

Responses to consultation on the HEFCE Race Equality Scheme (HEFCE 2002/29)

Background

1. Under the Race Relations (Amendment) Act 2000, named public bodies, of which the HEFCE is one, were required to have a Race Equality Scheme in place by 31 May 2002.

The aims of our scheme are to:

- state the functions and policies (proposed or otherwise) that we have assessed as being relevant to the general duty to promote race equality
- set out our arrangements for meeting the duty.

2. We developed and published a consultative version of our Race Equality Scheme on 31 May 2002, with a deadline for responses set for 25 October 2002. Two consultation seminars were held at Universities UK in London on 26 and 27 September 2002, which were attended by around 130 people from all levels in the HE sector and related bodies.

3. A total of 76 responses were received from higher education institutions (HEIs), representative bodies and affiliated organisations. The list of respondents is attached at Annex A.

4. Below we summarise the responses to the questions posed in the consultation document. In the light of these comments, we have revised the scheme, which is available on the web at www.hefce.ac.uk under 'about us'.

Summary of responses

Are the principles upon which our scheme is based appropriate?

5. All those who responded to this question agreed that the principles were appropriate and took this opportunity to generally endorse the scheme and the HEFCE's approach to race equality. Many commented that the HEFCE's scheme had been helpful to individual institutions in drafting or revising their own policies. The Commission for Racial Equality (CRE) notably described it as an 'excellent example of a public body taking the lead in promoting race equality within its sector'.

6. Specific comments from those who qualified their endorsement included the following (our response to comments is shown in brackets):

- a. Acknowledgement should be given to the complexity of institutional racism; issues of race equality should not be simplified (see paragraph 15 of the revised scheme).
- b. Race equality should be seen to be embedded in all policies and practices of the funding council, and not an 'add-on' (it was felt this had already been made explicit throughout the scheme and did not warrant reiterating).
- c. Some recognition should be given to the role that HEFCE has in influencing public policy on higher education through private advice to ministers etc (see paragraph 20 of the revised scheme).

- d. Reservations about the scheme being reviewed after only one year, when very few of the actions will have been completed. (A review at this time is necessary to ensure the ongoing relevance and effectiveness of the scheme, especially after its first full year of operation.)
- e. More attention should be placed on the cultural and qualitative aspects of working or studying in an HEI. (It is felt this is being done with the provision of an equal opportunities research programme, which will include the qualitative aspects of working in an HEI as well as the DfES student study into equal opportunities.)
- f. Risk that the HEFCE is too many steps away from the 'chalk face' of higher education delivery and management and will not appreciate the situation 'on the ground'. (We hope that by continuing to work closely with institutions and engaging with them at all levels, our understanding of institutional situations at the 'chalk face' will be enhanced.)

Are the procedures for addressing policy development effective and appropriate?

- 7. Again, responders to this question were agreed that the procedures for policy development within the Council seemed appropriate. They appreciated the evidence-based and data-based approach we were proposing to adopt, and felt the evaluative mechanisms should be effective. Impact assessment was seen as an effective policy evaluation tool and there was encouragement for the HEFCE to share its practice in this area.
- 8. Specific comments included the following (our response is in brackets):
 - a. The HEFCE should ensure its impact assessments are carried out in accordance with CRE guidelines – perhaps making reference to these in the scheme? (See paragraph 28 of the revised scheme.)
 - b. The Council should ensure that race equality is mainstreamed in all its policy development activities (we felt this was already explicit in the scheme at paragraph 25).
 - c. Would be helpful of the scheme clearly delineated the actions the HEFCE requires of itself and those it requires or will facilitate with the sector; this was unclear throughout the scheme. (The revised scheme has been amended throughout to make this clearer.)
 - d. The time and cost implications within HEIs should form part of the policy development cycle. (The potential burden on HEIs' time and costs are always an integral part of the HEFCE policy making process when a policy would have an impact.)
 - e. There should be evidence that the consultation processes genuinely influence policy development. (It is difficult to provide evidence of this kind in a policy document, but our commitment to consultation is at paragraph 26 of the revised scheme.)

Are the arrangements for monitoring effective, appropriate and supportive?

- 9. There was a mixed reaction to this question. Institutions seemed nervous about the proposal for any additional monitoring by the HEFCE and worried about possible increased burden. Most respondents gave a guarded welcome to the proposed arrangements but

emphasised strongly that any additional data collection should be fully integrated within the new Higher Education Statistics Agency (HESA) staff and student record. The HEFCE's commitment to doing this is at paragraph 31 of the revised scheme.

