

## Appendix B – Definitions

### 1. Concepts of Equal Opportunities and Diversity:

The concepts of Equal Opportunities and Diversity are often used interchangeably and are defined as follows:

- a. **Equal Opportunities:** refers to the elimination of unlawful and unfair discrimination against particular groups, for example, people from ethnic minorities, people with disabilities and women. It is the development of practices that promote fair and equal chances for all to develop their full potential and is concerned with the removal of barriers of discrimination and oppression experienced by certain groups.
- b. **Diversity:** refers to the acknowledgement and respect of differences within and between groups of people who possess a unique range of attributes and characteristics. These include diversity in age, gender, disability, race, religion or belief and sexual orientation. By understanding, recognising and involving diverse groups Aberystwyth University can maximise its success in the approach to, and treatment of, all groups of students and staff.

### 2. Discrimination (Direct and Indirect), Harassment and Victimisation:

- a. **Direct Discrimination:** occurs when a person is treated more or less favourably than another would be treated in similar circumstances, on the basis of one or more of the factors listed as grounds which are considered not relevant to good educational or employment practice.
- b. **Indirect Discrimination:** occurs where a provision, criterion or practice is applied which puts a person or persons of a particular race, disability, gender, etc. at a particular disadvantage when compared with others and which cannot be shown as a proportionate means of achieving a legitimate aim.
- c. **Harassment:** occurs when a person receives unwanted conduct on the grounds of race, disability, gender, etc. which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- d. **Victimisation:** is when less favourable treatment occurs as a result of bringing discrimination proceedings, giving evidence or information in proceedings or making allegations of discrimination.

### 3. Positive Action, Non-Discriminatory Language and Inclusive Learning:

- a. **Positive Action:** seeks to address the effects of discrimination which may have resulted in certain disadvantaged groups being unable to compete on equal terms with others in society. Aberystwyth University may take positive action wherever reasonable and practicable to support the aims of the Equality Scheme.
- b. **Non-Discriminatory Language:** Aberystwyth University is committed to the use of non-discriminatory language which is not gender specific in its internal and external documents, official correspondence, publications and other communications. All students and staff of the University are expected to ensure that their written and

spoken material does not contain language that may cause offence to others. Rather than adopting a prescriptive approach to the use of language, the University asks that its students and staff exercise good judgement. In particular, they should be aware of inappropriate references to age, disability, gender, race, religion or belief and sexual orientation.

- c. **Inclusive Learning and Teaching:** The University encourages inclusive learning and teaching. Members of staff will aim to avoid cultural omission and stereotyping within teaching materials. Lecturers will, wherever possible, include people of different groups and cultures in a range of different roles, characteristics and lifestyles; thus reflecting the diversity of contemporary society.

#### 4. Definitions within previous Equality Schemes:

Aberystwyth University endorses the following definitions contained in previous Race, Disability and Gender schemes:

##### a. Disability Definitions:

The definition of a 'disabled person' used in the Disability Discrimination Act 1995 still applies in the subsequent 2005 Act as follows:

*“A disabled person is someone who has a physical or mental impairment which has a substantial and long term adverse effect on [their] ability to carry out normal day-to-day activities or has had such an impairment in the past “*

This definition is further broken down:

Key Word	Refers to:
Physical/mental impairment	Sensory (hearing and eyesight) impairments as well as mobility; mental impairments and severe disfigurement.
Substantial adverse effect	An impairment that is "more than minor or trivial". Progressive conditions only need cause 'some' effect.
Long-term	Impairment must have lasted or be expected to last at least 12 months
Normal day to day activities	Impairment could adversely affect mobility, manual dexterity, speech, hearing, eyesight, ability to concentrate, learn or understand.

This definition includes those people with HIV, Cancer and Multiple Sclerosis (MS) from the point of diagnosis and also removes the requirement that a mental illness be 'clinically well-recognised'.

**Social Model of Disability:** Aberystwyth University endorses the Social Model of Disability which focuses on the barriers, economic, environmental and cultural, a person with disabilities faces. The University is committed on removing these barriers.

**Two Ticks - 'Positive About Disabled People':** Aberystwyth University is a 'Two Ticks' employer which demonstrates an accreditation given by Jobcentre Plus to employers who have shown their commitment to good practice in employing and retaining people with disabilities.

**Access to Work Scheme:** Aberystwyth University also accesses support via the Access to Work Scheme which provides practical support to people with medical conditions and disabilities in employment, or seeking to enter employment.

b. **Race Definition:**

Aberystwyth University has adopted the following definition of Institutional Racism used in the McPherson Report: and Racist Incident within the Stephen Lawrence Inquiry.

**Institutional Racism: (McPherson Report)**

*“Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudices, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic groups.”*

**Incidents which will be investigated:**

*“Any incident which is perceived to be racist by the victim or any other person”.*

c. **Gender Definitions:**

The term '**sex**' is used to describe biological differences between women and men whilst the term '**gender**' refers to the wider social roles and relationships which structure men's and women's lives.

- d. **Genuine Occupational Requirement (GOR):** In very limited circumstances, it would be lawful for an employer to treat people differently if it is a genuine occupational requirement of the job holder, e.g. employing a lesbian, gay or bisexual person to chair a LGBT organisation, or to have someone of a particular religion or belief to be a chaplain.

## Appendix C – Legal Framework: General

1. **Equalities Legislation:** Equalities legislation has been developed over the last 40 years and in its current form is set out in different areas, e.g. through Acts, Regulations and Orders. The Government has acknowledged that we need to understand discrimination law and would benefit from having a Single Equality Act to simplify the law as far as this can be done. It is therefore in the process of implementing a Single Equality Act which aims to promote a fair, equal and diverse society which will help tackle unlawful discrimination. This law aims to harmonise, modernise and simplify many pieces of legislation into one and the Equality Bill, published in 2009, is expected to lead to primary legislation in 2010

Complementary to this new law, the Government (under the Equality Act 2006) brought together a number of equality commissions (Disability Rights Commission, Equal Opportunities Commission and the Commission for Racial Equality) to form a single commission, the **Equality and Human Rights Commission (EHRC)** in October 2007.

