

Single Equality Scheme

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Foreword

I am pleased to introduce the Higher Education Academy's first Single Equality Scheme.

The scheme helps us to meet our public duties in response to legislation (the Disability Discrimination Act (2005), Race Relations (Amendment) Act (2000) and Equality Act (2006)) as well as other specific duties we have chosen to implement. It also helps us to demonstrate that equality and diversity is integral to everything we do.

We take our responsibilities in this area seriously. The Academy will benefit from recognising the diversity of staff, students and other colleagues across the sector and responding to this diversity in the way it does business.

I encourage all colleagues to read the scheme and to ensure that our provision, services and policies meet the needs of all our stakeholders.



Paul Ramsden
Chief Executive

Introduction

1. The Higher Education Academy (the Academy) is committed to upholding the values that underpin current equality and diversity legislation and to reviewing regularly its policies and processes as that legislation is updated.
2. The Academy's single equality scheme is written in recognition that equality and diversity need to be an integral part of our work. This scheme sets out a framework for mainstreaming equality and diversity practice across the work of the Academy. This scheme operates in conjunction with our updated Equality and Diversity Policy (2007).
3. We strive to deliver a quality service to the HE sector and to ensure that everyone can participate in our services. To this end, we aim to raise awareness amongst our staff and those working with us and to instigate procedures to ensure that equality and diversity is considered as part of our everyday practice.
4. We are also committed to achieving diversity and equality amongst employees of the Academy. We aim to have a diverse and well motivated workforce where staff are not discriminated against on the basis of age, gender, disability, race, sexual orientation or religion. We aim to ensure staff are treated fairly, equally and with respect.
5. Part of our work involves supporting higher education institutions to achieve equality amongst their staff and students and helping them to cultivate inclusive cultures, policies and practices that promote and foster equality and diversity.

About the Academy

6. The Higher Education Academy is a company limited by guarantee and a registered charity. All references to the Academy should be taken within this context.
7. The Academy's current mission is to help institutions, discipline groups and all staff to provide the best possible learning experience for their students.
8. The Academy is owned by Universities UK (UUK) and GuildHE (formerly SCOP) and receives funding from the Higher Education Funding Council for England, Higher Education Funding Council for Wales, the Scottish Funding Council and the Department for Employment and Learning in Northern Ireland.
9. The business of the Academy is managed by the Board of Directors, chaired by Professor Bob Burgess. There are five sub-committees that report to the Board, including one with responsibility for focusing on equality and diversity.
10. The Academy's current strategic aims are:
 - a. to be an authoritative and independent voice on policies that influence student learning experiences
 - b. to support institutions in their strategies for improving the student learning experience
 - c. to lead, support and inform the professional development and recognition of staff in higher education
 - d. to promote good practice in all aspects of support for the student learning experience
 - e. to lead the development of research and evaluation to improve the quality of the student learning experience
 - f. to be a responsive, efficient and accountable organisation.

Scope of the scheme

11. The scheme applies only to the Higher Education Academy as a legal entity. The Academy's subject centres work within the equality and diversity policies and schemes produced by their host institutions but where possible, will align their work with the Academy's single equality scheme and will be supported to do so.
12. The scope of the scheme covers functions and activities of the Academy including:
 - a. Relationship management (including working with partnerships, agencies, and sector organisations)
 - b. Operations (including events, communications, publications, presentations and web services)
 - c. Governance, accountability and procurement
 - d. Human resources (including recruitment and induction, dealing with bullying and harassment)
 - e. Learning and development
13. This scheme covers all aspects of equality and diversity and sets out our plans to promote equality and prevent discrimination (whether direct or indirect), harassment or victimisation in the areas (listed alphabetically) below:
 - Age
 - Disability
 - Gender
 - Race
 - Religion and Belief
 - Sexual Orientation.

We also recognise and account for other differences between people including ability, education, language, social origin, marital/civil partnership status, personal attributes or political opinions, amongst others.
14. This scheme will provide a framework for promoting and embedding equality and diversity across all areas of our work. It includes our 3 year action plan. Appendix 1 describes the policy context for this scheme.

