

June 2002/29

Policy development

Consultation

Comments should be sent to the
HEFCE by Friday 25 October 2002

This document explains how the Council plans to meet its statutory duty, under the Race Relations (Amendment) Act 2000, to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups. It seeks comments on the scheme, which provides a strategic direction for integrating fair treatment into the Council's functions, identifies initial priorities, and sets out an action plan to address the issues.

HEFCE Race Equality Scheme

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Foreword

The HEFCE Race Equality Scheme is intended to respond to the spirit as well as the letter of the Race Relations (Amendment) Act. The scheme aims to integrate race equality and fair treatment issues into our core priorities and functions.

Leadership and commitment at all levels of the organisation are central to the success of the scheme. In everything we do, we need to consider proactively how we can ensure that we do not consciously or unconsciously discriminate against or disadvantage individuals or groups. We must also positively promote good relations between people of different ethnic groups.

Higher education institutions are individually subject to the requirements of the Act, and it is not our intention to substitute for the work that they will need to do for themselves. Our scheme is designed to complement the work that is, and will be, taking place in the sector, and to offer support and guidance where this is useful and needed. But we recognise that the scheme is work in progress, to be consulted on and refined as necessary.

The underpinning and detail of the approach are described below. And the practical steps to be taken are presented as an Action Plan to alert those in the Council and in the sector to the work that needs to be done if we are to address the issues effectively and meet the requirements of the Act.

We would like to thank Focus Consultancy Limited for helping us to develop our scheme.

Sir Howard Newby
Chief Executive

Introduction

1. The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 – the Act – places a general duty on public authorities to promote race equality. Under the new duty, and through all relevant functions, public authorities are required to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups.

2. The Council is subject to the Act and was required to produce a Race Equality Scheme by 31 May 2002. We have developed a scheme that includes:

- the values, principles and standards that guide our approach to race equality
- the overall strategic aims and objectives adopted to promote race equality
- clear timescales and actions
- how often each part of the scheme and the scheme as a whole will be reviewed
- how complaints about the way we are meeting our duties or other complaints about race equality will be dealt with
- targets and how we aim to achieve them
- how the scheme relates to our other policies and strategies
- a consultation strategy
- an action plan to ensure that all our staff are aware of the scheme and understand what it involves.

3. We have taken the view that the Race Equality Scheme should form part of our overall Equal Opportunities Policy, and be linked to our wider strategic aims and objectives as long as it can be easily identified, monitored, assessed and reviewed as meeting the requirements of the general and specific duties under the Act.

4. The scheme is designed to set a strategic direction and identify initial priorities and an action plan, in recognition of the breadth and complexity of the issues. We intend to review the scheme after the first year and to refine it as necessary.

5. As part of the process of developing the scheme, independent consultants Focus Consultancy Limited worked with HEFCE senior managers, Board members, staff from ethnic minorities, and a project steering group. The steering group, led by Steve Egan, Director of Finance and Corporate Resources, will advise on and steer implementation of the scheme. Steve Egan has overall responsibility for the HEFCE scheme as a whole, and can be contacted at s.egan@hefce.ac.uk.

Context

6. The Race Relations Act 1976 provides the legislative base for anti-racist policies within Britain. The 1976 Act was significantly strengthened as a result of recommendations that came out of the Macpherson Report on the Stephen Lawrence murder inquiry. The Race Relations (Amendment) Act 2000 amended the 1976 Act so as to:
- a. Prohibit race discrimination in public functions not previously covered by the 1976 Act.
 - b. Place a general duty on specified public authorities to have due regard to the need to promote race equality.
 - c. Give the Home Secretary powers to impose specific duties on public authorities that are subject to the general duty, and to add to the list of bodies to which the general duty applies.
7. . A 'racial group' in the 2000 Act is a group of people defined by colour, ethnicity, race, nationality, national or ethnic origins. The new anti-discrimination provisions and the general duty for public authorities listed in the 2000 Act came into effect on 2 April 2001.
8. The general duty is set out in section 71(1) of the 1976 Act, as amended, which states that a body subject to the general duty:
- 'shall, in carrying out its functions, have due regard to the need –
- to eliminate unlawful racial discrimination; and
 - to promote equality of opportunity and good relations between persons of different racial groups.'
9. Schedule 1A to the 1976 Act, as amended, lists the bodies and other persons subject to the general duty.

Specific duties

10. The specific requirements in relation to our Race Equality Scheme are as follows:
- a. The preparation and publication of a scheme which sets out how that public authority intends to meet its obligations under the general duty and other specific duties which have been set and are relevant to it.
 - b. An assessment of that public authority's functions and policies which it feels are relevant to the general duty, (which must be reviewed at least every three years).
 - c. That public authority's arrangements for assessing and consulting on the impact that any policies it is proposing are likely to have on the promotion of race equality.
 - d. That public authority's arrangements for monitoring its policies for any adverse impact on the promotion of race equality.

- e. That public authority's arrangements for publishing the results of its:
 - i. Assessment under (b).
 - ii. Consultations under (c).
 - iii. Monitoring under (d).
 - f. That public authority's arrangements for ensuring that those from minority ethnic communities have access to information and to services that it provides.
 - g. That public authority's arrangements for the training of its staff on issues relevant to the general duty and the specific duties.
11. The specific requirements in relation to each further and higher education institution are that it should:
- a. (Before 31 May 2002) prepare a written statement of its policy for promoting race equality (its 'race equality policy').
 - b. Have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under the Act.
 - c. Maintain a copy of the statement and fulfil these duties in accordance with such arrangements.
 - d. Assess the impact of its policies, including its race equality policy, on students and staff of different racial groups.
 - e. Monitor, by reference to these racial groups, the admissions and progress of students and the recruitment and career progress of staff.
 - f. Include in the written statement of its race equality policy how it will publish that statement and the results of its assessment and monitoring under sub-paragraphs 11d and 11e above.
 - g. Take such steps as are reasonably practicable to publish annually the results of its monitoring.