2. **Race, Disability and Gender General Duties:** Currently there are three pieces of legislation which impose duties on the University, as a public body, to promote race, disability and gender. Under these laws we are required to “have a due regard to the need to” fulfil certain general duties which are the core requirements of the law. In the merging of these pieces of legislation together, it becomes evident that some requirements overlap between the general duties, whereas others are distinct. The interactions between these duties are illustrated in Table 1 below:

	<b>Race</b>	<b>Disability</b>	<b>Gender</b>
<b>Law</b>	Race Relations Amendment Act 2000*	Disability Discrimination Act 2005	Gender Equality Duty 2007 (Equality Act 2006)
<b>General Duty came into force:</b>	31 May 2002	4 December 2006	6 April 2007
<b>Requires HEIs to give due regard to the need to:</b>	eliminate unlawful discrimination		
			(including in relation to gender reassignment)
		eliminate unlawful harassment on the grounds of disability and gender	
	promote equality of opportunity and good relations between persons of different racial groups, disabled persons and other persons, and men and women		
	In relation to disability: <ul style="list-style-type: none"> <li>• encourage participation by disabled persons in public life.</li> <li>• promote positive attitudes towards disabled persons.</li> <li>• take steps to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than other persons.</li> </ul>		

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\* As well as the Race Relations Amendment Act 2000, another piece of legislation called The Race Relations Act 1976 (Amendment) Regulations 2003 introduced a revised definition of indirect discrimination, a new definition of harassment and shifted the burden of proof to the employer.

**3. Age, Sexual Orientation and Religion or Belief Regulations:**

The following summary below (Table 2) of age, sexual orientation and religion or belief regulations do not currently have specific positive duties but apply to employment and the provision of higher education. They are therefore also included in the Equality Scheme.

<b>Table 2 Brief outline of age, sexual orientation and religion or belief regulations</b>	
<p><b>Employment Equality (Age) Regulations 2006</b> <i>Effective Oct 2006</i></p>	<ul style="list-style-type: none"> <li>• Outlaws age discrimination against employees and applicants (both students and staff) in relation to recruitment/admission, progression and retirement.</li> <li>• Staff are entitled to request working beyond normal retirement date.</li> </ul>
<p><b>Employment Equality (Sexual Orientation) Regulations 2003</b> <i>Effective Dec 2006</i></p>	<ul style="list-style-type: none"> <li>• Outlaws discrimination and harassment on the grounds of sexual orientation in employment.</li> <li>• Equality Act 2006 extended the Regulations to cover the provision of goods, facilities, services and education.</li> <li>• Sexual Orientation is defined as orientation to same sex, opposite sex or the same and opposite sex.</li> <li>• Law covers discrimination because of perceived as well as actual sexual orientation of a person.</li> <li>• Civil Partnership Act 2004 gave same-sex couples the same rights as married heterosexual couples.</li> </ul>
<p><b>Employment Equality (Religion or Belief) Regulations 2003</b> <i>Effective Dec 2006</i></p>	<ul style="list-style-type: none"> <li>• Outlaws discrimination and harassment on the grounds of a persons religion or belief in employment.</li> <li>• Equality Act 2006 extended the Regulations to cover the provision of goods, facilities, services and education.</li> <li>• Religion or Belief is defined as being “any religion, religious belief, or philosophical belief”.</li> <li>• Law covers discrimination because of perceived as well as actual religion or belief of a person.</li> </ul>

**4. Race, Disability and Gender General Duties: Specific Duties:** The University needs to meet Specific Duties which are designed to support the process of planning, delivering, evaluating and reporting activities to meet these General Duties. These Specific Duties are shown in on Table, 3 below.

Aberystwyth University has worked extensively on race, disability and gender equality for a number of years and prepared annual reports as required by law. These reports can be found on <http://www.aber.ac.uk/human-resources/en/equal-ops/>.

<b>Table 3 Meeting the Specific Duties</b>			
	<b>Race</b>	<b>Disability</b>	<b>Gender</b>
<b>Develop a scheme/ policy to explain how the general and specific duties will be met:</b>	Race Equality Policy	Disability Equality Scheme	Gender Equality Scheme
	Single Equality Scheme		
<b>Involve/consult relevant stakeholders (including staff, students, visitors, trade union members/officials, staff and student associations):</b>	Consult and involve people from minority ethnic backgrounds, as implied in the need to conduct impact assessments.	Actively involve a diverse range of disabled people, and include in the scheme a statement of how disabled people have been involved in its development.	Consult women and men.

<b>Monitor – gather, analyse and act on data and information:</b>	Monitor the admission, progress and attainment of students, and the educational opportunities available to them; and the recruitment, career progress/ development and retention of staff.	Gather and use information on how policies and practices affect gender equality in the workforce and in the delivery of services (including education).
<b>Impact assessment:</b>	Assess the impact, or likely impact, of policies and practices on equality for staff and students.	
	Ensure the scheme includes a statement of the authority’s methods for assessing and consulting on the impact, or likely impact, of its policies and practices on equality for the relevant groups, and arrangements for monitoring policies for adverse impact.	
	Ensure the scheme/policy includes a statement of the institution’s arrangements for publishing the results of any impact assessment and monitoring exercises and its methods for conducting impact assessments.	
<b>Taking action:</b>	Indicate arrangements for monitoring by reference to racial groups, admission and progress of students, and recruitment and career progress of staff.	Consider the need for objectives that address any gender pay gap.
<b>Time scale for taking action:</b>	Within 3 years, take steps set out in action plan and put into effect arrangements made for gathering and making use of information.	
<b>Reporting:</b>	Report annually on progress, results of information-gathering and how information has been used.	
<b>Reviewing:</b>	Review scheme every 3 years and revise if necessary.	
	Regularly review effectiveness of steps set out in action plan.	
	By 4 December 2009	By 30 April 2010 (can be earlier)
<b>Publishing:</b>	Take steps, as practical, to publish results of monitoring each year. Indicate arrangements for publishing results of impact assessment (including impact assessment of the race equality policy itself). Indicate arrangements for publishing the policy itself, which must be available to the public.	Publish each Disability Equality Scheme and annual reports. Consider accessibility to whole community. Publish Gender Equality Scheme (must include gender equality objectives).

