

1 Introduction

The use of the word "diversity" is increasing in the public and private sectors, although organisations differ in what exactly the term means. For many organisations it is a means of making a real difference to the performance of key business functions. All the definitions of diversity share some common elements, for example:

"Diversity is...the concept that people should be valued as individuals for reasons related to business interests, as well as for moral and social reasons. It recognises that people from different backgrounds can bring fresh ideas and perceptions which can make the way work is done more efficient and products and services better." (Chartered Institute of Personnel and Development)

"Diversity is understanding, respecting and providing an environment that accepts and encourages differences. It is not only an issue of business ethics and efficiency but the only way to harness collective expertise" (Natwest Bank).

Diversity is based on the concept of recognition of differences: recognising that everyone is different, and respecting and encouraging those differences for business benefit. People with different backgrounds and attitudes bring fresh ideas and perceptions, and a diverse organisation such as Abertay can draw upon the widest range of experiences so it can listen to, and meet, the needs of its employees, students and the community it serves.

2 Progress

This annual report sets out the key areas in which the University has progressed over the past year.

2.1 Development of Code of Practice for Research Excellence Framework

The Code of Practice (COP) sets out the procedures and criteria to be used in the selection of staff for inclusion in the REF submission and does not supersede the University's overarching policies on Equality and Diversity and the requirement for all staff to follow these.

As well as our specific legal responsibilities in respect of compliance with equality legislation, the University has a commitment to the adoption of best practice. Setting out the selection process for inclusion in the REF within this Code allows responsibilities to be clearly defined and ensures the consistent application of our selection criteria and fair treatment for all staff regardless of any personal characteristics or inappropriate distinction. Personal circumstances will be considered where appropriate (see section 5). In terms of REF 2014, our legal obligations cover all legislation in force at the submission date for the REF, 29 November 2013. As well as having a duty to monitor submissions to the REF by protected characteristic (where appropriate), our internal REF selection processes will also be assessed for

their impact on such groups. Fixed-term and part-time employees will not be treated any less favourably than a comparable permanent employee.

The COP must be submitted for approval to the SFC by 31 July 2012 along with an Equality Impact Assessment

2.2 Equality Action Plans

As part of the University commitment to enhance its work in the equality and diversity arena, three equality actions plans have been derived (see appendices 1, 2 & 3). These action plans have been developed with the consultation of staff and students (with the appropriate protected characteristics) who make up three task groups on Disability and Age, Race and Religion, and Gender and Sexual Orientation. Each action plan has a shelf life of three years but it is expected that in reviewing target outcomes each task group will amend, adapt or confirm the validity for the following year.

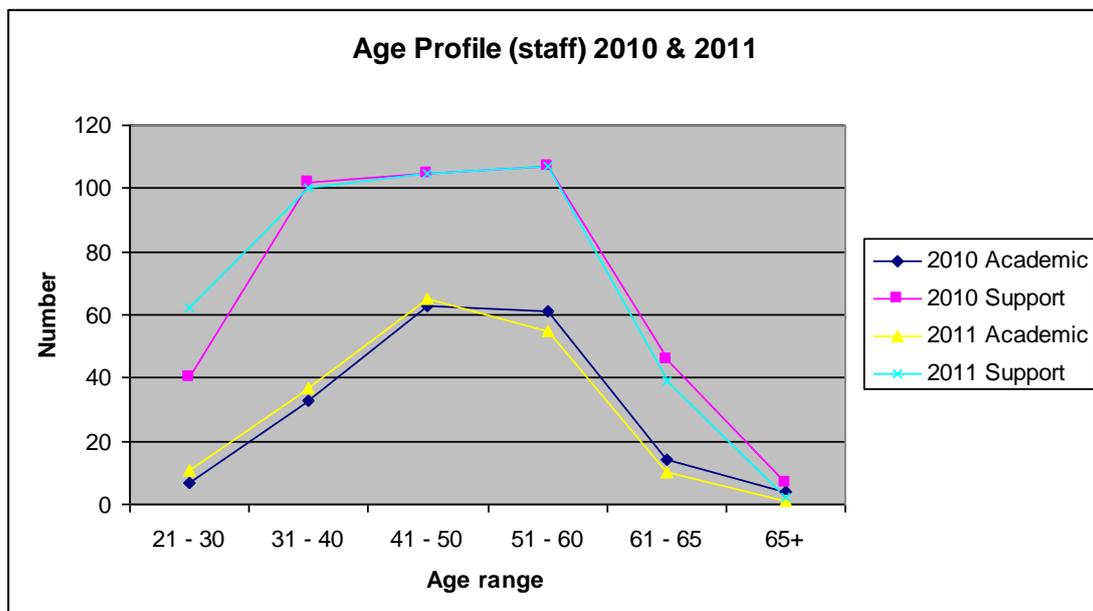
The Race and Religion, and Gender and Sexual Orientation are new action plans for 2011/12 so the first report on these is due next academic year.