Integrated approach

15. The Academy has chosen to generate a single equality scheme to recognise that individuals have multiple identities. Thus, the separate strands in which equality and diversity are considered in law – race, gender, disability, sexual orientation, age, religion or belief - converge at an individual level. An individual may experience discrimination on the basis of more than one identity, for example on the basis of their race and gender, or race, gender and disability.
16. Furthermore, the Academy has chosen an integrated approach in recognition of the interrelated nature of the equality legislation. The legislation requires action towards the same aims – to promote equality and preclude discrimination (whether direct or indirect), harassment or victimisation. This has been recognised with the creation of the Equality and Human Rights Commission¹ and with further plans to amalgamate the equalities legislation into a single equality act in 2008. Several institutions have chosen to merge their disability, race and gender equality schemes or have extended them to cover the other three strands.
17. The integration of the equality strands under a single equality scheme also acknowledges the nature of our organisation, in which all aspects of our functions and services are integrated within the same scheme.

¹ The Equality and Human Rights Commission was set up followed the merger, in October 2007, of the Disability Rights Commission, the Commission for Racial Equality and the Equal Opportunities Commission

Responsibility for implementing the Single Equality Scheme

18. The implementation of the scheme will be a shared responsibility amongst staff employed by the Academy. This is because the responsibility for delivering the equality agenda extends to every member of an organisation including management, those with an explicit remit for diversity, and individual staff. The Finance and General Purposes Committee, a committee of the Board, will have ultimate responsibility for ensuring the implementation of the equality and diversity policy and will receive a regular update from the Senior Executive Group. The Director of Finance and Corporate Services will take strategic responsibility for the scheme and the project leader is the Senior Adviser for Disability.
19. The Diversity Action Group will provide a focused forum to support the implementation of the Academy's single equality scheme and to raise staff awareness of the equality strands. This group includes Academy staff from disability equality, widening participation, human resources, facilities, client services, and the co-located JISC TechDis Service and links with subject centre colleagues. The group reports directly to the Senior Executive Group.
20. Specific responsibilities for equality and diversity amongst groups of staff are outlined in the sections that follow:

Leaders and managers within the Academy will:

Work with colleagues

- a. Lead by example through implementing the equality and diversity policy
- b. Include equality commitment and awareness in the induction process and thereafter in the staff training, personal development planning and performance review processes
- c. Seek to prevent discriminatory practices and/or instigate disciplinary action as required (see the harassment and bullying policy for procedural information)
- d. Pass information to the Diversity Action Group to inform its work.

Work with institutions

- a. Lead by example to demonstrate equality and diversity principles and practices;
- b. Include equality and diversity as an agenda item in planning, at team meetings and in associated work.

The **Diversity Action Group** within the Academy will:

Work with colleagues:

- a. Provide up-to-date information about equality and diversity to all Academy staff
- b. Provide materials to support the updating of practice
- c. Champion inclusive practices
- d. Liaise with SEG as appropriate

Individuals will:

Work with colleagues:

- a. Inform an appropriate person, line manager or HR, if inappropriate or discriminatory practice occurs
- b. Be responsible for engaging in staff development opportunities that address equality and diversity issues and actions.

Work with institutions

- c. Be aware that equality is not optional or negotiable and depends on individuals taking responsibility for their actions
- d. Consider and address equality and diversity in their operations with external colleagues and organisations.

Staff participation in the development of the scheme

21. The Academy believes that staff engagement in the development of this single equality scheme and the implementation of its associated actions is very important. We uphold the principle that individual members of staff have a right to be involved in matters that affect them. Whilst the involvement of disabled people in generating a disability equality scheme is a fundamental requirement of the disability legislation, we have not sought to single out staff who have disclosed a disability in the generation of this scheme. An inclusive approach has been taken, utilising both formal and informal procedures and drawing on current mechanisms for engaging staff.
22. One formal mechanism for engaging staff has been through the Diversity Action Group - an internal working group, formed in 2006, to embed awareness of equality and diversity within the Academy. Initially members of the group included Academy York staff with an explicit diversity remit –disability, widening participation and TechDis (a JISC-funded service, hosted by the Academy). The group has subsequently widened to include representation from human resources, facilities and client services teams. There has been an open invitation for any member of staff to join the group, since a staff briefing held in March 2007, and staff from the Academy subject centres have also attended meetings.

