

UWE

EQUALITY ANALYSIS GUIDANCE 2012

1. Why carry out equality analysis?

Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act, such as people of different ages. There are two key reasons for equality analysis. First, to consider if there are any unintended consequences for some groups; second, to consider if the activity will be fully effective for all target groups.

Equality analysis involves using equality information, and the results of engagement with protected groups and others, to understand the actual effect or the potential effect of university activities (functions, policies or decisions). It can help to identify practical steps to tackle any negative effects or discrimination, to advance equality and to foster good relations.

2. What is the legal context?

Under the new public sector general equality duty within the Equality Act 2010, universities are not required to follow any specific methodology or template to undertake equality analysis, but they need to be able to demonstrate that they have paid due regard to the aims set out in the general equality duty.

The change in terminology from 'equality impact assessment' to 'equality analysis' is intended to focus more attention on the quality of the analysis and how it is used in decision-making, and less on the production of a document, which some may have taken to be an end in itself.

The general equality duty now makes it clear that universities are expected to consider the need to remove or minimise disadvantage or to meet particular needs, such as through providing services for particular groups. Universities are also required to think about how to encourage participation in public life. Universities must also pay due regard to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

3. What should be analysed?

In this guide and the related equality analysis form the term 'activity' is shorthand for what needs to be analysed. 'Activity' means UWE policies, practices, projects and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice.

You will also need to analyse the effect on equality of how an activity is implemented by the university when it has originally been developed outside of the university. For example, this could mean a policy or strategy developed by a government department or higher education agency. This principle also applies when implementing a decision over which you have no direct control. For example, when implementing cuts to funding decided elsewhere, you will still be able to consider mitigating measures or alternative ways of doing things to minimise the impact on services and equality groups.

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. For example, a policy to improve the student experience of mature students. Policies like this, that are specifically designed to advance equality, will also need to be analysed for their effect on equality across all the protected groups. This is because any one protected group is likely to have several protected characteristics within it. Effective equality analysis will help to make sure that you are aware of any particular needs and the likely wider effects of implementing the policy.

4. Who is responsible for equality analysis?

Equality analysis is most effective when it is integrated into day-to-day policy-making, business planning and other governance and corporate decision-making arrangements. This means that the person who is making the decision or advising the decision-maker about an activity needs to undertake equality analysis, with appropriate assistance and support.

5. When should equality analysis be done?

The very first stage of equality analysis should start prior to any activity development or at the early stages of a review. The person responsible for equality analysis should first consider whether the activity is covered by an existing equality impact assessment or more recent equality analysis. If the activity is covered by an existing assessment/analysis then no further action is required. If there is no existing assessment/analysis then the equality analysis process should start immediately.

6. Consultation

The process of completing your equality analysis will involve engaging with different stakeholders, such as trade unions, staff and student networks etc. Prior to formal consultation you may decide to involve and talk to stakeholders and their representatives, to ensure you have captured and reflected the equality needs and concerns of students/staff on the form. Involving stakeholders should take place via email, face to face or over the telephone and is an informal way of testing the robustness of the equality analysis. This informal involvement should take place with all or a combination of student/staff network representatives, trade union representatives, equality and diversity champions. **Please remember that formal online consultation with all stakeholders is still required.**

For large scale University wide activities (e.g. UWE 2020 Strategy) the campus trade unions will require the agreed six week consultation. Large scale University wide activities are defined as those activities that affect more than one Professional Service/Faculty and/or involve joint working across more than one Professional Service/Faculty. All other activities are deemed to be 'small scale' and therefore will require a minimum of three weeks online consultation.

7. How should equality analysis be conducted?

Advice on conducting equality analyses is set out in the appendices.

How to carry out equality analysis

In this section of the guidance please refer to the [equality analysis form](#) for the specific sections requiring completion. The term 'responsible person' relates to the person carrying out the equality analysis process.

Preparation

The responsible person needs to identify a group of people to undertake or contribute to the equality analysis process. This could include people who are responsible for implementation and anyone with experience of equality and diversity.

If the activity you are planning to analyse is covered by an existing Equality Analysis or a relevant former Equality Impact Assessment, please use Section 2 of the form to highlight any updated information. The updated form should be sent through to the Equality and Diversity Unit for quality assurance and the start of the online consultation process.

Completing the Equality Analysis form

Equality analysis screening

The use of the Equality Analysis screening form is to determine whether a full Equality Analysis is required.

Question 1 – What is the name of the activity (strategy, policy or practice etc)?

Provide the name and a brief description of the activity

Question 2 & 3 - Will this activity have the potential to deliver positive/negative impacts on equality groups for UWE students, staff and/or users of UWE services or buildings?

Outline how the activity affects people from different equality groups. This impact may be related to employment and staffing, or the recruitment of and the teaching and learning experiences of students.

Question 4

Use this section to indicate whether a full Equality Analysis is required. Please note that justification must be provided for decisions not to proceed with a full analysis.