The Disability and Age action plan has been in place since 2010/1 and this is the first report on this plan. Overall implementation on the plan has been positive, although it should be noted that it is a work in progress. Progress on individual elements is recorded within the plan on appendix 3.

2.3 Statistics

Staff

Age Profile



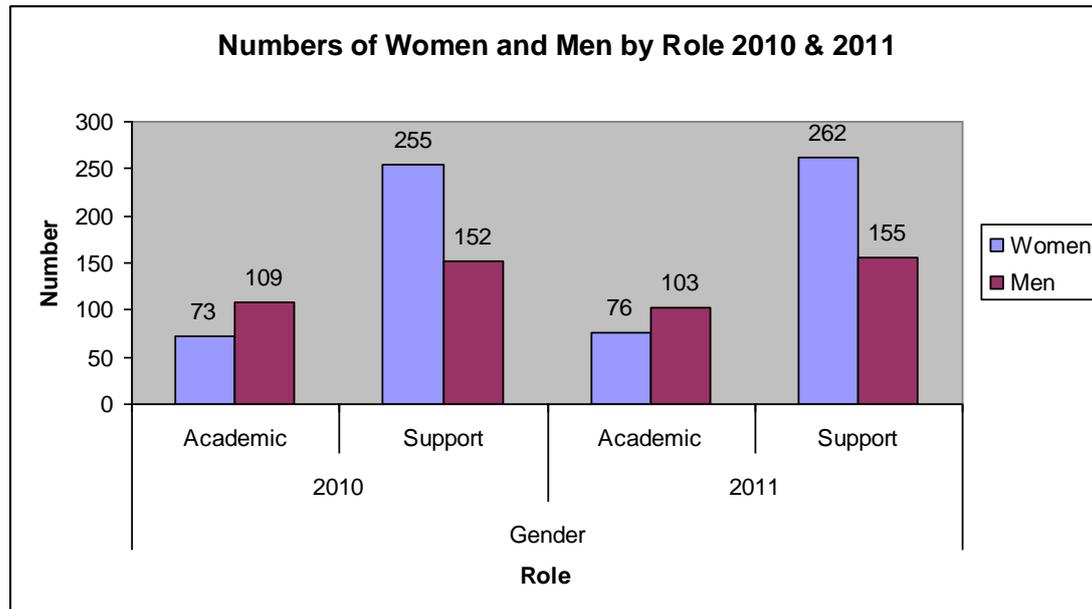
Over the past two years number of staff has remained relatively constant. The age profile reflects this although that has been an increase in the number of support staff between the ages of 21-30.