Employment duties

12. There are also the following specific duties relating to employment issues, which apply to the HEFCE. (Higher education institutions are subject to slightly different duties with regard to employment.)
- a. Certain public authorities subject to the general duty are required to have in place arrangements for monitoring the ethnicity of:
 - i. Staff in post.
 - ii. Applicants for jobs, promotion and training.
 - b. If such a body has more than 150 full-time employees it is required to have in place arrangements for monitoring the ethnicity of staff who:
 - i. Receive training.
 - ii. Benefit or suffer detriment as a result of performance appraisal.
 - iii. Are involved in grievance procedures.
 - iv. Are the subject of disciplinary procedures.
 - v. Are dismissed or leave for other reasons.
 - c. A public authority subject to these employment duties must publish annually the results of the above ethnicity monitoring.

13. Section 71C of the Race Relations Act 1976, as amended, confers on the Commission for Racial Equality (CRE) the power to issue codes of practice in relation to any aspect of the general duty, in terms of both the general and specific duties mentioned above. Such codes can be admissible as evidence in proceedings brought under the Race Relations Act.

14. The CRE has published a statutory 'Code of practice on the duty to promote race equality' and a non-statutory guide for institutions of further and higher education. The code came into effect on 31 May 2002, following consultation and approval by Parliament. It will be admissible as evidence in any legal proceedings under the Race Relations Act.

Our approach

15. The Council is a relatively small organisation that deals with a range of complex policy-related initiatives, and services delivered to a wide range of stakeholders. Our scheme must be capable of dealing with that complexity, and as a result it needs to:

- a. Reflect the structure and focus of the legislation.
- b. Take account of ideas and issues coming out of the CRE code of practice.
- c. Take account of the work that is already being done in the HEFCE and HEIs to promote race equality.
- d. Build as far as practicable on existing plans, initiatives, processes and mechanisms.

16. We are committed to meeting our obligations under the general duty and acting as a beacon of good practice for the sector. To do so, we will use the specific duties, including this scheme, to make race equality and equal treatment – irrespective of gender, disability, sexuality, age or religious belief – a core issue in the development, delivery and refinement of our policies, initiatives and services, and in the way we manage our staff.

17. The Race Relations (Amendment) Act and associated CRE guidance aim to put race equality issues at the core of public service delivery as part of good generic management practice, and to ensure that a strategy and action plan are in place to eliminate conscious or unconscious racial discrimination in public institutions.

18. As an accountable body, we have a primary responsibility for ensuring that funds are spent properly to maximum effect. At the same time, HEIs are independent institutions and we are concerned to ensure that accountability requirements placed on them are not excessive or inappropriate, and do not divert them from their main purpose. HEIs are directly accountable for ensuring that they meet the requirements of the Act as well as the requirements placed on them by virtue of the Act through the Council.

19. Our Race Equality Scheme is therefore designed not to impose an additional burden on HEIs, or to substitute for their own strategies and action plans for addressing race equality issues, but to complement these. We intend to do this through reviewing the scheme, and developing the race equality dimension of our support to the sector, including offering information, guidance, support and disseminating good practice.

A Race Equality Scheme

20. Our Race Equality Scheme is based on the following principles:
 - a. The scheme should have due regard for our role in the sector, in particular our role in offering appropriate information, guidance, advice and support for HEIs.
 - b. Race equality and diversity equality (and fair treatment) issues should be built into our core strategic themes to maximise the potential positive impact on race equality.
 - c. Where the potential impact on race equality is unclear or unknown, additional data should be collected.
 - d. The Race Equality Scheme should be used to develop the capacity of the Council and the sector as a whole, in line with the CRE view that schemes should not be a 'burden', but instead reflect good generic management practice.
 - e. Given the new requirements of the Act and the need for institutions to respond effectively, the scheme will identify actions that can be undertaken within the first year, and the scheme as a whole will be reviewed to assess appropriateness and effectiveness in achieving race equality and fair treatment after the first year.

21. The scheme:
 - a. Will be promoted and readily accessible to those working in the Council and the sector and to the public, via published documents and our web-site.
 - b. Will be brought to the attention of all HEFCE staff in the staff guide and included within induction and training programmes, as appropriate, so that it becomes a core part of our working.
 - c. Sets out a timetabled action plan to help us meet our obligations under the Act.
 - d. Includes plans and procedures to deal with any complaints about possible failure to meet the general and specific duties, or other complaints about the promotion of race equality.
 - e. Includes measures which have been or are being put in place to promote race equality.

22. In relation to the specific duties, the scheme:
 - a. Will be reviewed and updated, initially annually, so that it properly reflects priorities and pressures facing the Council. (The review process will take account of comments received following publication of the scheme.)
 - b. Will be evaluated after the first year in terms of the impact on our staff and the development and delivery of policies, initiatives and services.

Functions

23. The assessment of our functions, to see which are appropriate for inclusion within the scheme, is an important stage in its development and maintenance.

24. Our functions are designed to meet the requirements of central government stakeholders and to support the sector. While we have few direct dealings with the public, nevertheless the functions could have a significant impact on the capacity of the sector to meet the needs of minority ethnic communities. A qualitative assessment of the relative priority of the functions for the Race Equality Scheme is given below.