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Note: with reference to the Gender Equality Duty, it should be noted that there is no obligation for Welsh public authorities to implement specific duties.

## Appendix D – Legal Framework: Specific

### 1. Disability Equality Legislation:

The **Disability Discrimination Act (DDA) 1995** made it unlawful to treat people with disabilities less favourably than other people for reasons related to their disability. It protected disabled people in employment, access to goods, services or facilities and education.

For education providers, new duties came into effect in September 2002 under Part IV of the DDA amended by the **Special Educational Needs and Disability Act (SENDA) 2001**, which made it unlawful to discriminate against disabled students in education, training and any services provided wholly or mainly for students. Subsequently, in October 2004 (**Disability Discrimination Act 1995 (Amendment) Regulations 2003**) employers were required to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access. The Disability Discrimination Act 1995 has been amended by the **Disability Discrimination Act 2005 (DDA 2005)** and came into force on 5th December 2006.

### 2. Race Equality Legislation:

The **Race Relations Act 1976** (as amended by the **Race Relations Amendment Act 2000** (RRAA (2000))) places a General Duty on Higher Education Institutions to promote race equality through all their relevant functions. It makes it unlawful to discriminate – directly or indirectly – against someone on racial grounds. Under the Act, ‘racial’ means reasons of race, colour, nationality (including citizenship) or ethnic or national origins. Racial groups are defined accordingly. The RRAA (2000) was the legislative response to the McPherson report on the Stephen Lawrence Inquiry (see definitions, page 38) that highlighted the issue of institutional racism and the need for race equality considerations to be built proactively into public service organisations.

### 3. Gender Equality Legislation:

The **Equal Pay Act 1970** gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, or where the source of the pay is the same, 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.

The **Sex Discrimination Act 1975 (SDA)** prohibits discrimination against individuals in the areas of employment and vocational training, education, in the provision of goods, facilities or services, in the disposal or management of premises and in the exercise of public functions. It also prohibits discrimination in employment and vocational training against married people and those in civil partnerships, and people who have undergone, or who are undergoing or are intending to undergo, gender reassignment.

The **Sex Discrimination (Gender Reassignment) Regulations 1999** prevented discrimination against transsexual people on the grounds of sex, in pay and treatment in employment and vocational training and the **Gender Recognition Act 2004** provided transsexual people with legal recognition in their acquired gender. Legal recognition will follow from the issue of a full gender recognition certificate by a Gender Recognition

Panel. In practical terms, legal recognition will have the effect that, for example, a male-to-female transsexual person will be legally recognized as a woman in English Law.

The **Gender Equality Duty** is part of the **Equality Act 2006** and came into effect on 6 April 2007. It amends the SDA to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the General Duty of eliminating unlawful discrimination and harassment and promoting equality of opportunity between men and women. The gender equality duty also requires public authorities to have due regard to the need to eliminate unlawful discrimination and harassment against transsexual people. This includes people who intend to undergo, are undergoing or have undergone gender reassignment.

**A comprehensive list of Equality Legislation with hyperlinks to the legislation are shown in Appendix K, page 59.**

## Appendix E – Responsibility

**The following appendix outlines responsibilities in more detail, as summarised in Section 11 - *Responsibility for the Scheme* (page 12) within the Equality Scheme.**

Following approval of the Equality Scheme by Council, the Scheme will be overseen by the Equal Opportunities and Diversity Committee. The Committee will consider an annual report containing the University's equality data, monitoring of outcomes and progress in relation to the Action Plan, before recommending approval by Council and becoming a public document.

Responsibility for meeting the General and Specific duties and for the Scheme itself rests with the groups or individuals who are liable (legally responsible) for the University's acts or omissions. So as to assist individuals to meet their obligations, the following bodies and individuals have the following responsibilities:

- a. The Council has constitutional and legal responsibility for approving the Equality Scheme, for monitoring its implementation and ensuring its effectiveness. The Council monitors the work of University Committees to ensure compliance with General Duties of various Acts;
- b. The Vice-Chancellor has ultimate executive responsibility for the effective development and implementation of the Scheme and will provide a consistent and public lead on issues covered by the Equality Scheme;
- c. The Registrar and Secretary has overall responsibility for co-ordinating the day-to-day operation of the Scheme and the development, maintenance and monitoring of supporting procedures;
- d. Committees and Departmental Boards will identify and assess the impact of their policies, practices and strategies and procedures on students and staff on the grounds of all equality strands and build this assessment into their existing policy and procedure review arrangements;
- e. Deans of Faculties, Heads of Departments and Sections are responsible for implementing the Scheme in relation to their area of responsibility. Heads of Departments and Sections will assess the impact of the Scheme on their Department or Section, taking appropriate action to ensure that their staff are aware of their responsibilities and are given appropriate training and support;
- f. The Equal Opportunities and Diversity Committee, a joint committee of Council and Senate chaired by a Pro Vice-Chancellor, has responsibility for the formulation, monitoring and review of the Equality Scheme on an annual basis. The Equal Opportunities and Diversity Committee meets three times a year and reports to Staffing Committee and Council via Senate;
- g. The Equalities Advisor has specific responsibilities for assisting with the implementation and monitoring of the Equality Scheme. As Secretary to the Equal Opportunities and Diversity Committee, s/he reports regularly to the Committee and prepares annual reports for consideration;
- h. University Managers and staff have responsibilities for ensuring that procedures are carried out in compliance with the Equality Scheme. To support this, the Director of

Human Resources is responsible for providing advice, guidance and support on the application of this Scheme and the Equality Action Plan in respect of employment matters. The Director of Student Services has the same responsibilities in respect of student matters.