Disabled Staff

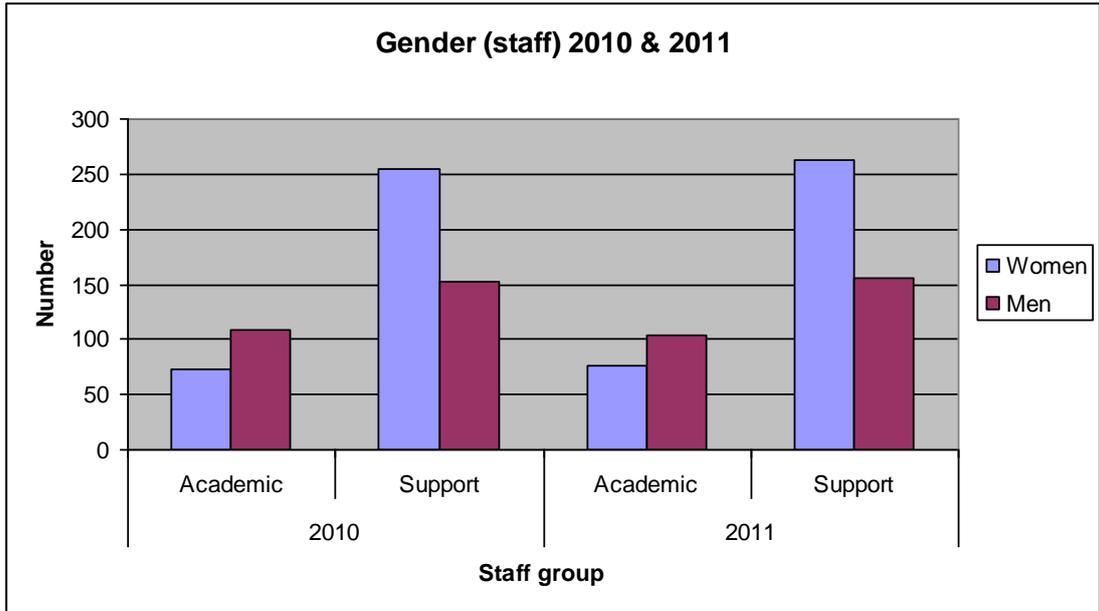
%	2010		2011	
	Academic	Support	Academic	Support
Disabled	2.7	0.7	3.4	0.5
Not Disabled	97.3	99.3	96.6	99.5

The percentage of staff with a declared disability has overall increase slightly. The figures show that academic staff are more likely to declare a disability than support staff. The figures suggest a reluctance of staff to declare a disability. It is generally accepted that the declaration rate is around 10% for the population at large. Further work is required to encourage declaration within the university. It is **recommended** that HR and Occupational Health work with the Trade Unions to encourage declaration and the benefits this affords individuals if they do. It is difficult to infer any further issues as the numbers are too small to take a view of the numbers of staff in relation to grade and role.