HEFCE function	Assessed priority for the Race Equality Scheme
Corporate communications	High
Support to institutions	High
Human resources	High
Teaching and learning	High
Support for research	High
Analytical services	High
Finance (procurement)	Medium
Strategic projects	Medium
Estates	Low
Information technology and systems	Low
Knowledge management	Low
Support for information systems	Low
International collaboration	Low

Policy development

25. The scheme sets out arrangements for assessing and consulting on whether existing and proposed policies would have an adverse impact on those from minority ethnic communities in general, and specific groups in particular; and arrangements for promoting race equality and good race relations.

26. In relation to new policy development and review of existing policy, assessment will involve, for example, the use of historical data, existing or new survey/feedback arrangements, and population data (including census findings); or specially commissioned research. The aims of the consultation will be clearly explained and will be to ensure that it is:

- a. Meaningful – genuinely feeding in to the decision-making process and timed to allow this to happen.
- b. Representative – based on a proper cross-section of views on whether the policy is likely to have a differential impact by racial group.
- c. Effective – making a genuine impact on the policy development process.
- d. Suitable for the topic and the groups involved.

27. If, as a result of these arrangements, it is determined that the existing or proposed policy is likely to have an adverse impact on those from minority ethnic communities or on race equality or good race relations, then staff responsible for the policy will consider:

- a. How we can best meet our general duty under the Act.
- b. Alternatives that could meet the policy objectives without any adverse impact.
- c. Whether the adverse impact is unavoidable, and whether it can be justified in relation to the aims and importance of the policy.
- d. Any measures that would help to reduce the predicted adverse impact.
- e. Whether a second round of consultation should be undertaken.

28. For existing policies, we will ensure that:

- a. Any relevant and appropriate data are examined.
- b. Relevant and appropriate race data are generated where they are not currently available.
- c. We apply the principles set out above if it is determined that the policy is likely to have an adverse impact on minority ethnic communities or on race equality and good race relations.
- d. We secure independent assessment of the impact of outcomes where necessary.

29. New pressures and projects can arise throughout the year, and it is the responsibility of policy makers to ensure that the relevance to the scheme of any new work is considered at the outset. The list of HEFCE functions within the scheme will need to be reviewed regularly so that it is kept up to date. The nature and frequency of the review should be proportionate to the potential differential impact of the functions and policies on race equality. Initially the review will take place annually.

Our monitoring arrangements

30. The Act places a statutory duty on us to monitor the sector for any adverse and differential impact of a policy or service on a minority ethnic community. The establishment and maintenance of robust monitoring arrangements for existing and proposed policies that are relevant to the general duty, is critical to us meeting our obligations under the specific duties.

31. Such monitoring arrangements will look to test:

- a. Sector-wide levels of **participation** – under- or over-representation of people from a particular racial group and consequent impact.
- b. Sector-wide levels of **quality** – whether or not all community groups receive an equally good service.
- c. Sector-wide levels of **relevance** – whether the policy, initiative or service addresses the real needs of specific community groups.

d. Sector-wide levels of **appropriateness** – whether the policy, initiative or service is delivered and received in a way that is culturally sensitive and respectful.

32. The scheme will supplement where necessary, on a sector-wide basis, the direct work being undertaken by individual HEIs to explore whether policies and services impact differentially and adversely on those from minority ethnic communities. These tools could include, as appropriate:

- a. Measurement of levels of access to particular programmes.
- b. Quantitative and qualitative data gathering.
- c. Analysis of specific issues or emerging problem areas across the sector.
- d. Discussion forums.
- e. Identification and dissemination of good practice.

Action

33. We will monitor the impact of the Act by:

- a. Requesting HEIs' Race Equality Policies and associated action plans for meeting their duties (timescale May 2003).
- b. Developing an evaluation mechanism that has the confidence of relevant stakeholders (timescale November 2003).

34. We will support institutions in developing their own evaluation mechanisms by:

- a. Working with HEI internal auditors as part of our audit function to help them develop independent evaluation of their policy (timescale May 2003 and ongoing).
- b. Working with HEIs to develop a self-assessment tool and identifying and disseminating good practice (timescale May 2003 and ongoing).

Annual operating statements

35. We receive annual operating statements from HEIs that indicate their strategic direction and priorities for action, and their own assessment of progress against objectives. This gives us a broad understanding of institutions, and provides context for discussions about specific HEFCE initiatives and programmes.

36. The template for the annual operating statement currently includes:

- a. The institution's mission and strategic objectives.
- b. Planned activities and targets, and progress and achievement against targets in four key areas:
 - i. Widening access and participation.
 - ii. Teaching and learning.
 - iii. Links with business and the community.
 - iv. Project capital.

Action

37. As part of the evaluation mentioned in paragraph 33b, we will consider building the race equality and diversity dimension into annual operating statements through:

- a. Asking HEIs to identify the race equality and diversity dimension of their strategic objectives, including widening access and participation, learning and teaching, and projects to reach out to minority ethnic groups and organisations (timescale July 2003).
- b. Analysing the race equality and diversity dimension of operating statements, and using the results to inform ongoing discussions between HEFCE regional consultants and HEIs (timescale July 2003 and ongoing).

Data capture

38. We have produced and are currently developing a range of performance indicators for the sector, with the aim of ensuring that policy decisions can be made on the basis of consistent and reliable information.

39. Due to the diversity of the sector, many of the indicators are complex and need to be interpreted with care. Nevertheless, we will undertake a review to define data requirements and improvements for effective monitoring, including the feasibility of producing performance indicators on race equality and diversity.

