	n/a
York St John College	n/a	n/a
The University of York	91.3%	8.7%
<b>England total</b>	<b>93.8%</b>	<b>6.2%</b>
<b>WALES</b>		
University of Wales, Aberystwyth	n/a	n/a
University of Wales, Bangor	n/a	n/a
Cardiff University	90.8%	9.2%
University of Wales Institute, Cardiff	92.2%	7.8%
University of Glamorgan	103.1%	-3.1%
The University of Wales, Lampeter	n/a	n/a
University of Wales College of Medicine	95.3%	4.7%
The University of Wales, Newport	n/a	n/a
The North-East Wales Institute of Higher Education	n/a	n/a
The University of Wales, Registry	n/a	n/a
Royal Welsh College of Music and Drama	n/a	n/a
Swansea Institute of Higher Education	n/a	n/a
University of Wales, Swansea	86.8%	13.2%
Trinity College, Carmarthen	n/a	n/a
<b>Wales total</b>	<b>94.1%</b>	<b>5.9%</b>

(continued overleaf)



**Table 2 – Full-time academic staff: ethnicity pay gap by institution 2003/04 (continued)**

	BME pay as a proportion of white pay	Ethnicity pay gap**
<b>SCOTLAND</b>		
The University of Aberdeen	102.3%	-2.3%
University of Abertay Dundee	n/a	n/a
Bell College	n/a	n/a
The University of Dundee	88.5%	11.5%
Edinburgh College of Art	n/a	n/a
The University of Edinburgh	93.1%	6.9%
Glasgow Caledonian University	100.0%	0.0%
Glasgow School of Art	n/a	n/a
The University of Glasgow	94.8%	5.2%
Heriot-Watt University	89.1%	10.9%
Napier University	104.2%	-4.2%
The University of Paisley	87.2%	12.8%
Queen Margaret University College, Edinburgh	n/a	n/a
The Robert Gordon University	106.7%	-6.7%
The Royal Scottish Academy of Music and Drama	n/a	n/a
The University of St Andrews	87.1%	12.9%
Scottish Agricultural College	n/a	n/a
The University of Stirling	n/a	n/a
The University of Strathclyde	101.0%	-1.0%
<b>Scotland total</b>	<b>97.2%</b>	<b>2.8%</b>
<b>NORTHERN IRELAND</b>		
The Queen's University of Belfast	98.7%	1.3%
St Mary's University College	n/a	n/a
Stranmillis University College	n/a	n/a
University of Ulster	79.3%	20.7%
<b>Northern Ireland total</b>	<b>93.7%</b>	<b>6.3%</b>
<b>UK grand total</b>	<b>94.1%</b>	<b>5.9%</b>

**Table footnotes**

BME, black and minority ethnic

Data for academic staff of British nationality only

\*\* Minus means ethnicity pay gap in BMEs' favour

N/a Indicates a suppressed average on grounds of there being 7 or less staff in the cell

London Metropolitan University has asked that its individual level data is not released at this time – totals shown include all institutions.

Source: HESA Staff Record 2003/04; percentage calculations by AUT. HESA does not accept responsibility for any inferences or conclusions derived from the data by third parties.

**References and notes**

- i Sample-based data in the government's National Statistics New Earnings Survey series indicates for 1993–2003 a wider and more fluctuating gender pay gap for 'higher education teaching professionals', with a gap in 2003 of 17.7%.
- ii Pre-1992 refers to UK higher education institutions established before 1992.
- iii Post-1992 refers to UK higher education institutions established since 1992.
- iv 10.5% of UK academics in 2003/04 were BME staff; 10.5% of people with NVQ level 5 in 2004 were BMEs.
- v Pre-1992 refers to UK higher education institutions established before 1992.



A photograph of two hands, one from the left and one from the right, holding a white, rounded rectangular card. The hands are positioned as if presenting the card. The background is a solid, bright blue color. The text on the card is in a bold, magenta font.

**Association of University Teachers**

**Egmont House**

**25–31 Tavistock Place**

**London WC1H 9UT**

**t. 020 7670 9700, f. 020 7670 9799**

**hq@aut.org.uk, www.aut.org.uk**