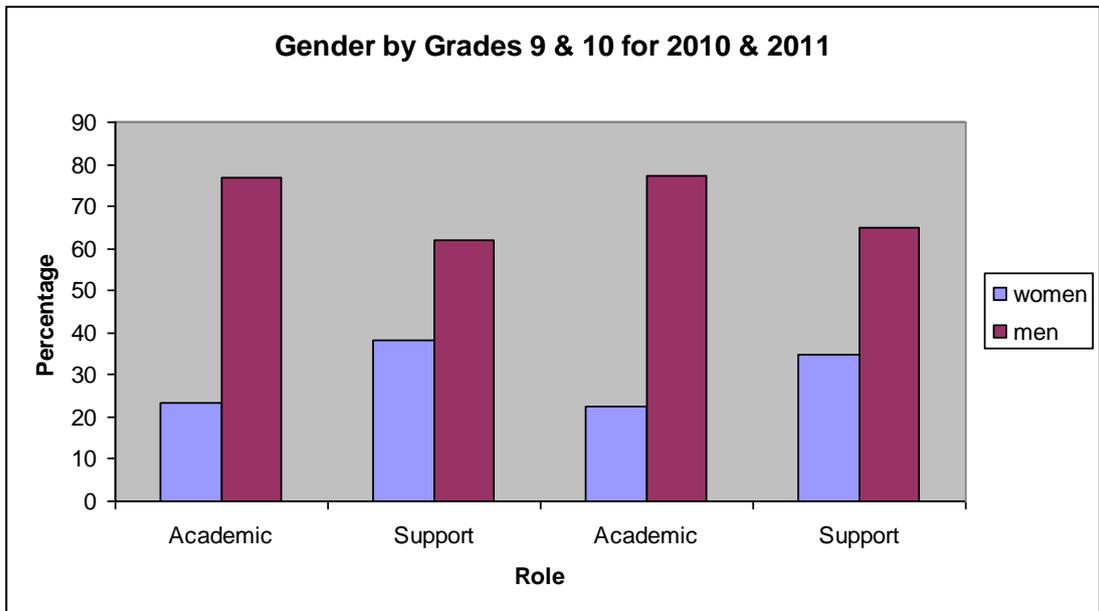
Gender



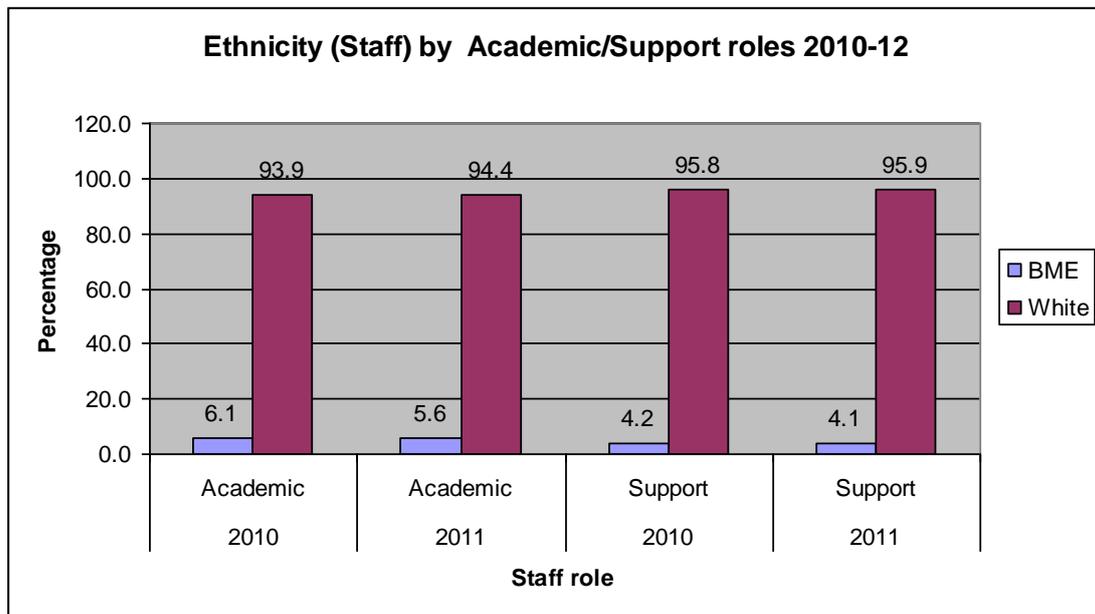
The numbers of men working in academic roles has declined over between 2010 & 2011 whilst the number of women has increased slightly. Support roles have remained constant.



The above graph shows that for 2010 and 2011 the gender balances between men and women for academic and support posts has changed little. However, these figures mask the fact that men are 3 times more likely to be in senior positions. When looking at the proportion of men and women (see graph with numbers of Women and Men by role) it would seem on first appearance that the numbers of women in Grades 9 & 10 is not proportionate with the overall staff population. It is **recommended** that a further investigation is undertaken to identify what issues (real or perceived) there are to explain the difference and address any unintended barriers.