- i. All students and staff are required to:
  - Act with consideration and diligence to staff, students and members of the public using the University services;
  - Act in accordance with the requirements of the Scheme;
  - Be aware of the Equality Scheme which is available on the HR Department and Student Support websites, or in hard copy in a variety of formats (on request from HR);
  - Refer to their manager, tutor, or an appropriate member of staff, any issue or situation which might adversely affect people in exercising their rights.
- j. Staff are also required to use the resources made available to make themselves more aware of equality issues, e.g. the University's Diversity E-learning Tutorial;
- k. Every individual member of the University's community, whether a member of Council, student, staff or visitor, is required to adhere to the Equality Scheme and is expected to apply its principles in their day-to-day work and activities.

## Appendix F – Consultation Process

### 1. Single Equality Scheme Task and Finish Group:

As outlined in Section 9.0 - Consultation, Involvement and Communication, the Equality Scheme was developed by the Single Equality Scheme Task and Finish Group (SES T&FG) formed by the Equal Opportunities and Diversity Committee. The Terms of Reference for the group is shown below:

#### **TERMS OF REFERENCE**

##### **Single Equality Scheme (SES) Task and Finish Group**

The SES Task and Finish Group has been established by the Equal Opportunities and Diversity Committee in order to provide a mechanism to lead and support the development of Aberystwyth University's Single Equality Scheme. It is Chaired by the Director of Human Resources.

Aberystwyth University will endeavour to promote equality, value diversity and respect human rights within the Scheme and understands that equality and diversity needs to be embedded into all structures and functions of the University and its leadership. Its commitment from all staff at all levels of the University is central to the success of the Scheme.

#### **Objectives:**

The overall purpose of the Task and Finish Group is:

- Facilitate a consultative process in which the Scheme should be developed;
- To discuss and assist in the development of a forming and accessible SES, together with its three year Action Plan;
- To ensure statutory monitoring and reporting activities of various equality strands are included within the Scheme;
- To set out how the University will meet its statutory duties and detail how the University will improve equality and human rights outcomes in all areas of its functions.

#### **Membership:**

The SES Task and Finish Group shall include the following members:

- Director of Human Resources (Chair)
- Equalities Advisor, HR
- Director of Student Support Services
- Student Guild Representative
- Staff Union Representatives from UCU and Unison
- Director of Support/Allied (Central) Services (e.g. RHS, Estates or IS)
- Director of Academic Department
- Selected staff who have equalities expertise (e.g. disability officers)

#### **Reporting:**

The SES Task and Finish Group will report through recorded Minutes to the Equal Opportunities and Diversity Committee.

#### **Frequency of Meetings:**

Meetings shall normally be held bi-monthly commencing mid July 2008 and there should be no less than 4 meetings per year.

The work of the group initially included leading the consultation process in respect of the Scheme. An anonymised equality consultation questionnaire (shown overleaf) was produced prior to development of the Scheme in order for students and staff to have an opportunity to raise specific issues or areas they would like addressed within the scheme. The on-line questionnaire was disseminated to all staff and students using the University's weekly email service and hard copies additionally were sent to all staff without computer access. The outcome of such consultation and key aspirations of the group are shown below:

- Write a Scheme in plain and understandable language which is aspirational in style.
- Include all strands of equality within various areas of the University.
- Have a Scheme that includes **all** members of students and staff.
- Promote transparency and reinforce the need for dignity and respect.
- Endorse communications as a key requirement.
- Include the Welsh Language.
- Consider requirements and sensitivities regarding requests for personal information.
- Review accessibility need, e.g. physical access, formats, etc.
- Consider family friendly policies, e.g. flexible working, part time / fixed term workers, single parents, staff with caring responsibilities, etc.
- Include gender issues such as pregnant women, promotion and equal pay.
- Greater awareness of gender dysphoria, transgender and transexuality.
- Give signposting to reporting procedures and support mechanisms.
- Review the need for formal qualifications.
- Review provision of support for all students (home, international, extramural, etc.).

## 2. Further Consultation and Approval:

Following such consultation, a draft Equality Scheme and Action Plan was developed by the group and subsequently submitted to the Equal Opportunities and Diversity Committee for their consultation and approval. Further internal consultation was carried out with the Trade Unions (Joint Union Consultative Committee) and the University's [Accessibility Forum](#): a student and staff consultative group that promotes and engages with disability equality. External consultations/feedback were also provided by the Equality Challenge Unit (ECU) and Higher Education Funding Council for Wales (HEFCW). Following such consultation, the Scheme was finally approved by Senate and Council

As stated in the Equality Scheme, the University believes that consultation should be an active and ongoing process, in order that it can be a living and growing document. The Scheme and its further consultation will be reviewed on an annual basis by the Equal Opportunities and Diversity Committee, with the first review taking place in July 2010.

## 3. Equality Scheme Questionnaire:



**Anonymous and Confidential**

### Single Equality Scheme Questionnaire

Aberystwyth University is planning to merge its race, disability and gender policies and add age, sexual orientation and religion or belief strands in order to create a Single Equality Scheme (SES). Our current policies can be found on <http://www.aber.ac.uk/human-resources/en/equal-opp/>. In addition to demonstrating the University's commitment to Equality and Diversity for all, a SES will give balance to all equality strands and clearly promote diversity. Prior to creating the Scheme, we wish to consult with staff and students by means of an anonymous questionnaire in order to understand needs within the University.

We should therefore be grateful if you could take a few minutes to complete this questionnaire in order to assist us with developing our Scheme.

- Q1. **A Single Equality Scheme should address issues relating to equality and fairness for everyone irrespective of their race, disability, gender, age, religion/belief or sexual orientation.**

**Are there any areas you would like to see included in the new Scheme?**

Comment: *(please click onto grey box and type comments)*

- Q2. **What do you think should be the priority areas to improve the services or facilities the University offers with regards to equality?**

Comment: *(please click onto grey box and type comments)*

- Q3. **In your opinion, is there any AU staff or student related policy or procedure that may have a negative impact/effect on any equality strand (race, disability and gender and adding age, sexual orientation and religion/belief)?**

Comment: *(please click onto grey box and type comments)*

Q4. With regards to equality, can you give any examples of good practice, e.g. something that was successful or innovative?