23. Table 1 outlines the various mechanisms used to engage staff in the development of this scheme.

Table 1: Timetable and Mechanisms for Engaging Staff

February 2007	Discussion paper delivered to the Senior Executive Group and subject centre directors/managers to determine the existing context of equality and diversity within the organisation and define proposals for action.
March 2007	Staff briefing held, in which staff were informed about plans to generate this scheme. Staff were consulted about issues they encountered and the current sources of support they utilised.
June 2007	Whole staff away day on equality and diversity, used to raise staff awareness and identify the actions and approach to embedding equality and diversity within its core functions.
October 2007	Strategic Advisory Forum consulted on the scheme.
	Diversity action group consulted on the scheme.
	Revised equality and diversity policy published.
November 2007	Staff Consultation Group consulted on scheme and action plan.
	Diversity action group consulted on the action plan.
December 2007	Senior Executive Group consulted on the scheme.
	Visiting speaker on equality and diversity. Staff asked to reflect on how the speaker had informed thinking on equality and diversity.
January 2008	Scheme distributed to subject centre directors for comment.
	Review of the scheme by the Academy Board.
February 2008	Scheme published on the Academy website.

Implementation of the Scheme within the Academy Core Functions

Relationship management

24. The Academy aims to provide a professional and responsive service in all dealings with all our clients, including individuals, subject communities, institutions, partnerships, agencies and sector organisations.
25. We seek to provide an effective service for our clients by taking a helpful, professional and courteous approach, based on their individual needs. To this end, we will clarify and confirm client requirements as a fundamental requirement and work to ensure their individual needs are met. Moreover, we will strive to create, encourage and facilitate a culture which values and promotes positive attitudes towards all our clients.
26. We will review and monitor our client relationships and actively seek and respond to feedback. Furthermore, we will anticipate changes to client needs, through our planning, and take a proactive approach to implementing and monitoring equality and diversity practices towards clients, in the first instance through our practice guide.
27. We will deliver our client service within set systems and procedures and to agreed client service levels and standards. Our Client Relationship Management Policy (June 2007) sets out our aim to ensure that all information relating to dealings with clients (whether through activities, projects or services) is recorded in an accurate and timely manner. To achieve this, we use Integra, a Client Relationship Management system (CRM). This system has been implemented across Academy York and will be rolled out across the subject centre network by July 2008. Individual members of staff are held responsible for keeping information on the system up-to-date at all times.
28. Through our institutional partnership programme, we will continue to gather and respond to intelligence on the issues faced by institutions in meeting equality and diversity. Through the partnership programme, we will promote positive equality and diversity messages, identify and spread effective practice in the HE sector and facilitate the sharing of practice between institutions.

Operations

29. In our operations, whether delivering events or presentations, communicating with others, writing publications, or providing our web services, we recognise that equality and diversity needs to be an integral part of our work. Each member of staff can make an important contribution to the Academy becoming an organisation that promotes equality and values and respects diversity.
30. The Academy seeks to support a culture which values diversity, creativity, and innovation amongst our staff. It aims to encourage generating original and imaginative ideas and solutions to issues and a willingness to question traditional assumptions.
31. The Academy will revise its procedures to ensure that equality and diversity considerations are planned and delivered as part of our practice. We have already made changes to our project planning template to incorporate a section on equality and diversity. Project leaders are required to detail the actions they would take to meet legislative requirements for each of the six strands of equality and diversity (as appropriate).
32. We will launch an Equality and Diversity Practice Guide outlining practical steps to embed equality and diversity into our operations, for use by Academy staff. The guide aims to ensure we are consistent in our practice across the Academy in the delivery of inclusive and accessible services. The guide is structured around Academy functions and is further structured to address the following sub-headings:
 - a. *Essential:* Actions that must be conducted to ensure we are fully inclusive in the provision of our services.
 - b. *Considerations:* Reflective questions to help staff consider how they could more fully embed equality and diversity into the delivery of their work.
 - c. *Further information:* A selected list of resources to which staff can turn for more information.
33. Following the launch of the guides, we will review and monitor our practice. The guide will be introduced to new staff during their induction, along with this scheme and relevant policy and there will be continued opportunities to raise staff awareness.