10. There was a mainly positive response to the suggestion that the annual operating statement (AOS) submitted to us by HEIs should be revised to take account of race equality progress. Many thought this would be a good way of focusing senior managers on race equality. A small number of institutions felt that amending the AOS would make it too complex and weighty, thus adding to their accountability burden. We will collect high level strategic progress in race equality through the AOS, but the information provided could be from an institution's own race equality report, and not necessarily generated specially for the AOS (see paragraph 42 of the revised scheme for details).

11. Four HEIs reacted strongly to the suggestion that institutional internal auditors should be involved in the monitoring or evaluation frameworks. They were not felt to have the skills required to make value judgements about institutional performance in race equality. No other institutions endorsed the proposal explicitly, but the Equality Challenge Unit (ECU) felt the audit involvement should remain. This section (at paragraph 38a) has been modified slightly to reflect the precise role of internal auditors, who will review and appraise the management, corporate governance and risk management implications of the Act, rather than review individual race equality policies.

12. There was widespread support for the implementation of standard data categories for staff and students by HESA, and requests for the HEFCE or the ECU to issue guidance to support this. Some institutions felt that the timescale for this implementation was too long (currently May 2004) and asked for justification of this two-year lead-time. The long lead-time exists because of the complexity in changing the HESA data record. There must be full sector consultation and adequate time allowed for institutions to change their own data collection and management processes.

13. Specific comments on monitoring included the following, with our comments in brackets:

- a. Any performance indicators or targets developed should be sensitive to regional and local situations (see paragraph 44 of the revised scheme).
- b. The development of a self-assessment tool is welcome, but should be available before May 2003 (this has been done, see paragraph 38b of the revised scheme).
- c. Good management practice guidance should be developed and circulated by the HEFCE about monitoring, target setting, benchmarking and performance indicators (this will be done, see paragraph 38c of the revised scheme).
- d. Any additional monitoring carried out by the HEFCE should comply with the recommendations of the 'Better Regulation Taskforce' otherwise they will be seen as a burden. (It was not felt appropriate to mention this report specifically, as we have a number of good practice guidelines for collecting data, but any monitoring will be done sensitively and taking account of those recommendations as well as our general good practice on accountability.)

- e. The section that described the monitoring of services in vague and unclear, could the expectations here be made clearer? (Once we have fully developed our monitoring framework in November 2003, we will be able to give more details on the monitoring of services.)
- f. Publishing arrangements for the monitoring information that is collected should be made explicit (see paragraph 32 of the revised scheme).
- g. The HEFCE should be clearer on which points it will 'help and support' HEIs and which it will be 'requiring' them to do (we have endeavoured to do this throughout the revised scheme).
- h. The delineation between the roles of the HEFCE and the CRE should be made clearer in terms of whom institutions are accountable to (see paragraph 33 of the revised scheme).
- i. Concern about the institutions' abilities to present the monitoring of international students' ethnicity and how they might skew the institutional profile (we are proposing to compile some good practice guidance on this issue, see paragraph 38c of the revised scheme).
- j. Monitoring needs to be carried out in a culturally sensitive and respectful way without creating any adverse impact on ethnic minority groups. (We are proposing to compile some good practice guidance on this issue, see paragraph 38c of the revised scheme.)
- k. Would be helpful to know how the HEFCE will respond if any problems are identified either at an individual institution or in the sector as a whole. What powers do they have to act? (See paragraph 33 of the revised scheme.)
- l. What funding is available to help institutions implement these arrangements? They will be very resource intensive. (Currently, there is no funding available for institutions to implement their race equality policies, although the Rewarding and Developing Staff initiative funding could be used to support some institutional activities in this area.)

Is our proposed support to institutions in respect of leadership, governance and management (LGM) appropriate and helpful?

- 14. Respondents were in agreement that the proposed support was appropriate and helpful. Many welcomed the proposal to develop good management practice guidance in race equality areas and felt that targeting guidance to senior managers and governors was key to the success of the Act's aims. A small number worried that the HEFCE's proposed support might be too remedial or prescriptive, and warned against such an approach.
- 15. Specific comments included the following, with our response in brackets:
 - a. The proposed timescale for identifying the sector-wide support for LGM looks too long, the support is needed now not in September 2003. (The exercise to identify the support needed and then develop the relevant guidance will take some time. Good practice exemplars should be available for dissemination in March 2003.)
 - b. Support in LGM should be particularly targeted at smaller HEIs who have less capacity in this area. (The type of support required by different sizes and types of institutions will form part of the needs analysis currently under way.)