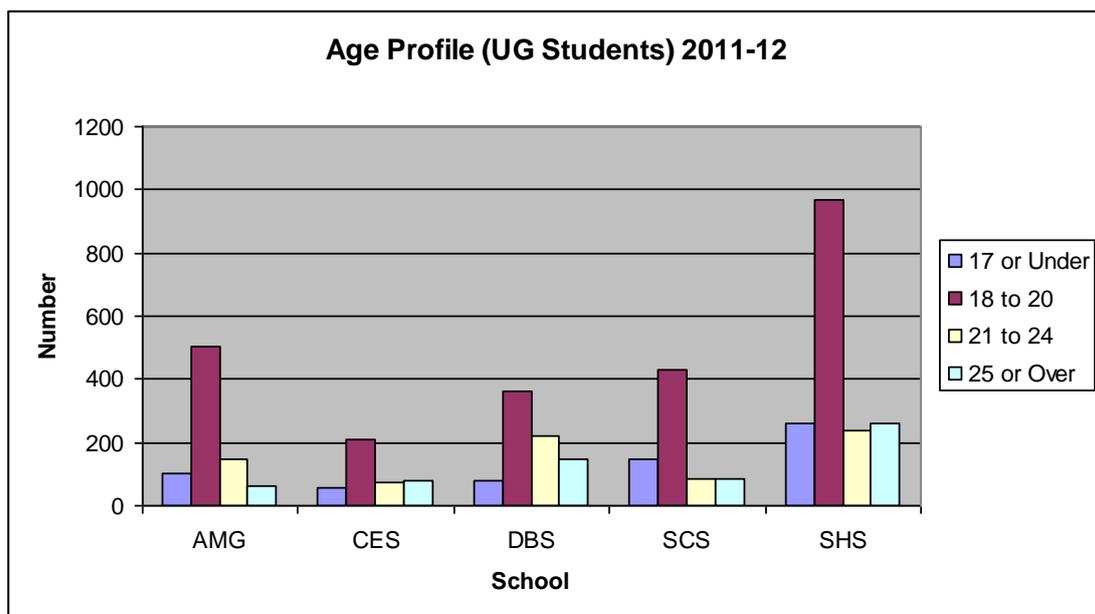
Ethnicity



The number of Staff in BME groups reflects the population of Dundee (estimated to be around 3% of the local population). There has been little movement in the staff population over the period. It is difficult to infer any further issues as the numbers are too small to take a view of the numbers of staff in relation to grade and role.

Students

Age Profile

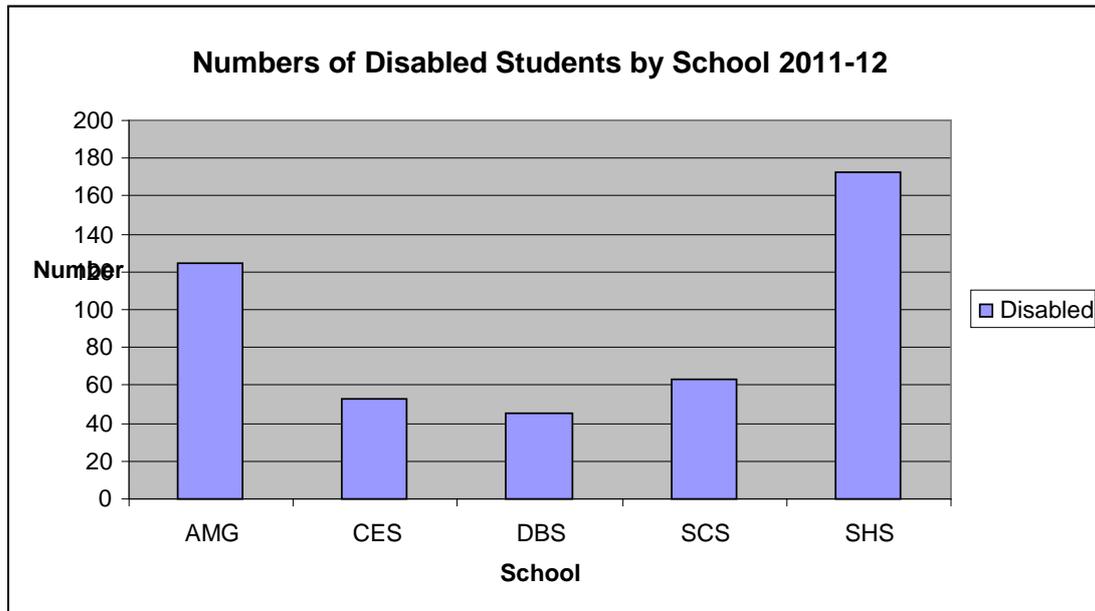


The age profile of the student body is consistent with mission of the University to encourage 'all those who have the ability to benefit from a University