Governance, accountability and procurement

34. The Finance and General Purposes Committee, a committee of the Board, will have ultimate responsibility for ensuring the implementation of the single equality scheme and related policy. The board will receive regular updates from the Senior Executive Group, which will be informed by the Diversity Action Group. The Staff Consultation Committee will continue to play a role in shaping the development of this scheme and associated actions.
35. We are keen to ensure that our Board and five sub committees reflect the diversity of the higher education sector. Attention will be paid to equality and diversity in the appointment of its members, where the Academy is able to influence this directly. The Board recently established the Academic Council as one of its committees. Members of this Council will be elected or drawn from the wide range of constituencies that have a direct relationship with the Academy and which are directly funded by it. These include subject centres, Academy Fellows, student bodies, the National Teaching Fellowship and members of the Academy network of Pro Vice Chancellors and Vice Principals. The Academic Council will advise the Board on all academic issues.
36. In the procurement of grant and contracts, the Academy will incorporate equality and diversity considerations into future grant and contract specifications, and ensure that potential contractors and grant holders cover basic accessibility considerations in their application. In addition, we will monitor the uptake of grants and contracts and take appropriate action to ensure we uphold the principle of equality and take diversity into account. Part of this will involve conducting an equality and diversity impact assessment of the Policy and Procedures for Purchasing of Goods and Services (Expenditure Contracts/Agreements).

Human resources

37. The Academy is committed to eliminating discrimination and harassment in our employment practices and amongst its employees. This commitment extends to those who work with the Academy such as secondees, consultants and temporary staff. We want to attract a diverse range of applicants and operate consistently fair and equitable recruitment procedures. We aim to have a diverse and well motivated workforce where staff are not discriminated against on the basis of age, gender, disability, race, sexual orientation or religion.
38. The Academy has arrangements in place for the monitoring of ethnicity, disability, age and gender for applicants for jobs, staff in post,

staff leaving and those receiving promotion and training opportunities. Potential applicants complete an Equal Opportunities Form, which is used for monitoring purposes and is not shown to the selection panel. Questions on equality and diversity also form part of formal interview processes. Monitoring arrangements for staff in post include an annual staff data exercise and individual risk assessments. External and internal auditors review our services and practices and we welcome their recommendations. Recruitment and selection and staff development are recent examples of areas which have been audited. Further work will be carried out by the human resources team to review, make recommendations and monitor cross-Academy systems to ensure equality and diversity is monitored and embedded.

39. A formal pay and grading structure has been introduced, including job role evaluation and a salary progression policy to uphold the principle of equal pay for jobs of equal value. The Academy will implement its performance management policy, including a capability framework with due regard to equality and diversity. Training for line managers on the policy and framework will include equality and diversity. The objective moderation committee will take these issues into account during its moderation of performance reviews. A formal consultation regarding staff benefits will consider equality and diversity issues.
40. The Academy offers support to its employees through an employee assistance provider, which offers a confidential counselling service, as well as legal and financial planning. The service feeds back issues in confidence to the Academy and reports on the take up of service. Additional pre-retirement support is on the agenda for development.
41. The Academy is committed to providing a working environment that is free from harassment and in which the dignity of the individual is respected. Harassment and bullying are considered to be unacceptable behaviour, the Academy's Harassment policy (2007), outlines both formal and informal procedures currently in place to deal with issues arising in the workplace. We aim to create, encourage and facilitate a participative and inclusive culture which values and promotes positive attitudes towards all colleagues. This will be carried out through continued awareness raising activities; use of a capability framework; staff mentor schemes; staff induction; staff development; the provision of guidance material and whole staff Away Days (amongst others). The human resources team works closely with staff and managers to promote and encourage opportunities for flexible working patterns, whether on a temporary or permanent nature. Furthermore, staff are encouraged to be honest and fair in dealing with others as well as tolerant of different working styles and opinions.