- c. The HEFCE will have difficulty in demonstrating that it has achieved its targets and hence its obligations in this area. (Explicit targets have not been set, but surveys and research should help us measure whether we are providing adequate support to institutions.)
- d. The Council and ECU should take note of current initiatives in this area and ensure they do not duplicate any of the current activity (see paragraph 47 of the revised scheme).
- e. Recognition should be given to the fact that the ECU is small and under-resourced to meet the demands in this area. (The ECU is currently going through an evaluation process to help gauge the level of demand from the sector in this area and formulate the level of resource it requires to meet those demands.)
- f. Appropriate mechanisms for information dissemination (such as the Learning and Teaching Support Network) should be tapped into (this will be done).
- g. Working within the sector-wide CRE-led implementation programme would be the best way to identify what the sector's needs are for good practice guidance, which is collaborative between the ECU, CRE, Trades Unions, and so on. This will extend over a two-year period and involve a small number of HEIs, ensuring that any good practice is rooted in real experience (see paragraph 51d of the revised scheme).

Is our proposed support to institutions in respect of widening participation, learning and teaching, links with business and the community and research appropriate and helpful?

16. With only one exception, there was agreement from respondents that the proposed support in these areas was appropriate and helpful. There was some confusion arising about the potential cross-overs between existing initiatives in this area and the actions the Council is proposing to take in addition. In terms of widening participation, many were pleased to see research proposed on non-completion rates and take-up of programmes. In research, a number of respondents welcomed the links between assessment of the impact of race and the review of research assessment. Others commented favourably on the proposal to incorporate race equality into institutional learning and teaching strategies.
17. Specific comments included the following, with our response in brackets:
- a. Good recognition of the threats from research funding methods and assessment. Little detail about how the risks are to be assessed and by whom (this will be done as part of the HEFCE review of research assessment by the HEFCE research policy team).
 - b. Should say something in the research section about the recruitment and selection of research staff and their contractual situations; ethnic minority staff are particularly vulnerable. (This has not been specifically mentioned because all staff and students will be monitored under our specific duty under the Act.)
 - c. Would be useful to indicate also in the section about widening participation that the HEFCE will be publishing monitoring information on the participation levels at individual institutions. (Currently, there are no plans to publish the information to this level of detail, although it will of course be collected and monitored.)
 - d. The HEFCE should indicate more clearly how it will support the sector in addressing the race equality issues of building business links with minority ethnic

organisations. (We will do this as part of our guidance on bidding for special initiatives and in partnership with the CRE.)

e. Both widening participation and learning and teaching are the subjects of existing initiatives and have related monitoring requirements. It is important that initiatives designed to support race equality are integrated within these existing initiatives (see paragraph 31 of the revised scheme).

f. The HEFCE should ensure that HEIs do not receive conflicting messages, especially with regards to the RAE. Tokenism and an over-emphasis on presentation should be avoided. (It was not felt appropriate to include a statement about this explicitly in the revised scheme, but we have a genuine commitment to the spirit and letter of the Act and will avoid taking the approach described above.)

g. The section on learning and teaching is particularly weak: it ducks the real issue by concentrating on access and progression, and avoiding HEIs' consideration of the curriculum and how HEIs educate students to live and work in a multi-cultural society. (We are unable to involve ourselves in issues of curriculum, although we can be involved in how staff are trained and developed to teach students. A statement to this effect has been added at paragraph 55 of the revised scheme.)

Are the proposals for our communication work appropriate and effective?

18. Respondents to this question were agreed that the proposals were appropriate and effective. There were some useful suggestions, detailed below, centred on how the proposals could be enhanced. Our response is in brackets.

a. The HEFCE should review the communications systems in due course to ensure ongoing effectiveness (this is already committed to, see paragraph 73f of the scheme).

b. Should ensure the HEFCE's guidance or message does not overlap with that of the ECU or the CRE (see paragraph 73c of the revised scheme).

c. It is important that race equality and diversity messages are mainstreamed and are seen to inform all of the Council's communications as well as being the subject of special initiatives. (We are working to mainstream race equality throughout all of our functions and processes, and this is made explicit in the Scheme at paragraph 74b.)

d. The Act has highlighted the need for information to be as clear as possible in this area. A dedicated web-site as a first port of call for HEIs might be useful? (It was felt an additional separate web-site would be confusing for users, but an area of the HEFCE web-site will be developed to cover all our information on race equality.)

e. Would welcome a proactive approach, publicising progress and new initiatives widely in the national and specialist press rather than relying on groups. (We will seek, through our stakeholder evaluation project, to identify the most appropriate method of communicating our race equality messages.)

f. Would welcome a more proactive approach, for example, an explicit undertaking to approach Government and other stakeholders about issues relevant to the widening participation target. (We have committed to do this already, see paragraph 20a of the revised scheme)

- g. Further details of the HEFCE's communications work and its effectiveness would be useful in giving advice to all HEIs on how to handle their own communications (see paragraph 74b of the revised scheme).
- h. Need to be careful of the continuing media misinterpretation of performance indicators, as is shown by the treatment of other indicators for widening participation. (It is not decided yet whether performance indicators will be used. We will consult on all monitoring proposals in November 2003.)