Action

40. We will build the race equality and diversity dimension into data capture through:

- a. Supporting HEIs in developing their race equality policies and arrangements to meet the requirements of the Act (timescale September 2003 and ongoing).
- b. Reviewing data requirements and potential improvements to ensure effective monitoring (timescale September 2003 and ongoing).
- c. Supporting HEIs in adopting standardised categories for data capture across all their monitoring functions (timescale May 2004).

Leadership, governance and management

41. HE institutions are legally independent corporate bodies. Their councils or boards of governors are responsible for the effective management and future development of their affairs. Our role is generally limited to setting policy guidelines and operating boundaries.

42. In this context, we have a role in supporting HEIs where appropriate to develop and encourage good practice in governance, leadership and management within HE.

43. In relation to **leadership**, we are primarily interested in the leadership exercised by those at the top of HEIs, with a focus on promoting a high level of competence in this complex area, including leadership in relation to race equality and diversity.

44. We recognise the diversity of governing bodies in the sector. We define **governance** as the structures and processes that governors adopt for decision-making, accountability, and controlling the delivery of the organisation's mission and standards of behaviour. Meeting legal requirements, including the requirements of the Race Relations Amendment Act, will be a central feature of good governance.

45. In relation to **management**, our role is not to second-guess management, but to promote good practice and encourage the development of capability, including the capability to effectively address race equality and diversity issues.

Action

46. We will support the sector in addressing race equality issues in leadership, governance and management through:

- a. Undertaking an assessment, with the Equality Challenge Unit (ECU), of what kind of sector-wide support, guidance and advice might be necessary for HEIs to achieve effective leadership in race equality and diversity issues (timescale September 2003).
- b. Working with the ECU to identify any sector-wide support, advice and guidance required for staff leading on the development and implementation of Race Equality Policies, and for staff more generally in the sector (timescale September 2003).

Widening and increasing participation

47. The Government's main target for higher education is to ensure that, by 2010, 50 per cent of 18-30 year-olds have experience of higher education. This is a policy for increasing and widening participation: ensuring that there is a more balanced social profile of students participating in higher education, that there is fair access, and that non-completion rates are kept to a minimum.

48. We intend to deliver these objectives through policy development and funding initiatives in key areas:

- a. **Outreach activities** to encourage and enable a wide range of students to enter higher education and to prepare them better beforehand. Much of this will require partnership arrangements between HEIs and schools and further education colleges.
- b. We also plan to work with institutions to ensure that there is no racial inequality in **access**, enabling institutions to acquire the diagnostic tools they need to help profile the students that they are admitting.
- c. **Progression** activities to ensure students succeed. This involves learning lessons from those HEIs that have low non-completion rates and effective strategies

for widening participation, disseminating those lessons, and providing funds for HEIs to offer more support to students.

Action

49. We will support the sector in addressing race equality issues in widening and increasing participation through:

- a. Ensuring that guidance is available on developing the race equality dimension in partnership arrangements, where appropriate drawing on existing work on involving black and minority ethnic individuals, groups and organisations in partnerships (timescale November 2003).
- b. Ensuring that any inequalities in access relating to ethnic groups are identified (timescale November 2003), and working with HEIs to identify causes and possible remedies (timescale November 2003 and ongoing).
- c. Continuing our work with the Universities and Colleges Admissions Service (UCAS) to ensure that diagnostic tools and processes developed for determining student access contain effective checks for equality (timescale May 2004).
- d. Identifying any significant differences in non-completion rates for particular ethnic groups, and working with HEIs to identify causes and possible remedies (timescale May 2003 and ongoing).

Excellence in teaching and learning

50. We have a statutory remit to fund teaching and learning in higher education. We have, with Government and other stakeholders, developed a leading role in maintaining and enhancing the quality of teaching and of the learning experience. In addition, through our learning and teaching activities, we have worked with the sector to enhance the employability of graduates. We have also put into place procedures to meet our statutory duty to secure quality assurance of funded programmes.

51. The HEFCE programmes currently supporting teaching quality are:

- the Teaching Quality Enhancement Fund (encompassing the Learning and Teaching Support Network, the Fund for the Development of Teaching and Learning and funding in support of institutions' learning and teaching strategies)
- allocation of funds to institutions for teaching and learning
- our agreement with the Quality Assurance Agency
- improvement of capital and IT infrastructures.

Action

52. We will support the sector in addressing race equality issues in teaching and learning through:
- a. Reviewing the overall breadth and scope of programmes emerging for the wider student body, and highlighting any significant differences in access issues for different ethnic groups (timescale May 2004), working with the sector to identify the causes of any differences and possible remedies (timescale May 2004 and ongoing).
 - b. Monitoring the development of progression routes into and through higher education, and into subsequent employment, and highlighting any sector-wide differences emerging by ethnic group (timescale May 2004 and ongoing).
 - c. Working with the sector to identify the causes of any differences in progression routes, both through higher education and into employment, and to identify whether these raise issues relating to potential discrimination, and possible remedies (timescale May 2004 and ongoing).
 - d. Developing the race equality and diversity dimension of teaching and learning strategies (timescale October 2004), and disseminating emerging good practice more widely in the sector, as part of improving quality (timescale October 2004 and ongoing).
 - e. Monitoring sector-wide access to student support services by ethnic group, highlighting any differences emerging by ethnic group (timescale May 2004), working with the sector to identify the causes of any differences and possible remedies (timescale May 2004 and ongoing).

53. Recent research conducted for the HEFCE by the Institute of Education (HEFCE 01/46) demonstrated that the higher education experience leads to greater awareness and understanding of issues of ethnicity and cultural difference among the wider higher education student population, when compared with the general population. It is our intention to work with the sector to determine how best to monitor trends in graduate attitudes towards different racial groups, as set out in the general duty.