Equality Analysis Sign off

Faculty Deans and Heads of Professional Services are responsible for "sign off". This is to ensure that the faculty/professional service owns the outcomes of the screening process.

Full equality analysis

Question 1 - What is the name of the activity (strategy, policy or practice etc)?

Remember to include all aspects, including formal and informal names of the activity

Question 2 - What is the aim of the activity (objective or purpose)?

What are you trying to achieve and for whom? If this is a policy, action plan or strategy you may want to copy and paste the aim from the relevant document

Question 3 - If amending a current activity, what changes are proposed?

Provide a short description of the proposed changes

Question 4 - Who is responsible for developing and delivering the activity?

Remember to also include those responsible for producing any guidance on implementing the activity.

Question 5 - What measures will be used to assess whether the activity is successful?

Outline any milestones, outputs and outcomes related to the activity

Question 6 - Does the activity have a potentially negative impact on equality groups, in terms of employment issues and/or service delivery for students and/or staff?

Use the table provided to demonstrate whether specific groups protected from discrimination by the Equality Act have the potential to be treated **less favourably** as a result of the activity. At this stage you are looking at any information/evidence/data to show that protected groups have different needs, experiences, issues or priorities in relation to the activity. This may involve examining existing monitoring information, student and staff feedback and consultation.

The university holds extensive information on students, staff, visitors, local communities that you may need to consider. The UWE website, specific faculties/professional services are ideal places to pinpoint the required data. Ideally, you will have a range of quantitative and qualitative information available to you.

If time and resources permit, you may wish to commission the collection of new data to inform your analysis.

To successfully complete this section of the analysis form you will need to consider whether any negative impact amounts to unlawful discrimination. If you find that it does, then you are duty bound to try and ensure that UWE acts lawfully – by amending the activity. If it is not unlawful, but there is evidence that protected groups are treated less favourably, you should consider arrangements to mitigate the impact.

Consideration of the following questions may help to determine the impact of the activity on protected groups:

- Do you understand the different needs of protected groups in relation to the activity and how these needs might be met?
- Does the data / information point to, or highlight, any negative impact, and if so for whom?
- If there is negative impact, does it amount to unlawful discrimination, whether direct or indirect?

- Is the activity to provide for the needs of particular groups which are already experiencing discrimination or disadvantage?
- If the results are that one or more protected group appears to benefit less, is there justification for this?

Meeting the public sector equality duty

The provided table also allows for the identification of whether the activity has the potential to meet the three criteria within the new public sector equality duty: to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. If the activity does enable the meeting of the duty then use the 'no' column to highlight how the activity supports and meets the duty.

Question 7 - Please give evidence of how you have engaged equality groups in the equality analysis process. Is further engagement required?

Engagement is a key part of the process. It can take place at different points along the way, depending on the need for information and feedback. Engagement can take many forms, including:

- Focus groups
- Open meetings
- Email communication
- Online surveys

When deciding upon engaging protected groups and wider UWE stakeholders consider which groups might have a strong interest in the activity and acknowledge that different groups may require different approaches and methods of engagement. Please ensure you allow sufficient time to engage with stakeholders. Stakeholders such as campus trade unions may require a minimum of three weeks, for effective engagement.

Question 8 - What action can be taken to mitigate any potential negative impacts or address different needs?

Considering whether there are ways of mitigating a negative impact is a vital part of the process.

Use this space to collect all negative impacts and the proposed actions to counteract the impacts. Mitigating an impact can either mean removing or reducing the effect of the activity on a protected group.

Sections 9 - The responsible person should complete section nine and the Equality and Diversity Unit will complete.

Equality relevance

Establishing how relevant the activity is to equality is another important part of the process. Whether you rate the activity as being high, medium or low in relation to equality, it will influence the level of engagement with stakeholders. Please refer to the [Equality Relevance Chart](#) for assistance in establishing relevance.

Section 10 - Signing off, consultation and publishing

Publication of the analysis form ensures transparency and generates a greater understanding of the reasons for conducting the analysis. Final sign off of the

completed Equality Analysis by the Head of Service or Faculty Dean is to ensure that the faculty/professional service owns the process and any mitigating actions.

Your analysis must be published in the following ways:

- The responsible person completes a draft of the Equality Analysis. This is sent to the Equality and Diversity Unit for feedback and any amendments.
- The responsible person sends the final draft completed analysis form back to the Equality and Diversity Unit for the online consultation process.
- Large scale University wide activities will require a **six week** online consultative process. Large scale University wide activities are defined as those activities that affect more than one Professional Service/Faculty and/or involve joint working across more than one Professional Service/Faculty. All other activities are deemed to be 'small scale' and will require at least a **three** week online consultation period.
- During the consultation period the responsible person will receive feedback on the analysis. Feedback should be included in the Equality Form.
- The updated form should be signed off by the appropriate Head of Service or Faculty Dean and returned to the Equality and Diversity Unit manager by email: andrew2.mclean@uwe.ac.uk for publication on the UWE website.