Comment: (please click onto grey box and type comments)

Q5. With regards to equality, can you give any examples of bad practice, e.g. something that was unfair or a negative experience?

Comment: (please click onto grey box and type comments)

Q6. Please rate the level to which you think equality, respect and fairness are met in the following areas:

Area (in alphabetical order):	Please click onto either Good, Adequate or Poor, or leave blank if Not Applicable		
	Good	Adequate	Poor
Staff attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Managers attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equality Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HR Service (staff only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student Support Services (students only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student Guild (students only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residential and Hospitality Services (staff and students)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>please list</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please indicate in which capacity you are completing this questionnaire:

- AU Staff
- AU Student
- Other (please state)

Please note that this questionnaire is completely anonymous and that you will not be identified with this survey. If you require the questionnaire in a different format, please contact Ms. Olymbia Petrou, Tel: 62 8598, e-mail: [opp@aber.ac.uk](mailto:opp@aber.ac.uk).

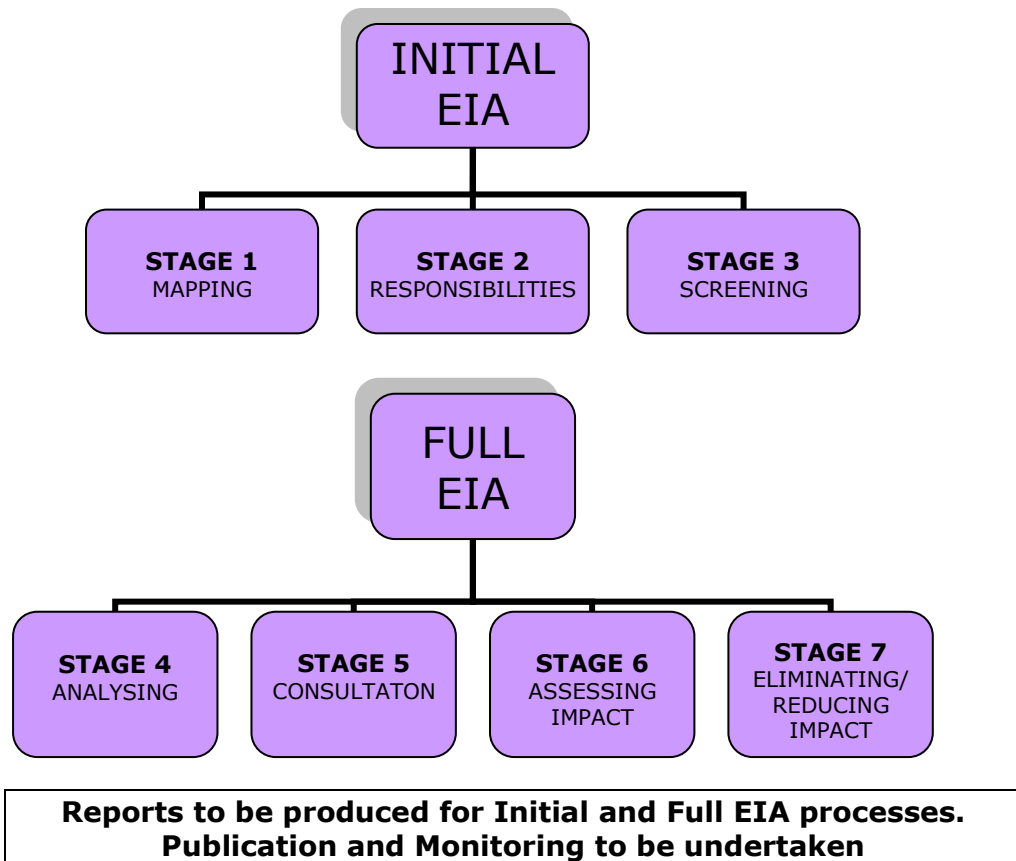
Thank you for taking the time to tell us your views.

Please return the completed questionnaire by post to Ms. Olymbia Petrou, Human Resources Manager (Equal Opportunities), HR Department, or by e-mail (above) before **31 October 2008**.

## Appendix G – Equality Impact Assessment (EIA) Processes

### 1. EIA Methodology:

Aberystwyth University has adopted Equality Impact Assessment (EIA) methodology as shown in the HEFCE/ECU publication - *Conducting Impact Assessments for Equal Opportunities in Higher Education*, October 2004. Following the approval of EIA methodology by the Council in 2006, the process of EIA for all equality strands commenced in July 2007. The seven step approach is illustrated below:



EIA process was disseminated through presentations to all Heads of Departments detailing the above seven stages, giving the following definitions and processes:

### 2. What is Impact Assessment?:

“Impact assessment is the thorough and systematic analysis of the potential or actual effects of any new or current policy or practice, provision or criterion to determine whether it has a differential impact on identifiable groups of people.” What this means for the University is the examination of current (and proposed) policies and practices, to ascertain whether they affect some groups unfavourably, i.e. whether policies are directly or indirectly discriminatory.

EIA is a means of identifying effective practice in the University and where negative impact is found, it provides an opportunity to identify service improvements that will minimise or eliminate any potential detriment. The approach also aims at identify and acting on the need to modify policies in order to mainstream equality sensitivity in our work.