Does the proposed action to address the race equality and diversity dimension of the employment procedures within the Council meet both the spirit and the letter of the legislation?

- 19. With two exceptions, respondents agreed that the proposed action to address the HEFCE's own employment responsibilities met the spirit and letter of the legislation. There was some confusion again about whether the requirements in this part of the scheme related to the HEFCE solely or to the sector as well.
- 20. Specific comments included the following, with our response in brackets:
 - a. The HEFCE has given itself no measurable outcomes for its employment duty. It has not included an ethnic profile of the region from which it recruits its staff. It should have included a breakdown of its staff by ethnic origin, to measure any changes in its employee profile as the scheme progresses. (We have only just embarked on our ethnic monitoring programme and will decide whether to initiate targets or outcomes once a full analysis has taken place.)
 - b. Action related to consultation with minority groups needs to be included, to ensure the cycle of institutional racism is not continued (see paragraph 79a of the revised scheme).
 - c. This section is vague, some examples of how you would prepare under-represented groups to compete effectively might clarify this further. (This action only becomes relevant if any discrepancies are identified – examples might include a targeted recruitment campaign or a mentoring programme.)
 - d. Training for all is important but how will the Council ensure that it has worked? (See paragraph 79c of the scheme.)
 - e. The sector will need guidance to mirror these practices. (Guidance will be issued to the sector on the HR management aspects of race equality, but the practices of the HEFCE – as a medium sized non-departmental public body – will not necessarily be relevant to HEIs.)
 - f. HEFCE governance arrangements could be more ambitious in terms of ensuring that appointments to committees take account of under-representation from black and minority ethnic groups. Assume that the HEFCE will review and audit its own policies to ensure that they are non-discriminatory. (We are fully reviewing all our processes for nominating and appointing our Board and committee members. Ultimately though the decisions on appointments to the HEFCE Board are made by the Minister of State for Higher Education.)

Are the proposals for the consultation, and the arrangement for publishing the results of our consultations and the scheme, appropriate and effective?

21. Respondents to this question agreed that the proposed consultation arrangements were appropriate. They emphasised the importance of consulting as widely as possible with all ethnic groups and communities, not just those with minority status. It was stressed that the scheme would only be accepted and succeed in its aims if the consultation mechanisms were as open and fair as possible.

22. Specific comments and suggestions on these proposals included the following, with our response in brackets:

- a. The HEFCE should make alternative versions available on request (this is always done as a matter of course).
- b. Need to be careful of 'overkill' where minority groups are consulted too many times by the HEFCE and ECU. Consultation is an onerous process in a large institution, especially where existing channels cannot be assumed to meet the requirements of the new legislation (see paragraph 82 of the revised scheme).
- c. It would be useful for the HEFCE to outline how it intends to identify and communicate with ethnic minority staff in HEIs, so this complements work being undertaken in the sector. If the HEFCE needs help in this area, HEIs should be notified very soon. (This will be done as part of the actions related to communications. HEIs will be informed of these through our normal stakeholder management and communications processes.)
- d. Focusing on members of the HEFCE and institutional staff from ethnic minority groups is appropriate. Any chance of consulting with ethnic minority students as well? (This will be considered as part of our stakeholder identification project.)
- e. What is envisaged specifically in relation to links with business? (This will be considered as part of our stakeholder identification project.)
- f. Ownership of the Race Equality Scheme by all ethnic groups is essential to its success. Important to define the criteria for determining ethnic minority groups, since false assumptions may otherwise be made about which ethnic groups constitute 'minorities' in terms of proportionate representation. (We do not wish to specifically define what an ethnic minority group is, beyond the guidance given by the CRE on what constitutes an ethnic grouping. We strongly agree that ownership of the scheme is essential to its implementation and success.)

Are the arrangements for ensuring access to information appropriate?

23. A number of respondents chose not to comment on this question, but those who did felt the proposed arrangements were appropriate. There were queries about the type of information that was being referred to, and a suggestion that the scheme could refer to examples specifically. A number of people highlighted that offering information in languages other than English was a good idea, but might not be practicable. There were also worries that this proposal might set a standard that individual HEIs could not follow.

24. We will undertake research to gauge whether there is a need for information to be provided in other languages before we decide whether to issue any. The type of information referred to could be anything currently issued by the HEFCE (such as reports, letters, or information on the web).