If you are unsure about the publication of specific pieces of information, from the point of view of data protection/ freedom of information, please seek advice from the Equality and Diversity Unit.

Action planning

The final section of the form is an action plan table. In order to ensure that agreed actions are taken forward, you are required to produce an action plan as part of your analysis. Here you can collect a range of actions to complete the analysis process. Actions may range from identifying and analysing equality data, engaging or consulting protected groups, implementing mitigations etc. Relevant actions may require dovetailing with current faculty/service plans.

Please note that all equality analysis forms will be posted online for a minimum period of two weeks for consultation with UWE stakeholders. However, the process allows for additional consultation with targeted stakeholders. This may take the form of open meetings, UWE committees, forums, students' and trade unions, networks or societies. Use the consultation section of the action plan to outline your consultative actions.

Without good evidence, effective equality analysis will be difficult to achieve. A lack of information is never an excuse for not analysing the effect on equality, as some evidence will almost always be available. Where it isn't available, take steps to gather it.

The insights from engagement with students, employees, service users, protected groups, trade unions and others are important evidence for your equality analysis.

Stakeholder groups you may wish to consult:

- [The Equality and Diversity Forum](#)
- [Self organised groups student societies](#)
- [Self organised staff groups](#)
- [Trade union](#) equality and diversity officers/committees/self organised groups
- [Student union](#) elected officers/ [student ambassadors](#)/student reps

You may wish to consider data from:

- [Staff Compendium](#) - monitoring data according to different staff protected groups.
- [Student data](#) - monitoring data according to different student protected groups.

You may wish to consider data from the following external bodies:

- Data from the [UCAS](#) (University and Colleges Admissions Service) and [HESA](#)
- (The Higher Education Statistics Agency)
- Research from the [Equality and Human Rights Commission](#)
- Research from [Trade unions](#) such as Unison, UCU etc
- Census data ([Office of National Statistics](#))
- Equality Analysis carried out by other relevant organisations in relation to similar UWE activities ([Equality Challenge Unit](#))
- Reports and information from groups representing equality communities such as [Equality South West](#), [Stonewall](#), [Age UK](#), [Muslim Council of Great Britain](#) etc

The responsible person needs to;

- Establish whether existing equality analysis has been carried out on an over arching activity
- Identify a group of people to undertake equality analysis. This should include people who are responsible for implementation and anyone with experience of equality and diversity.
- Ensure engagement with protected groups
- Consider additional consultation with stakeholder groups such as the Equality and Diversity Forum, Equality and Diversity Unit, staff networks, student societies, external equality bodies etc
- Identify and address any negative impact
- Complete the equality analysis action plan
- Ensure the form is signed off by the Faculty Dean or Head of professional Service for the activity
- Submit the form to the E&D Unit to upload and publish on the E&D website

Glossary of terms

Consultation

The process of seeking the opinion from university stakeholders to help inform decision making on the issues, policies and strategies important to the university

Direct discrimination

Less favourable treatment of a person compared with another person because of a protected characteristic

Due regard

Due regard comprises two linked elements, **proportionality** and **relevance**. To demonstrate due regard universities need to consider the **relevance** of the general equality duty of the Equality Act 2010 when developing, evaluating and reviewing activities.

Engagement

The on-going process of involving stakeholders in the equality analysis process. Examples of involvement range from face to face meetings, telephone and online conversations, surveys, focus groups, open and closed events etc.

Equality data

Qualitative and quantitative information by protected group

For more information on UWE's equality data please see [here](#)

To consider **proportionality**, universities should determine:

- the relevance of the activity to protected groups
- the relevance of the policy to the public sector equality duty
- any concern previously raised about a policy or practice
- any information indicating a negative impact on a protected group

Indirect discrimination

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified

Lawful discrimination

It can be lawful to treat some people more favourably than others if this is done to address discrimination or disadvantage in another area. Under certain limited circumstances, it is lawful to discriminate when providing services or employing people. These circumstances are usually linked to the specific nature of the service, the provider or the employer.

Negative impact

Where there are significant differences in patterns of representation or outcomes between different groups and the difference amounts to a detriment for those particular groups. Negative impact is sometime called adverse impact.

Positive action

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Proportionality

Proportionality refers to the process of considering or weighing up the relevance of an activity to a protected group and/or the public sector equality duty. Having a proportionate response would also be reflection of previous concerns raised about an activity.

Protected characteristics/groups

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Public sector general equality duty

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity

Relevance

Establishing and rating of an activity as being high, medium or low in relation to equality and diversity. The rating then steers levels of engagement with stakeholders.

Stakeholders

People with an interest in a subject or issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it

Unlawful discrimination

When an employer has engaged in prohibited conduct against someone with a protected characteristic and does not have a valid defence