Research

54. Our principal funding stream for research in English HEIs is quality related (QR) funding. It is allocated to reflect the quality and volume of research by institutions in different subjects. Judgements of quality are made by peer review of research outputs submitted to a periodic Research Assessment Exercise (RAE). There is a potential risk that staff from minority ethnic groups might be disadvantaged by QR funding through not being included in the institution's RAE submission.

55. The RAE process and model are about to be reviewed. We will consider the race equality and equal opportunities dimension of the policies for the RAE, with the aim of ensuring that it is non-discriminatory.

56. We have a wide variety of complex relationships with other related institutions and funding bodies for supporting research. It will be important to ensure that the Race Equality Schemes across these bodies are complementary in approach.

57. We will specifically and explicitly take race equality and fair treatment issues into account when planning initiatives to support research.

Action

58. We will support the sector in addressing race equality and diversity issues in research through:

- a. Analysing whether there is any risk that ethnic minorities may be disadvantaged by HEFCE research funding methods (timescale November 2003).
- b. Ensuring that the review of the RAE takes into account race equality and non-discrimination issues (timescale to be determined by the review).
- c. Ensuring that race and ethnicity issues are taken into account in current and planned special initiatives (timescale May 2003).
- d. Work to ensure that the Race Equality Schemes of related institutions and research funding bodies are complementary to our own (timescale September 2003).

Links with business and the wider community

59. It is established HEFCE policy that knowledge and expertise generated within HE should be made available to benefit business, the economy and society more broadly. We often refer to this as 'third stream' activity, because it is in addition to the two main activities of higher education – research, and teaching and learning. We also aim to encourage other forms of engagement between HEIs and a wide range of groups, communities and organisations.

60. We are examining the scope for:

- a. Embedding and integrating suitable third stream activities within every HEI, as a universal core element alongside teaching.
- b. Establishing a permanent funding stream reflecting this status.
- c. Demonstrating to Government, potential clients and partners, the value and significance of third stream activities.

Action

61. We will support the sector in addressing the race equality and diversity issues in building links with business and the wider community through:

- a. Ensuring that building links with black and minority ethnic individuals, groups and organisations is a component of third stream activities (timescale September 2003).

Supporting HEIs in developing staff in higher education

62. We offer special funding to HEIs to support the development and implementation of their human resources (HR) strategies.

63. The current requirement of the funding initiative is that HR strategies should cover the following areas:

- a. Recruitment and retention issues.
- b. Meeting specific staff development and training objectives, both now and in the future, including management development.
- c. Developing equal opportunities targets, with programmes to implement good practice throughout an institution. This should include ensuring equal pay for work of equal value, using institution-wide systems of job evaluation.
- d. Regular review of staffing needs, reflecting changes in market demands and technology.
- e. Annual performance reviews of all staff, based on open and objective criteria, with rewards connected to individual and, where appropriate, team performance.
- f. Action to tackle poor performance.

Action

64. We will assist the sector in addressing the race equality and diversity dimension of staff development through:

- a. Requiring institutions' HR strategies to identify action taken or being planned to meet the employment duties of the Act. This would include monitoring requirements in relation to recruitment, selection, promotion, access to training, grievance and disciplinary procedures, staff turnover and dismissals, and any positive action to address inequalities (timescale May 2004).
- b. Working with the Equality Challenge Unit and the sector to identify and disseminate good practice in managing the equality dimension of HR management (timescale September 2003 and ongoing).
- c. Examining the scope to research the race equality and diversity dimension of career progression in HE (timescale September 2003).

Procurement

65. We procure goods and services as necessary to carry out our functions effectively. All contractors who provide services to us will be required to incorporate race equality and equal opportunities dimensions in their work.

Action

66. We will build the race equality dimension into procurement through:
- a. Reviewing the procurement process and ensuring that race equality and equal opportunities dimensions are incorporated into specifications and associated supplier requirements (timescale May 2003).
 - b. Requiring evidence from suppliers and contractors that they have effective race equality policies and processes in place (timescale May 2003).

Communications

67. We aim to position ourselves as a leading organisation for the funding, development, promotion and understanding of higher education in this country.
68. The objectives of our communications work are:
- a. Proactive and effective planning – to prioritise and use opportunities for the effective delivery and targeting of information and key newsworthy messages through our publications and to the media.
 - b. Internal partnerships – to ensure potential activities and events are identified, and information and expertise are shared and deployed in a timely and consistent way.
 - c. External partnerships – to work with our partners to promote the opportunities and achievements of UK higher education and, in so doing, to underline the HEFCE's contribution.
 - d. Relations with the media – to develop professional working relationships with the media which will lead to fair, balanced and timely coverage of our role.
 - e. Monitoring, feedback and improvement – to monitor coverage in our own publications and in the media, and to seek feedback in a way which enables us to review, learn from and improve performance.

Action

69. We will build the race equality and diversity dimension into our communications work through:
- a. Reviewing and identifying opportunities for effective delivery of race equality and diversity messages, through our newsletter and other publications, and more widely to the media (timescale May 2003 and ongoing).
 - b. Reviewing and identifying opportunities to use external media resources and networks to target messages to minority ethnic audiences and, wherever appropriate, to internal staff (timescale May 2003 and ongoing).

The employment duty

70. We have undertaken an audit of internal policies, monitoring systems and initiatives relating to race equality and diversity.

71. We have an equal opportunities policy in place, together with guidance on its application. Our staff guide also defines how the policy will be applied in relation to the key areas of personnel and practice.

72. Our recruitment monitoring system allows for capture of relevant recruitment data by grade, gender, race, reported disability and age. We will address the rate of non-response in relation to ethnic origin.