### 3. Screening of the Policy:

The screening process is undertaken using the following Policy Screening Form:



<b>POLICY SCREENING FORM</b>
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<b>Person / Department Responsible for Impact Assessment:</b>		
<b>Name of Policy:</b>		
<b>Location of Policy:</b>		
<b>Date Last Reviewed:</b>		
1	What is the aim, objective or purpose of the policy?	
2	Who created the policy?	
3	Who is responsible for implementing the policy?	
4	Is the policy applied uniformly throughout the university? <i>(Note: this may not apply to Departments)</i> If 'no' what are the consequences in terms of the screening process?	<b>Yes / No</b>
5	Who is affected by the outcomes of the policy?	
6	Who are the stakeholders in relation to this policy (for example the funding council, UCAS etc)?	
7	Is there any evidence that different groups have different needs in relation to this policy (e.g. age, disability, gender, marital status, racial group, religious belief, sexual orientation)?	
8	Does this policy meet or hinder the equality and diversity policies, values or objectives of the University?	
9	Is the policy document available through the medium of Welsh as well as English?	<b>Yes / No</b>
10	Have previous communications with relevant groups indicated that policies of this type create problems for them?	
11	Are there any relevant groups which you believe should be consulted in relation to this policy?	
12	Impact Priority <i>(circle one of following)</i>	<b>High / Medium / Low / No Impact</b>
	Please indicate any other specific concerns.	

<b>Date:</b>		<b>Signed:</b>	
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#### 4. **Impact Priority:**

The following priorities were given to all assessed policies/procedures:

NO IMPACT:	Policy not 'equality relevant', e.g. policy associated with financial transactions.
LOW:	A neutral effect. The policy is not likely to result in adverse impact for any group but does not clearly promote equality of opportunity.
MEDIUM:	A differential impact. Different groups have different requirements and therefore the policy may have a differential impact.
HIGH:	Where it is felt that there is a large risk of the policy having an adverse impact upon equality. <b>Full Impact Assessment</b> would subsequently be carried out on 'High' impact policies in order to change or reduce impact.

#### 5. **Legal and Business Imperatives:**

These are outlined for the University are as follows:

##### a. **The Legal Imperative**

- Race Relations (Amendment) Act 2000;
- Disability Discrimination Act 2005;
- Gender Equality Duty 2007;
- For best practice (i.e. beyond legal minimum) it is applied to all equality strands e.g. age, religion/belief, sexual orientation.

##### b. **The Business Imperative**

- Evaluates activities to ensure that the people (staff, students or wider community) are being catered for effectively and fairly;
- Enables the University to get an idea of what does and does not work in the delivery of functions;
- Acts as a means of quality control;
- Can also be linked to other processes through which the University reviews and evaluates its work;
- Strengthens the commitment to achieving equality of opportunity.

#### 6. **When should EIA take place?**

There are two key stages at which an impact assessment should take place: When a new policy is being considered or when an existing policy is being reviewed.

#### 7. **Benefits of EIA:**

- For the University to have a better understanding of how policies are operating on the ground, and to reflect on practice.
- To provide information to action improvement, consistency and fairness.

- To help eliminate discrimination and promote equality, ensuring that policies operate for the benefit of staff, students and the University.
- To raise the awareness of the University’s standard on equality and diversity.
- For the EIA process to be complementary to existing means of review, such as internal quality assurance processes, the RAE, and other self-evaluation tools.
- To provide an opportunity to not only identify adverse impact, but enable the University to celebrate positive measures in relation to equality and diversity.

8. **Summary of Aberystwyth University’s EIA activities:**

2007	Memorandum from Chair of Equal Opportunities and Diversity Committee distributed to Heads of Academic and Directors of Central Services departments;
	Training sessions (4) delivered to Heads of Departments and policy holders;
	Mapping process carried out ;
	Deadline for submission of EIA Policies and Policy Screening forms ;
	Reminders sent for submission of policies;
2008	Over 300 policies/procedures collated and screened - some still outstanding;
	Policy Screening verified (checked for screened impact) by Equality Advisor;
	Staff and students consulted via Equality Scheme Questionnaire;
2009	Presentation of current outcome to central service departments (Registrar’s Departments);
	Equality Projects Officer recruited to complete EIA process.

9. **Proposed Actions:**

- Collation of outstanding policies identified as potentially ‘high risk’ areas, e.g. potential for impact due to staff, students, visitors, applicants contact;
- Focus reviewing policies already identified as ‘high risk’ and identifying any other areas where there could be potential risks;
- Prepare a screening report;
- Go through ‘Full’ Impact Assessment for ‘high’ impact policies;
- Implement EIA process for all new policies;
- Publish final report and monitor (on a three year cycle).

The deadline for completing the EIA process is **December 2009**.

## Appendix H – Equal Pay

### Equal Pay Introduction:

An Equal Pay Audit analyses pay arrangements for its employees, identifies any differences in levels of pay between men and women and review the reasons for, and possible causes of, differences in pay, in particular whether these can be attributed to direct or indirect sex discrimination. It can help to identify how to close gaps in pay that cannot be attributed to reasons/causes other than sex discrimination. A check on pay should be made to cover all three possible types of equal work:

- The same, or broadly similar (known as like work);
- Different, but which is rated under the same job evaluation scheme as equivalent (known as work rated as equivalent);
- Different, but of equal value in terms of demands such as effort, skill and decision-making (known as work of equal value).

### Historical Context:

In October 2005, Aberystwyth University carried out an initial Equal Pay Audit (EqPA) in consultation with the Advisory, Conciliation and Arbitration Service (ACAS) and Unions Representatives (UNISON, AUT and AMICUS). This was carried out by an Equal Pay Group formed by Equal Opportunities and Diversity Committee. The main objectives of this Audit were to:

- Carry out a primary Audit prior to the commencement of HERA Job Evaluation and in line with best practice, utilising methodology of the Equal Opportunities Commission's Equal Pay Review Kit and Joint Negotiating Committee for Higher Education Staff (JNCHES) Guidance where appropriate;
- Consult with ACAS and the Unions in order to provide a transparent process;
- Develop strategies for dealing with pay anomalies;
- Produce a report by the end of January 2006 for approval by the Equal Pay Group and subsequently submitted to both the Pay Steering Group of the Modernisation of Pay Structures and the Equal Opportunities Committee;
- Develop internal expertise in preparation for a more comprehensive review post HERA Job Evaluation in 2007/2008.

This EqPA undertook a comparison of "like work" (i.e. the same or similar jobs) and a report was finalised in January 2006.