Learning and development

42. The Academy provides a programme of staff development to support the needs of the organisation as well as to support an individual's area of work or expertise. Equality and diversity training is provided in the form of induction for new staff; staff away days; staff briefings and as an integral part of professional training and development. We have instigated a programme of specific equality and diversity training to ensure that equality and diversity is integrated into our programme (e.g. by becoming an integral part of events or IT training). The approach taken to staff development recognises diversity amongst staff in their approach to learning, considers the convergence of different knowledge and skills to support inclusive practices and promotes equality and diversity being seen to be integral (rather than additional) to our practice.
43. Specific training on equality and diversity is received as part of induction. As defined in our Learning and Development Policy (2007), induction training covers an introduction to the Academy, its core services and the Higher Education sector as well as an introduction to statutory requirements including equality and diversity, data protection and health and safety.

Equality impact assessment

44. Impact assessments will be used to determine whether or not we are meeting the general duties. We will develop a procedure for conducting an impact assessment, covering all strands of equality and diversity. We have recently updated all existing policies in 2007. A rolling programme of impact assessment of all existing policies will be instigated, and is due to be completed by the end of 2008. Impact assessments will be built into our annual operational planning cycle. Decisions to be taken as a result of impact assessment will be incorporated into our action plan and reviewed annually as part of the review of the Scheme.

Working in partnership

45. The Academy works in collaboration with other sector organisations, who themselves are committed to cultivating their own inclusive cultures, policies and practices as well as supporting higher education institutions to promote and foster equality and diversity amongst staff and students.
46. The Academy hosts TechDis, a JISC advisory service, whose mission is to support the education sector in achieving greater accessibility and inclusion by stimulating innovation and providing expert advice and guidance on disability and technology. The TechDis team supports the work of the Academy on equality and diversity through their involvement in our Diversity Action Group and by providing an ongoing source of advice and support to staff. Their Accessibility Essentials publications have been incorporated into the Academy Equality and Diversity Practice Guide.
47. The Academy is one of three partners in the Disability Equality Partnership, with the Equality Challenge Unit and Action on Access. The partnership aims to support the sector on disability equality and diversity issues.
48. The Academy works with the Leadership Foundation on diversity issues, principally through their Diversity Forum.
49. The Academy's work on equality and diversity is monitored by the Higher Education Funding councils of the UK, whose action plans within their equality schemes refer to the Academy.

Action plan

Key to symbols used:

- Strand incorporated
- ▶ Action conducted on an ongoing basis
- ▼ Action conducted when required

Academy function	Initial Activity		Follow up activity		Equality and Diversity strands						Responsibility	Outcome
					Disability	Race	Gender	Age	Religion & Belief	Sexual orientation		
Relationship management	Raise the importance of effective client management through briefings, away days and performance systems	▶	Monitor client relationships	▶	■	■	■	■	■	■	Line Managers All staff	Practice guide
	Write and implement Academy Equality and Diversity Practice Guide	Jan to Apr 08	Ensure staff are applying the practice in their daily work	▶	■	■	■	■	■	■	DAG to produce guide. Managers to ensure implementation	Practice guide
	Identify opportunities to promote positive attitudes towards all our clients	▶	Review and monitor client relationships	▶	■	■	■				All staff Line Manager	
	Actively seek and respond to client feedback	▶	Feedback used to refine and tailor future activity	▶	■	■	■				All staff	Feedback collated