73. Where our analysis reveals imbalances in the workforce, we will examine the scope for a positive action programme, as allowed under legislation, to prepare under-represented groups to compete effectively for posts.

Action

74. We will undertake action to address race equality and diversity issues in employment in the following areas:

- a. Updating our equal opportunities policy to focus on a proactive approach to diversity including race equality, and taking into account legislation arising from European Community directives (timescale May 2003).
- b. Putting in place training to ensure that all selection panel members have attended an appropriate recruitment and selection training course, with particular emphasis on addressing race equality and diversity issues (timescale November 2003).
- c. Reviewing existing training programmes to incorporate race equality and diversity dimensions where appropriate (timescale May 2003).
- d. Undertaking an education and awareness-raising initiative internally on the importance of data collection on ethnicity in particular as a management tool for redressing imbalances in the workforce (timescale May 2003).
- e. Ensuring that data collection systems are updated to fully capture, by ethnic origin, recruitment and selection, promotion, staff turnover and dismissals, training and development opportunities, appraisal, and involvement in grievance, disciplinary and complaints procedures (timescale November 2003).
- f. Putting in place appropriate training arrangements for all staff to ensure that the requirements of the Act can be met effectively (timescale November 2003).
Specifically, the early priorities will be to train:
 - i. Recruiters and selectors, staff responsible for policy development and audit, and staff involved with HR management and monitoring.
 - ii. Those on the project steering group who are responsible for advising on scheme implementation.

- iii. Senior staff, including Board members, responsible for leadership in relation to race equality and diversity issues.
 - iv. HEFCE regional consultants and members of regional teams undertaking day to day advisory and support work directly with HEIs.
- g. Reviewing the scope for a positive action programme to address any imbalances in the workforce (timescale November 2003).
 - h. Reviewing and assessing the labour 'pools' available for the range of Council posts (timescale November 2003); setting appropriate recruitment benchmarks by ethnicity, reflecting the potential workforce available, and using appropriate recruitment mechanisms to ensure benchmarks are achieved (timescale November 2003 and ongoing).

The consultation process

75. We aim to ensure that key stakeholders understand, participate in, and own the Race Equality Scheme.

Action

76. We will meet the requirements of the Act through consulting widely on the scheme, and in particular with minority ethnic groups. Specifically we will:

- a. Actively solicit the views of all HEFCE staff, and in particular black and minority ethnic staff, on the Race Equality Scheme. This will be done through a formal internal consultation meeting, including a separate meeting with minority ethnic staff, and with further opportunities for individuals to submit written comments. The results of the consultation will be submitted to the HEFCE Board and formally responded to (timescale November 2002).
- b. Actively solicit the views of wider stakeholders, in particular black and minority ethnic staff employed in the higher education sector, on the Race Equality Scheme. There will be both a formal consultation meeting and further opportunities for individuals to comment. The result of the consultation will be submitted to the Board and a formal response prepared (timescale November 2002).

Arrangements for publishing the scheme, results of consultations and progress reports

77. We intend to publish on our web-site:

- a. The Race Equality Scheme, which will also be available as a printed document.
- b. The results of consultations in relation to the scheme.
- c. Results of consultations on the race equality dimension of any new policy or initiative.
- d. An evaluation of the scheme after the first year of operation.
- e. The annual diversity report submitted to the HEFCE Board.

f. Progress against our commitments in the scheme in our annual report, which will also be available as a printed document.

78. We will also publicise through specialist media, including those used by minority ethnic audiences, the availability of the above publications.

Access to information and services

79. Public authorities that are required to publish a scheme are obliged to set out their arrangements for ensuring that the general public have access to information and services.

Action

80. We will review arrangements for ensuring that information is provided in an accessible way (timescale November 2003). In particular we will:

- a. Determine whether any information should be provided in languages other than English.
- b. Ensure that the provision of information is proportionate to the nature of the service and associated issues.
- c. Consider whether the information is available at the right time and in the right place.
- d. Monitor how accessible the information is to the public and alter arrangements as necessary.

Complaints

81. We are committed to meeting our statutory obligations to promote race equality. However, some may think that these obligations have not been met properly, or that more should be done under the scheme to promote race equality. It is important, therefore, that procedures are in place to consider such complaints or concerns.

82. Under the terms of the new legislation, if the CRE is satisfied that a public authority has failed to comply with any of its specific duties, it may serve a 'compliance notice'. This will require the authority to comply with its specific duties, and to inform the CRE, within 28 days, of the measures it has taken. The CRE can also require the authority to provide written information verifying compliance. If after three months the authority has not complied with the notice, then the CRE can ask the courts to order compliance.

83. Individuals have the right to take action against any perceived failures by public authorities to meet their obligations in relation to the general and specific duties of the Act. It is also open to individuals, community organisations, trades unions and others to notify the CRE if they are concerned that a public authority has failed to comply. However, we hope that in the first instance they will raise any concerns with us directly.

84. Our complaints procedure aims to maintain public confidence in the Council by ensuring that public accountability encompasses a fair, proper and constructive response to complaints. The Board currently has a semi-independent panel consisting of one Board member and two external 'lay members' to consider complaints that cannot be resolved by HEFCE staff or by the Chief Executive. The effectiveness of the panel is periodically reviewed by the Board Audit Committee.

Action

85. We will address the race equality and diversity dimension of complaints procedures through:
- a. Reviewing the composition of the complaints panel, and whether there is a need for training of panel members to take account of race equality and fair treatment issues (timescale May 2003).
 - b. Reviewing the existing internal grievance procedures to ensure that they fully take into account and respond to concerns that staff may have about racial equality and diversity issues (timescale May 2003).