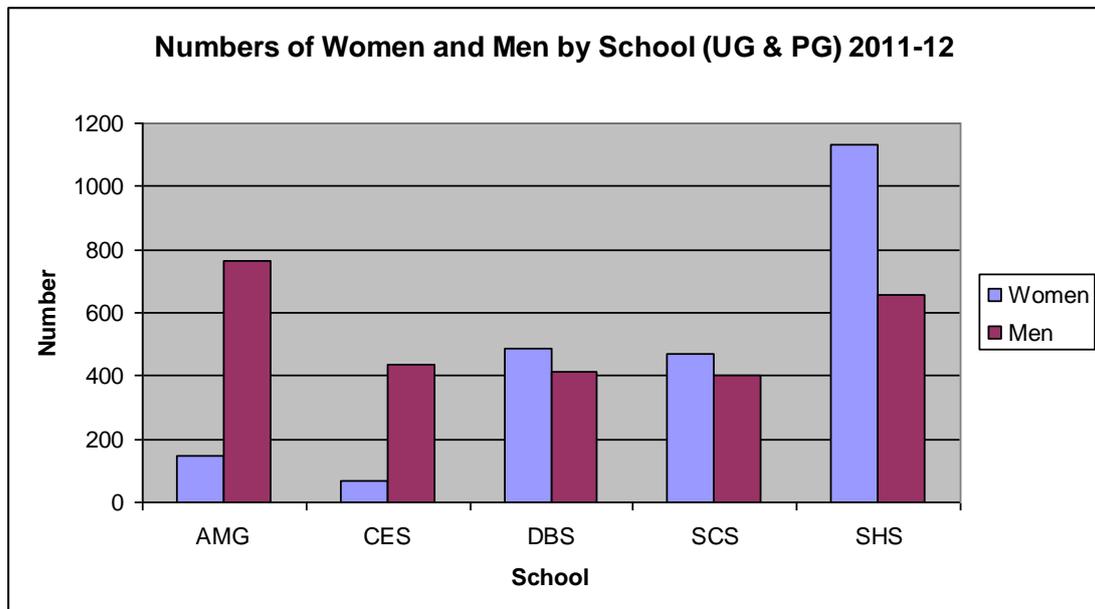
education'. Using the HESA definition of 'mature' around 33% of the student population are from this group. This compares favourably with

Disabled Students

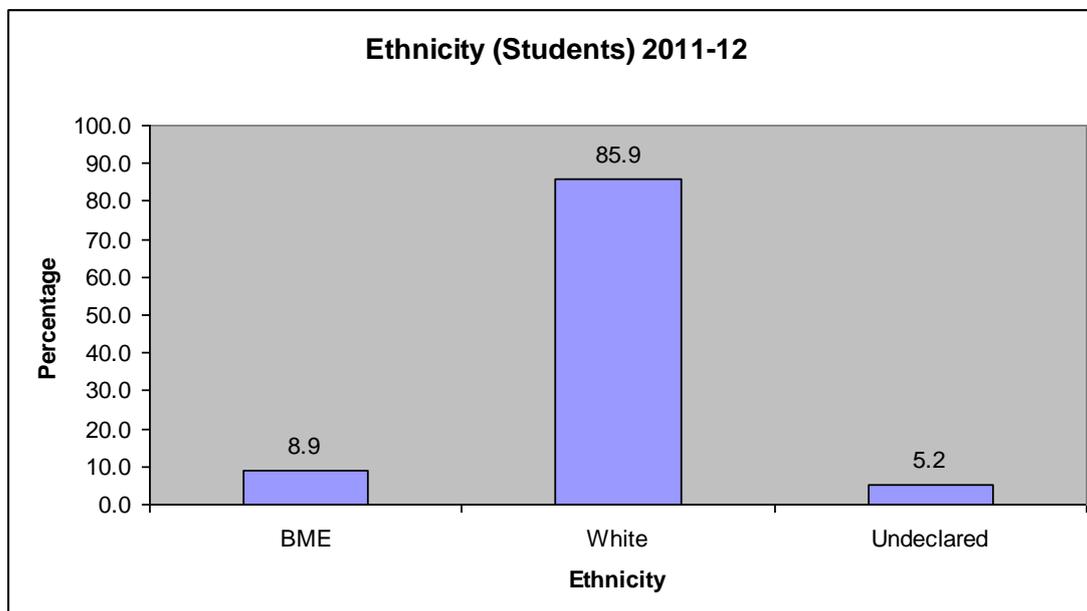
The graphs below show the numbers and distribution of disabled students during the academic year 2011-12. Disabled students make up just over 10% of the student population at Abertay.