Academy function	Initial Activity		Follow up activity		Equality and Diversity strands						Responsibility	Outcome
					Disability	Race	Gender	Age	Religion & Belief	Sexual orientation		
Operations (project management and procedures)	Review of projects and services with a equality and diversity focus	Dec 07	Look to further equality and diversity focused activity	May 08	■	■	■	■	■	■	Resources and Planning Manager Senior Adviser for Disability	Mapping of equality and diversity actions
	Ensure all operational embed equality and diversity and conform to our related policy	▶	Audit of equality and diversity activity	▶	■	■	■	■	■	■	Directors Line Managers Project Leaders	
			Make appropriate changes to procedures to embed equality and diversity	▼	■	■	■	■	■	■	Line Managers Project Leaders	
			Collate equality and diversity adaptations	▶	■	■	■	■	■	■	Line Managers Project Leaders	Change monitored
	Revise project management template to include section on equality and diversity	Jun 07 and Jun 08	Conduct audit of all PIDS and SIDS within individual area of Academy activity	▶	■	■	■	■	■	■	Project Leaders Project Officer (Facilities)	Written actions within PID/SID
			Be available for advice to project leaders on equality and diversity actions	▶	■	■	■	■	■	■	DAG	
	Ensure there is a corporate objective on equality and diversity for all staff.	▶	Monitor progress against objective	▶	■	■	■	■	■	■	Line Managers All staff	
	Review of internal communications to ensure the promotion of equality and diversity	▶	Monitoring of impact of communications	▶	■	■	■	■	■	■	Communications Manager	
	Review of publications to ensure the promotion of equality and diversity	▶	Appropriate action taken (as required)	▼	■	■	■	■	■	■	Communications Manager	
	Conduct impact assessment of estates	Feb 08	Appropriate action taken (as required)	▼	■						Project Officer (Facilities)	

Academy function	Initial Activity		Follow up activity		Equality and Diversity strands						Responsibility	Outcome
					Disability	Race	Gender	Age	Religion & Belief	Sexual orientation		
Governance and accountability	Develop single equality scheme for Board approval	Dec 07	Continue to develop action plans arising from scheme	▶	■	■	■	■	■	■	Senior Adviser Disability with Director of Finance and Corporate Services	Single equality scheme
	Seek advice (as appropriate) from solicitors and Nicola Dandridge at the Equality Challenge Unit	Nov 07	Publish scheme on website	Mar 08	■	■	■	■	■	■	Senior Adviser Disability Director of Finance Online Services Team	
	Review board, council and committee membership and recommend appropriate action	▶	Review Board and committee appointment processes	▶	■	■	■				Company Secretary	Revise appointment process as required
	Conduct impact assessment to ensure current policies takes into account the principle of equality	Feb to Nov 08	Revise policies as appropriate and develop action plan accordingly	▶	■	■	■	■	■	■	Human Resources Director of Finance and Corporate Services with DAG	Updated policies (as required)
	Work in partnership with other relevant partner organisations including the Leadership Foundation and ECU	▶	Use feedback to develop action plan and revise procedures	▶	■	■	■	■	■	■	All relevant staff DAG	Feedback responses
Procurement	Review equality and diversity considerations in grant specifications	Mar 08	Revise grant specifications (as required)	▼	■	■	■	■	■	■	Director of Research and Evaluation Corporate Services Manager	
	Review equality and diversity within contract specifications	▶	Revise contract specifications (as required)	▼	■	■	■	■	■	■	Financial Controller	
	Monitor uptake of grants and contracts	▶	Make appropriate adjustments to procedure	▼	■	■	■	■	■	■	Director of Research and Evaluation	

Academy function	Initial Activity		Follow up activity		Equality and Diversity strands						Responsibility	Outcome
					Disability	Race	Gender	Age	Religion & Belief	Sexual orientation		
Human Resources	Review bullying and harassment policy	June 08	Revise policy (as required)	▼	■	■	■	■	■	■	Human Resources Manager	
	Review recruitment, selection, training application, performance management and job evaluation processes	Aug to Nov 08	Revise procedures (as required)	▼	■	■	■	■	■	■	Human Resources Manager	Revised HR procedures
	Update staff handbook to align with equality and diversity policy and practice guide	July to Sept 08	Monitor use of handbook	▶	■	■	■	■	■	■	Human Resources Manager with Corporate Communication	Handbook
	Undertake annual staff data exercise	Feb 08	Report on findings and make appropriate recommendations	▶	■	■	■	■	■	■	Human Resources All staff to participate	
	To review cross-Academy systems to ensure equality and diversity is monitored and embedded	Feb 08	Make recommendations and monitor	▶	■	■	■	■	■	■	Project Officer (Facilities)	
	Consultation exercise on staff benefits	July 08	Make recommendations to Finance & General purpose committee and the Board	▶	■	■	■	■	■	■	Human Resources Manager	
	Ensure the induction process for new staff includes equality and diversity	Jan 08	Monitor progress of staff	▶	■	■	■	■	■	■	Line Managers Human Resources Manager	Revised induction procedure
Staff development	Series of engagements with staff to address equality and diversity	▶	Hold update events as part of staff development programme	▶	■	■	■	■	■	■	Head of Client Services DAG	
	Develop line manager training (to include equality and diversity)	Feb to Apr 08	Deliver training	▶	■	■	■	■	■	■	Project Officer (Facilities) Human Resources Officer	
	All staff development programmes to consider equality and diversity where appropriate	▶	Monitor this is happening	▶	■	■	■	■	■	■	Head of Client Services	