### Current Status:

Aberystwyth University aims to complete a comprehensive Audit by March 2010, following implementation of the Framework Agreement in March 2009. It is currently reviewing the possibility of participating in an Equality Challenge Unit project involving selected Welsh higher education institutions. The project will involve working with a consultant to conduct an equal pay review, with a view to ensuring alignment between the pay review and the institution's work on gender equality.

The University has been a Steering member of the **Women's Universities Mentoring Scheme (WUMS)**, a 2008/09 HEFCW funded initiative supporting 12 Welsh universities to set

up inter-university mentoring partnerships for women HEI. The scheme aimed to encourage women employees to fulfil their potential and achieve their career aspirations, achieve an increased recognition of the contribution made by women employees to the HEI workforce, and lead changes in HEI culture. A final report was produced in 2009.

## Appendix I – Good Practice in Recruitment and Selection Processes

### Staff Recruitment and Selection

The Human Resources Department is in the process of introducing a Recruitment and Selection Policy setting out procedures to assist staff involved in the recruitment process. This Policy can be found on the HR website <http://www.aber.ac.uk/en/hr/>.

In line with the Recruitment and Selection Policy and good practice, the Equality Scheme endorses the following:

#### 1. Recruitment and Selection Process

Applicants will be treated on the basis of their relevant merits and abilities, and all stages of the recruitment and selection process will be monitored to ensure that processes are conducted fairly. The only consideration in appointing staff is how the genuine requirements of the post are likely to be met by the individuals under consideration. Guidance is available from the HR website on Advertising Deadlines, Welsh Language Assessment Form, Advertising a Vacancy and Shortlist Matrix (<http://www.aber.ac.uk/en/hr/pandp/>). Human Resource Managers specifically assigned to departments are also available to provide advice and guidance on all aspects of the recruitment and selection process to address any equality issues.

#### 2. Job Specification and Advertisements

- Job Specification and selection criteria will be clearly defined in the further particulars sent to prospective applicants. Qualifications or requirements which would have the effect of inhibiting applications from some groups of potential applicants will not be specified, except where they are justifiable in terms of the requirements of the job.
- Application procedures will be regularly reviewed to ensure that only information essential for the job (as determined by the job-description, person specification and work permit requirements) is sought.
- Recruitment monitoring forms (Equal Opportunities Questionnaire) within Application forms should be completed by all applicants. This form will be detached from the Application form and will not be accessible to anyone involved in the recruitment and selection process.
- This form is held in the Human Resources and information may be used for statistical purposes to enable the monitoring and assessing the impact of the Equality Scheme.
- Job advertisements will publicise the University's commitment to bilingualism, equality of opportunity and its status as a Two Ticks employer so as to encourage applications from a broad range of suitable applicants.
- A framework for assessing the linguistic requirements of the post (i.e. [Welsh Language Assessment Form](#)) in accordance with the Welsh Language Scheme is assessed for each vacancy.
- Further particulars, including application forms can be made available in a range of formats, e.g. Braille or large print as requested by applicants.

### **3. Selection Procedures**

- HR will ensure that all staff involved in procedures for selecting staff for appointment (including external representatives on appointing panels) are informed about the Equality Scheme. At no stage in the selection procedure should applications be judged on the basis of any criteria which are considered not relevant to good employment or educational practice.
- All staff involved in staff recruitment must complete the University's Diversity E-learning Tutorial (or comparable training). All staff involved in the selection process (including short-listing) will be made fully aware of the legislation relevant to employment.
- Where suitably qualified persons are available and, where reasonably practicable, persons responsible for short listing, interviewing and making or recommending appointment will reflect the diversity of the applicants and include at least one person of each gender. Short listing should be carried out by more than one member of staff.
- No questions will be based on assumed suitability of different classes or groups of candidates for the job in question. In particular, questions about marital status, children, domestic obligations or family intentions will not be asked at interview.
- Where it is necessary to obtain information on personal circumstances (for example, in relation to selection criteria such as flexibility to work irregular hours) questions about this will be asked equally of all interviewees.

### **4. Record-keeping**

- Details of candidates and of selection decisions (including the rationale for selection or rejection) will be normally stored for a maximum of 6 months and then destroyed for unsuccessful applicants. For successful applicants, the form will form part of their personal file.
- These records are held in the Human Resource office and may be used for statistical purposes only to enable staff to monitor and assess the impact of the Equality Scheme.
- Information collected is classified as sensitive data under the Data Protection Act 1998 and will be treated in strict confidence.
- The Chair of the Appointing Panel will complete a record of the Panel's decision in relation to each candidate based upon the further particulars of the post.

## Appendix J – Useful Web Links

### Internal Links:

- Centre for Welsh Language Services
- Centre for Widening Participation and Social Inclusion
- Childcare
- Human Resources Office
- Language & Learning Centre
- Student Guild
- Student Support Services

### External Links:

- ACAS
- Age Positive
- BBC Multifaith Calendar
- Equality and Human Rights Commission
- Equality Challenge Unit
- Parents at Work
- Stonewall Trust
- Two Ticks Disability Symbol

## Appendix K – List of Equality Legislation

### AGE

#### [Employment Equality \(Age\) Regulation 2006](#)

Protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate.

### DISABILITY

#### [Disability Discrimination Amendment Act 2005](#)

Introduces a positive duty on public bodies to promote equality for disabled people.

#### [Disability Discrimination Act 1995 \(Amendment\) Regulations 2003](#)

The Disability Discrimination Act 1995 (Amendment) Regulations 2003 came into force in October 2004. The Regulations make a number of changes to the provisions of the DDA, in particular to the provisions regarding employment (Part 2) and to the provisions relating to the supply of goods and services (Part 3). The definition of what constitutes disability discrimination is further developed within the Act with three kinds of discrimination defined; direct discrimination, failure to make reasonable adjustments and disability-related discrimination.

#### [Special Educational Needs \(SEN\) and Disability Act 2001](#)

The Special Educational Needs and Disability Act 2001 amended the Disability Discrimination Act 1995 to make unjustified discrimination by education providers against disabled pupils, students and adult learners unlawful.

#### [Disability Discrimination Act 1995](#)

Outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.