Gender



Ethnicity



2.4 Public Sector Equality Duties

The specific duties regulations (Scotland) are intended to support public authorities, Universities to meet the requirements of the public sector equality duty (PSED) of the Equality Act 2010.

The equality duty requires the University to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers the protected characteristics of age, gender reassignment, disability, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Marriage and civil partnership is covered in relation to the need to eliminate discrimination in employment.

2.4.1 Requirements on the University

Equality outcomes

- Prepare and publish a set of equality outcomes to assist in furthering one or more of the aims of the general public sector equality duty by 31 December 2012 and subsequent equality outcomes at four-year intervals.
- Consider evidence from across all relevant protected characteristics and take reasonable steps to involve people across those characteristics, or who represent those with a relevant characteristic.

- Publish reasons if equality outcomes do not cover all of the relevant protected characteristics.
- Review and publish a report on progress towards achieving the set outcomes by 31 December 2014 and subsequently at two-year intervals.

Mainstreaming equality

- Publish a mainstreaming report on the actions taken and the progress made to ensure that the aims of the PSED are being taken into account in carrying out all functions by 31 December 2012 and subsequently at two-year intervals.

The report should also include:

- An annual breakdown of any employment information that has not previously been published in another report (further details below)
- Details of the progress that has been made in gathering and using employment information to meet the aims of the general duty.

Impact assessment

- Assess the impact that proposed policies and practices and changes to and revisions of existing policies and practices will have on people with relevant protected characteristics and on the ability to fulfil the aims of the general PSED.
- Consider relevant evidence relating to people with protected characteristics (including any evidence received from people with relevant protected characteristics) and have due regard to the results of the assessments.
- Make arrangements to review existing policies and practices and where necessary change or revise policies or practices to ensure that they do not have a detrimental impact on an institution's ability to deliver the general duty.
- Publish the results of impact assessments in a reasonable manner and within a reasonable period. However, institutions do not have to undertake impact assessments of new policies and practices and changes or revision of existing policies and practices if the policy or practice has no bearing on the general duty.

Employment information

- All institutions should:
 - Take reasonable steps to gather information on the relevant protected characteristics of employees, including information on the recruitment, retention and development of employees.
 - Use that information to assist progress on the general duty.

- Report on progress, including publication of information gathered within the mainstreaming report.
- Institutions with 150 or more employees must:
 - Publish their gender pay gap by 31 December 2012 and subsequently at two-year intervals
 - Publish a statement on equal pay and occupational segregation by 31 December 2012 and subsequently at four-year intervals; the first statement must contain information on women and men; the second (therefore no later than 31 December 2016) and subsequent statements must contain information on women and men, disability and race.

Procurement

- When relevant and proportionate to the subject matter of an agreement for goods, works or services, institutions should have due regard to whether the award criteria of the agreement and the contract conditions relating to the performance of the agreement should include considerations relevant to its performance of the general duty.

Publication of information

- Publish the required information and reports in a way that is accessible to the public.
- Use existing means of public performance reporting as far as possible.