Appendix 1: Policy context for equality and diversity

50. This appendix sets out the policy context for equality and diversity. Whilst all strands of equality and diversity are covered in this policy section, there is a particular focus on the three equality strands where there is a legislative duty (i.e. disability, gender and race).
51. The Academy subscribes to the following definitions²:

Direct discrimination occurs when factors unrelated to the merit, ability or potential of a person or group are used as an explicit reason for discriminating against them. Intentions and motives are irrelevant in cases of direct discrimination, because it is the act that is punished, not the intention behind it. Harassment and victimisation are also types of direct discrimination.

Indirect discrimination occurs when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people.

Harassment is unwanted conduct which may create the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment or induces stress, anxiety, fear or sickness on the part of the harassed person. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another; nevertheless, this does not make it acceptable. The defining features are that the behaviour appears or feels offensive, humiliating, hostile or intimidating to the recipient or would be so regarded by a reasonable person. Most HEIs now have policies, guidelines and codes of practice covering all forms of harassment.

Victimisation: a person is victimised if they are punished or treated unfairly because they have made a complaint, or are believed to have made a complaint, or to have supported someone who has made a complaint. A person or group of people can also be victimised

2 The definitions have been taken from A-Z Equality and Diversity (2005) published by The Association of University Administrators' Equality Advisory Group, the Higher Education Equal Opportunities Network, and the Equality Challenge Unit.

or singled out for discriminatory or even criminal treatment because of, for example, their race, gender, disability, age, etc.

52. The Academy recognises that to counteract the effects of discrimination and to help eliminate stereotyping it may be necessary to take positive action. Positive action is lawful and is used to counteract the effects of past discrimination and to help abolish stereotyping. Such action could include giving employees flexible hours, providing language training or writing 'we welcome applicants from X backgrounds'. We seek not to confuse positive action with positive discrimination which in most cases is unlawful.
53. The Academy is not a public sector body although it is in receipt of public funding and therefore is not legally required to publish an equality scheme for disability, gender and race. However, the Academy will ensure as far as possible that the principle of equality is observed in the provision of all its services and to the extent that the Academy is performing public functions, we will give due regard to the need to eliminate unlawful discrimination and promote equality of opportunity. The legal framework has framed the Academy's approach to equality and diversity and is outlined in the paragraphs that follow.

Disability legislation

54. The Disability Discrimination Act (DDA) 2005 sets out the general duty and provides that every public authority shall in carrying out its functions have due regard to the need to:
 - a. *eliminate discrimination that is unlawful under this Act*
 - b. *eliminate harassment of disabled persons that is related to their disabilities*
 - c. *promote equality of opportunity between disabled persons and other persons*
 - d. *take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons*
 - e. *promote positive attitudes towards disabled persons*
 - f. *encourage participation by disabled persons in public life.*
55. The disability legislation reflects the social (rather than medical) model of disability. The social model is defined as:

'The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical health conditions but rather stems from attitudinal and environmental barriers' (from Duty to Promote Disability Equality Code of Practice, England and Wales, 2005).

The social model requires a shift of focus away from an individual's medical condition or impairment to the 'attitudes, systems and practices that create disabling barriers and prevent participation by disabled people' (Understanding the Disability Discrimination Act, Disability Rights Commission 2007). The Academy seeks to operationalise a social model of disability.