Is the complaints procedure robust, appropriate and effective?

25. There was a mixed response to this question. Many felt they could not pass comment on the procedure because of the general lack of detail about its process in the scheme. Others felt the procedure looked robust, but would have liked more assurances about the composition of the adjudicating panel and the process by which complaints would be heard. Respondents generally agreed however that the principles seemed sound.

26. Specific comments and queries included the following, with our response in brackets:

- a. How will this impact on HEIs? Who is going to complain? How does it relate to other policies and procedures at the HEFCE? (Further information was not deemed necessary, as the procedure is well publicised through the web-site and a printed leaflet. The procedure relates to complaints against the Council from people not employed by the Council, rather than against HEIs.)
- b. Lack of detail but appropriate policy for the procedure.
- c. What measures have been taken to highlight to staff and HEIs the complaints procedure? (See response at paragraph 26a above.)
- d. The Council should monitor all actual complaints and grievances to identify whether particular types of complaint are received in the same proportion from all ethnic groups (see paragraph 90c of the scheme).
- e. More confidence would be generated by greater independence, and suggest that consideration should be given to the chair of the committee being independent from the HEFCE. (The chair is a non-executive Board member and the other members of the panel are completely independent of the HEFCE. This is felt to be an adequate arrangement.)

Other issues raised in additional to the consultation questions

27. On a general level, there were many calls for more information and guidance on procurement and contracting. This is a subject causing confusion in HEIs and they are unclear about the extent to which contractual partners need to be compliant with the requirements of the Act. Some further clarification on this subject will be provided (see paragraph 71c of the revised scheme).

28. Other, individual issues raised included:

- a. The scheme refers to 'addressing imbalances in the workforce', but it has no statistical information to contextualise this. (Statistical information will be collected to reinforce or refute any perceived imbalances.)
- b. The Council should make specific reference to its duty 'to monitor by racial group, teaching staff in those HEIs for which it is responsible, and to publish annually,

as far as possible, the results of its monitoring'. This should be included in the specific and employment duties section (see paragraph 30 of the revised scheme).

c. The revised scheme should identify who is going to undertake each action (or which department) and how the action is going to be undertaken. (This is currently being developed and will be included in the May 2003 revision of the scheme.)

d. Need to be careful about the language describing black and minority ethnic groups. Leicester is on its way to becoming the UK's first city with a British Asian majority – the term 'minority ethnic groups' has a completely different meaning here. The HEFCE should reconsider the sections where it has referred to 'minority' and certainly the sections referring specifically to black groups. (This comment has been noted, but it was felt that the language used throughout the scheme is appropriate for the vast majority of situations in England.)

e. In relation to HEFCE governance there is a need to provide peer mentoring and training if ethnic minority members are to make valuable and valued contributions. (The training needs of the Board members are still be evaluated, the best way of meeting those will be formulated in the coming months.)

f. Welcome the proposal that all HEFCE strategic committees and project groups take race equality into account and that issues of representation are addressed. Nominations should be sought for black and ethnic minority advisers to committees (this will be considered as part of our general nominations procedures).

December 2002

Respondents to consultation on the HEFCE Race Equality Scheme

Institutions

Anglia Polytechnic University
Bolton Institute of Higher Education
University of Bristol
Brunel University
Canterbury Christ Church University College
University of Central England in Birmingham
City University, London
Coventry University
Dartington College of Arts
De Montfort University
University of Derby
Dunstable College
University of East London
Institute of Education
University of Essex
University of Exeter
University of Gloucestershire
Goldsmiths College, University of London
University of Huddersfield
Kent Institute of Art and Design
King's College London
University of Leeds
Leeds Metropolitan University
University of Leicester
Liverpool John Moores University
University of London
University College London
University of Luton
University of Manchester
UMIST
Manchester Metropolitan University
University of Newcastle-upon-Tyne
Newman College of Higher Education
Newcastle College
The Open University
University of Oxford
University of Portsmouth
Queen Mary, University of London
University of Reading
RCN Institute
Royal College of Music
Royal Holloway, University of London

Somerset College of Arts and Technology
South Bank University
South Thames College
Southampton Institute
St George's Hospital Medical School
College of St Mark & St John
St Martin's College, Lancaster
St Mary's College
University of Sunderland
University of Sussex
Thames Valley University
Trinity & All Saints
Wakefield College
University of the West of England, Bristol
York College

Other organisations

Bournemouth Jewish Representative Council
Commission for Racial Equality
Equality Challenge Unit
Higher Education Staff Development Association
Standing Conference of Principals (SCOP)
Universities UK