### GENDER

#### [Equality Act 2006: Gender Equality Duty](#)

Introduces a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination.

#### [Employment Equality \(Sex Discrimination\) Regulations 2005](#)

Introduces new definitions of indirect discrimination and harassment, and explicitly prohibits discrimination on the grounds of pregnancy or maternity leave.

#### [The Gender Recognition Act 2004](#)

Provides transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a [gender recognition panel](#).

#### [Sex Discrimination \(Gender Reassignment\) Regulations 1999](#)

The Act seeks to prevent sex discrimination relating to gender reassignment. It clarifies the law for transsexual people in relation to equal pay and treatment in employment and training.

#### [Sex Discrimination Act 1975 \(as amended\)](#)

The Act makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities.

[Equal Pay Act 1970 \(as amended\)](#)

The Act states the rights of an individual to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing: like work; work rated as equivalent under an analytical job evaluation study; or work that is proved to be of equal value.

**RACE**[Racial and Religious Hatred Act 2006](#)

The Act creates an offence of inciting (or 'stirring up') hatred against a person on the grounds of their religion, e.g. using threatening words or behaviour to stir up hatred against somebody because of what they believe.

[Race Relations Act 1976 \(Amendment\) Regulation 2003](#)

Introduced new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

[Race Relations \(Amendment\) Act 2000](#)

Places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

[Race Relations Act 1976](#)

The Act prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities, services and premises.

**RELIGION AND BELIEF**[Equality Act 2006](#)

Protects access discrimination on the grounds of religion or belief in terms of access to good facilities and services.

[Employment Equality \(Religion or Belief\) Regulations 2003](#)

The directive protects against discrimination on the grounds of religion and belief in employment, vocational training, promotion and working conditions.

**SEXUAL ORIENTATION**[Employment Equality \(Sexual Orientation\) Regulations 2003](#)

The directive protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion, and working conditions.

[Civil Partnership Act 2004](#)

Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.

**OTHER**[Equality Act 2006](#)

The Act made provision for the establishment of the Commission for Equality and Human Rights (merging the Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission); provision about discrimination on grounds of religion or belief and on the grounds of sexual orientation; imposes duties relating to sex discrimination on persons performing public functions and amends the Disability Discrimination Act 1995.

[Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2002](#)

The Regulations give part-term employees the right not to be treated by their employer less favourably than the employer treats a comparable full-time worker.

[Fixed-term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#)

The Regulations give fixed-term employees the right in principle not to be treated less favourably than permanent employees of the same employer doing similar work.

[Employment Act 2008](#)

The Employment Act 2008 strengthens, simplifies and clarifies key aspects of UK employment law.

[Employment Act 2002](#)

An Act makes provision for statutory rights to paternity and adoption leave and pay. It amends the law relating to statutory maternity leave and pay. Further provisions are made for compromise agreements, questionnaires in relation to equal pay, trade union learning representatives, fixed-term work; flexible working and maternity allowance.

[Work and Families Act 2006](#)

The Act, implemented in April 2007, aims to establish a balanced package of rights and responsibilities for both employers and employees by extending maternity and adoption pay from six to nine months, extending the right to request flexible working to carers of adults, giving employed fathers a new right of up to 26 weeks Additional Paternity Leave some of which could be paid if the mother returns to work, help employers and employees benefit from improved communication during maternity leave, etc.

[Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008](#)

came into effect in July 2008 for the benefit of women whose expected week of childbirth begins on or after 5th October 2008. They remove the distinctions between the rights of employees on ordinary maternity leave and those on additional maternity leave (similar distinctions between the rights of employees on ordinary adoption leave and additional adoption leave are also removed).

[Maternity and Parental Leave etc Regulations 1999](#) (as amended)

These Regulations amend provisions in two statutory instruments relating to statutory maternity leave and adoption leave. These regulations were amended by the [Maternity and Parental Leave \(Amendment\) Regulations 2001](#), [Maternity and Parental Leave \(Amendment\) Regulations 2002](#) and [Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2006](#).

[Human Rights Act 1998](#)

The Act gives further effect to rights and freedoms guaranteed under the European Convention on Human Rights; to make provision with respect to holders of certain judicial offices who become judges of the European Court of Human Rights; and for connected purposes. These rights also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements.

[Protection from Harassment Act 1997](#)

The Act allows the courts to grant an injunction to restrain any actual or threatened harassment. It also allows the courts to award damages in favour of a victim.

## Appendix L – Full list of abbreviations

### Abbreviations

<b>DDA</b>	Disability Discrimination Act
<b>DSA</b>	Disability Support Allowance
<b>EA</b>	Equalities Advisor
<b>ECU</b>	Equality Challenge Unit
<b>EHRC</b>	Equality and Human Rights Commission
<b>EIA</b>	Equality Impact Assessment
<b>EO&amp;DC</b>	Equal Opportunities and Diversity Committee
<b>EqPA</b>	<b>Equal Pay Audit</b>
<b>HE</b>	Higher Education
<b>HEFCE</b>	Higher Education Funding Council for England
<b>HEFCW</b>	Higher Education Funding Council for Wales
<b>HESA</b>	Higher Education Statistics Agency
<b>HR</b>	Human Resources
<b>RAE</b>	Research Assessment Exercise
<b>RR(A)A</b>	Race Relations (Amendment) Act 2000
<b>SDA</b>	Sex Discrimination Act
<b>SES</b>	Single Equality Scheme
<b>SMT</b>	Senior Management Team
<b>SS</b>	Student Support
<b>T&amp;FG</b>	Task and Finish Group
<b>UCAS</b>	Universities and Colleges Admissions Service

## **Further Information and Feedback:**

If any student, member of staff or visitor would like to:

- obtain further information about our Equality Scheme
- offer feedback on the Equality Scheme, Action Plan or Appendices
- receive this information in another format

please contact the Equality Advisor in Human Resources Department on telephone 01970 62 8598 or email [opp@aber.ac.uk](mailto:opp@aber.ac.uk).