56. The Academy is committed to the principles of this equality duty. In the Disability Discrimination Act "public authority" is defined as "any person certain of whose functions are functions of a public nature". This act also goes further and states that "In relation to a particular act, a person is not a public authority... if the nature of the act is private." Whilst the Academy is not obliged to publish a disability equality scheme, we recognise that some of our functions are of a public nature. Hence, we will pay due regard to the principles of this duty with respect to our employees and the provision of our services.

Race legislation

57. The Race Relations (Amendment) Act 2000 sets out the general equality duty and provides that everybody or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need to:
- a. *to eliminate unlawful racial discrimination;*
 - b. *to promote equality of opportunity;*
 - c. *to promote good relations between persons of different races.*

58. The Academy is not specified in Schedule 1A to the Race Relations (Amendment) Act 2000 nor is it of a description falling within that Schedule. Although the Academy is not subject, therefore, to the general equality duty as set out above, the Academy is committed to the principles of this general equality duty.

Gender legislation

59. The Sex Discrimination Act 1975 and subsequent Equality Act 2006 sets out the general equality duty and provides that a public authority shall in carrying out its functions have due regard to the

need to:

- a. *eliminate unlawful discrimination and harassment, and*
- b. *promote equality of opportunity between men and women.*

60. The Academy pays due regard to eliminating unlawful discrimination and harassment on the grounds of gender, as well as promoting equality of opportunity between men and women, with respect to both our employees and the provision of our services.
61. Whilst the Academy is not obliged to comply with the public sector duty for gender as it is not classed as a public authority. The meaning ascribed to a “public authority” is “any person who has functions of a public nature”. This means that the Academy could be subject to this general duty in respect of any of its functions which are of a public nature. Although this is unclear, the Academy is committed to the principles of this general equality duty.

Other strands of equality and diversity

62. Other strands of equality and diversity apply to the Academy in its employment of staff and in the provision of its services, although do not have positive duties to promote equality associated with them. We are therefore committed to eliminating discrimination, harassment and victimisation on the grounds of age, sexual orientation or religion and belief.
63. **Age:** From 2006, the Employment Equality (Age) Regulations came into force, making it unlawful to discriminate against staff (or those in receipt of services) on the grounds of an individual's age. The regulations include all aspects of employment from recruitment, terms and conditions of employment, promotion, training, benefits or dismissal (amongst others) and also cover other areas of public service activity.

The Academy will comply with these regulations and will ensure that a person is not treated less favourably on the grounds of their age. We will pay attention to our provision, policies or practices to ensure that any individual of a particular age is not put at a particular disadvantage. We will treat harassment or victimisation on the grounds of a person's age as unlawful.

64. **Sexual Orientation:** From December 2003, the Employment Equality (Sexual Orientation) regulations were introduced. They prohibited discrimination on the grounds of a person's sexual

orientation in employment (whether their sexual orientation is perceived or known) or in receipt of a service. The regulations were later amended to cover occupational pension schemes. The regulations include all aspects of an organisation's service as well as employment from recruitment, terms and conditions of employment, promotion, training, benefits or dismissal (amongst others) and also cover other areas of public service activity.

The Academy will comply with these regulations and will ensure that a person is not treated less favourably on the grounds of their sexual orientation. It will pay attention to its provision, policies or practices to ensure that a person of a certain sexual orientation is not put at a particular disadvantage. We will treat harassment or victimisation on the grounds of a person's sexual orientation as unlawful.

65. **Religion or Belief:** From December 2003, the Employment Equality (Religion or Belief) Regulations were introduced, making it unlawful to discriminate against workers on the grounds of their religion, philosophical or similar belief. Religion or belief cover Christianity, Islam, Hinduism, Sikhism, Judaism, Buddhism, Atheism, but may also cover beliefs such as Paganism and life choices such as vegetarianism. The regulations extend to all aspects of employment from recruitment, terms and conditions of employment, promotion, training, benefits or dismissal (amongst others) and cover other areas of public service activity).

The Academy will comply with these regulations to ensure that a person is not treated less favourably on the grounds of their religion or belief. We will pay attention to our provision, policies or practices to ensure that a person of a certain religion or belief is not put at a particular disadvantage. We will treat harassment or victimisation on the grounds of a person's religion or belief as unlawful.

Single Equality Scheme

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January 2008

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