HEFCE governance

86. We are concerned about the lack of adequate representation by minority ethnic groups on our Board and committees, and are keen to ensure that our governance arrangements better reflect an increasingly diverse society.

Action

87. We will address the race equality and diversity dimension of governance through:
- a. Continuing to raise with the appropriate government departments how to maximise the diversity of nominations for the HEFCE Board, in line with the public appointments process (timescale September 2003).
 - b. Ensuring that appointments to all HEFCE strategic committees take account of race equality and equal opportunities issues (timescale May 2003).

Individual programmes and projects

88. We both develop, and respond to the need for, programmes and projects on specific issues, such as the employability of graduates, and widening participation in higher education.

Action

89. We will ensure that race equality and diversity dimensions are built into the design, implementation and evaluation of all specific programmes and projects (timescale May 2003 ongoing).

Action plan for the HEFCE Race Equality Scheme

Actions by the HEFCE as from 31 May 2002	Timescale
<p>Our monitoring arrangements Requesting HEIs' Race Equality Policies and associated action plans for meeting their duties.</p>	May 2003
Developing an evaluation mechanism that has the confidence of relevant stakeholders.	November 2003
Working with HEI internal auditors as part of our audit function to help them develop independent evaluation of their policy.	May 2003 and ongoing
Working with HEIs to develop a self-assessment tool and identifying and disseminating good practice.	May 2003 and ongoing
<p>Annual operating statements Asking HEIs to identify the race equality and diversity dimension of their strategic objectives, including widening access and participation, learning and teaching, and activities to reach out to minority ethnic groups and organisations.</p>	July 2003
Analysing the race equality and diversity dimension of annual operating statements, and using the results to inform ongoing discussions between HEFCE regional consultants and HEIs.	July 2003 and ongoing
<p>Data capture Supporting HEIs in developing their race equality policies and arrangements to meet the requirements of the Act, through reviewing data requirements and potential improvements to ensure effective monitoring.</p>	September 2003 and ongoing
Supporting HEIs in adopting standardised categories for data capture across their monitoring functions.	May 2004
<p>Leadership, governance and management Undertaking an assessment, with the Equality Challenge Unit (ECU), of what kind of sector-wide support, guidance and advice might be necessary for HEIs to achieve effective leadership in relation to race equality and diversity issues.</p>	September 2003
Working with the ECU to identify any sector-wide support, advice and guidance required for staff leading on development and implementation of race equality schemes, and staff more generally in the sector.	September 2003
<p>Widening and increasing participation Ensuring that guidance is available on developing the race equality dimension in partnership arrangements, drawing on existing work, where appropriate, on involving black and minority ethnic individuals, groups and organisations in partnerships.</p>	November 2003

Actions by the HEFCE as from 31 May 2002	Timescale
<i>(Widening and increasing participation – continued)</i> Ensuring that any inequalities in access relating to ethnic groups are identified; and working with HEIs to identify causes and possible remedies.	November 2003 and ongoing
Continuing our work with UCAS to ensure that diagnostic tools and processes developed for determining student access contain effective checks for equality.	May 2004
Identifying whether there are any significant differences in non-completion rates for particular ethnic groups, and working with HEIs to identify causes and possible remedies.	May 2003 and ongoing
Excellence in teaching and learning Reviewing the overall breadth and scope of programmes emerging for the wider student body, highlighting any significant differences in access issues for different ethnic groups, and working with the sector to identify the causes of any differences and possible remedies.	May 2004
Monitoring the development of progression routes into and through HE and into subsequent employment, highlighting any sector-wide differences emerging by ethnic group.	May 2004 and ongoing
Working with the sector to identify the causes of any differences in progression routes, both through higher education and into employment, and to identify whether these raise issues relating to potential discrimination, and possible remedies.	May 2004 and ongoing
Developing the race equality and diversity dimension of teaching and learning strategies and disseminating emerging good practice more widely in the sector, as part of improving quality.	October 2004 and ongoing
Monitoring sector-wide access to student support services by ethnic group, highlighting any differences emerging by ethnic group, and working with the sector to identify the causes of any differences and possible remedies.	May 2004 and ongoing
Research Analysing whether there is any risk that ethnic minorities may be disadvantaged by HEFCE research funding methods.	November 2003
Ensuring that the review of the Research Assessment Exercise (RAE) takes into account race equality and non-discrimination issues.	Timescale of RAE review
Ensuring that race and ethnicity issues are taken into account in current and planned special initiatives.	May 2003 and ongoing
Working to ensure that the Race Equality Schemes of related institutions and funding bodies for research are complementary to our own.	September 2003
Links with business and the wider community Ensuring that building links with black and minority ethnic individuals, groups and organisations is a component of 'third stream' activities.	September 2003 and ongoing

Actions by the HEFCE as from 31 May 2002	Timescale
<p>Supporting HEIs in developing staff in higher education Requiring HEIs' human resources strategies to identify action taken or being planned to meet the employment duties of the Act; including monitoring requirements in relation to recruitment, selection, promotion, dismissals, access to training, involvement in grievance and disciplinary procedures, and any positive action programme to address inequalities.</p>	May 2004
Working with the Equality Challenge Unit and the sector to identify and disseminate good practice in managing the equalities dimension of human resource management.	September 2003 and ongoing
Examining the scope to research the race equality and diversity dimension of career progression in higher education.	September 2003
<p>Procurement Reviewing the procurement process and ensuring that race equality and equal opportunities dimensions are incorporated into specifications and associated supplier requirements.</p>	May 2003
Requiring evidence from suppliers/contractors that they have effective race equality policies and processes in place.	May 2003
<p>Communications Reviewing and identifying opportunities for effective delivery of race equality and diversity messages, through our newsletter and other publications, and more widely to the media.</p>	May 2003 and ongoing
Reviewing and identifying opportunities to use external media resources and networks to develop targeted messages to minority ethnic audiences and, wherever appropriate, internal staff.	May 2003 and ongoing
<p>The employment duty Updating our equal opportunities policy to focus on a proactive approach to diversity, including race equality, and taking into account legislation arising from European Community directives.</p>	May 2003
Putting in place training to ensure that all selection panel members have attended an appropriate recruitment and selection training course, with particular emphasis on addressing race equality and diversity issues.	November 2003
Reviewing existing training programmes to incorporate race equality and diversity dimensions where appropriate.	May 2003
Undertaking an education and awareness-raising initiative internally on the importance of data collection, on ethnicity in particular, as a management tool for redressing imbalances in the workforce.	May 2003
Ensuring that data collection systems are updated to fully capture, by ethnic origin, recruitment and selection, promotion, staff turnover and dismissals, training and development opportunities, appraisal, and involvement in grievance, disciplinary and complaints procedures.	November 2003

Actions by the HEFCE as from 31 May 2002	Timescale
<p><i>(The employment duty – continued)</i></p> <p>Putting in place appropriate training for all staff to ensure that the requirements of the Act can be met effectively. Specifically, the early priorities will be to train:</p> <ul style="list-style-type: none"> – Recruiters and selectors, and staff responsible for policy development, audit, and human resources management and monitoring – The project steering group staff responsible for advising on scheme implementation – Senior staff, including Board members, responsible for leadership in relation to race equality and diversity issues – HEFCE regional consultants and members of regional teams undertaking day to day advisory and support work directly with HEIs. 	November 2003
Reviewing the scope for a positive action programme to address any imbalances in the workforce.	November 2003
Reviewing and assessing the labour ‘pools’ available for the range of Council posts.	November 2003
Setting appropriate recruitment benchmarks by ethnicity, reflecting the potential workforce available and using appropriate recruitment mechanisms to ensure benchmarks are achieved.	November 2003 and ongoing
<p>The consultation process</p> <p>Actively solicit the views of all HEFCE staff on the Race Equality Scheme, and in particular black and minority ethnic staff. There will be a formal internal consultation meeting, including a separate meeting with minority ethnic staff, and further opportunities for individuals to submit written comments. The results of the consultation will be submitted to the HEFCE Board and formally responded to.</p>	November 2002
Actively solicit the views of wider stakeholders on the Race Equality Scheme, in particular black and minority ethnic staff employed in the higher education sector, through a formal consultation meeting, and with further opportunities for individuals to comment. The result of the consultation will be submitted to the Board and a formal response prepared.	November 2002
<p>Access to information and services</p> <p>Determine whether any information needs to be provided in languages other than English.</p>	November 2003
Ensure that the provision of information is proportionate to the nature of the service and the associated issues.	November 2003
Consider whether the information is available at the right time and in the right place.	November 2003
Monitor how accessible the information is to the public and alter arrangements as necessary.	November 2003

Actions by the HEFCE as from 31 May 2002	Timescale
<p>Complaints Reviewing the composition of the HEFCE complaints panel, and whether there is a need for training of panel members to take account of race equality and fair treatment issues.</p>	May 2003
Reviewing the existing internal grievance procedures to ensure that they fully take into account and respond to concerns that staff may have about racial equality and diversity issues.	May 2003
<p>HEFCE governance Continuing to raise with the appropriate government departments how to maximise the diversity of nominations for the HEFCE Board, in line with the public appointments process.</p>	September 2003
Ensuring that appointments to all HEFCE strategic committees take account of race equality and equal opportunities issues.	September 2003
<p>Individual programmes and projects Ensuring that race equality and diversity dimensions are built into the design, implementation and evaluation of all specific programmes and projects.</p>	May 2003 and ongoing

Annex A

Consultation

1. The Race Equality Scheme reflects our role in dealing with a range of complex policy-related initiatives and services delivered to a wide range of stakeholders. However, we see it as very much a live document – subject to review and refinement – and we are concerned to ensure that our stakeholders can be fully involved in this process. One of the main ways in which we aim to do this is through a comprehensive consultation exercise.

2. We would welcome any comments that you have on the Council's Race Equality Scheme. In particular, we would welcome your views on the following:

- a. Are the principles upon which our scheme is based appropriate?
- b. Are the procedures for addressing policy development effective and appropriate?
- c. Are the arrangements for monitoring effective, appropriate and supportive?
- d. Is our proposed support to institutions in respect of the following functions appropriate and helpful:
 - leadership, governance and management
 - widening participation, learning and teaching, links with business and the community, and research
 - staff development?
- e. Are the proposals for our communication work appropriate and effective?
- f. Does the proposed action to address the race equality and diversity dimension of the employment procedures within the Council meet both the letter and the spirit of the legislation?
- g. Are the proposals for the consultation, and the arrangements for publishing the results of our consultations and the scheme, appropriate and effective?
- h. Are the arrangements for ensuring access to information appropriate?
- i. Is the complaints procedure robust, appropriate and effective?

3. Please send any responses , by Friday 25 October 2002, to:

RES Consultation
HEFCE
Northavon House
Coldharbour Lane
BRISTOL
BS16 1QD

e-mail: resconsult@hefce.ac.uk

4. We intend to publish the results of this consultation in December 2002.

List of abbreviations

CRE	Commission for Racial Equality
ECU	Equality Challenge Unit
HEFCE	Higher Education Funding Council for England
HEI	Higher education institution
HR	Human resources
QR	Quality-related funding for research
RAE	Research Assessment Exercise
UCAS	Universities and Colleges Admissions Service