2.5 HEA Project - Developing an Inclusive Culture

2.6 Staff training on Equality and Diversity

The Equality and Diversity e-learning package for all staff was introduced in the summer of 2009. The package provides awareness training and includes anticipated changes as a result of the Equality Act 2010. To date 89% (86% in 2010-11) of staff have completed the training.

The same e-learning package also provides a toolkit for equality impact assessing (EQIA) policies and procedures. The package also provides a management system for tracking and approving EQIA's. As of May 2012, 90 policies have been uploaded onto the system for an assessment of which 40 (34 in 2010-11) [45 %] have been signed off as having a EQIA completed.

3 Recommendations

- 3.1 The level of information, planning and policy development in the equality arena has increased significantly over the past year and is set to increase further to ensure the University complies with the PSED. It has been identified by the Equality and Diversity Sub-committee of Court that that increased regulation and compliance constitutes a risk to the University. If adequate resources are not devoted to the

administrative and policy maintenance in this area the University may fall foul of its duties towards staff and students enshrined in the Equality Act and the Public Sector Equality Duties. The Equality and Diversity Sub-committee of Court recommends that Court endorse the recruitment of an Equality and Diversity advisor to ensure the University complies with relevant legislation.

- 3.2 Accepted the recommendations contained within the report and note the contents.

Appendix 1

Equality Act 2010

1 Introduction

The equality bill received royal assent on 8 April 2010, becoming the Equality Act 2010. The Equality Act came into force in October 2010 with the public sector equality duties due to be enforced by April 2011. The Act consolidates and streamlines current anti-discrimination legislation. This briefing summarises key issues (excluding those related to employment) contained in the Equality Act that the University and its staff should be aware of and in some cases act upon, where appropriate.

1.1 Aim of the Equality Act 2010

The stated aim of the Act is to require Ministers of the Crown¹ and others² when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; reform and harmonise discrimination law, and to strengthen the law to support progress on equality³.

1.2 Introduction of protected characteristics

Protected characteristics are the grounds upon which discrimination is unlawful. The protected characteristics⁴ under the Equality Act are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief (including lack of belief)
- sex
- sexual orientation

As in current disability equality legislation, it is permissible to treat a disabled person more favourably than a non-disabled person. It remains lawful to make reasonable adjustments in relation to employment, education and services to ensure that there is true equality of opportunity for disabled people.

2 Discrimination, harassment and victimisation

The following section provides information and examples of the changes to Equality law in relation to discrimination, harassment and victimisation and how these may impact on the University. This area of the Equality Act, in

¹ Includes Scottish Government Ministers (MSPs)

² The list does not currently include Universities, however, the Scottish Government can add Universities and College's to the list of authorities required to undertake this function

³ Chapter 15

⁴ Section 4, Equality Act 2010

particular, requires careful consideration and though in relation to policies and procedures.

2.1 Direct discrimination

The Equality Act gives a new definition of direct discrimination⁵: direct discrimination occurs when a person treats one person less favourably than they would another because of a protected characteristic.

Examples of direct discrimination may include the following:

the University refuses to let a student go on a residential trip because they are a wheelchair-user (disability)

the University timetables an exam that falls on the day of a religious festival and refuses to change the date and time. (Religion and Belief)

a University admissions tutor decides that a suitably qualified 15 year old student should not be made an offer of a place because they are too young (Age)⁶

The new definition of direct discrimination also extends protection based on association and perception to include age, disability, gender reassignment, sex and pregnancy and maternity. Direct discrimination based on association and perception is already applicable to race, sexual orientation and religion or belief.

An example of discrimination based on association may include the following: a student, whose child has attention deficit hyperactivity disorder (ADHD), is refused access to a graduation ceremony because of fears about the child's behaviour

An example of discrimination based on perception may include the following: a University as part of its graduation ceremony has prayers assuming all the audience have a religious belief

an administrative officer refuses to work with a student because they believe the student to be gay irrespective of whether the student is gay or not

2.2 Indirect discrimination

Indirect discrimination⁷ occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim⁸.

Examples of indirect discrimination may include the following:

the University requires students to attend lectures from 8pm to 11pm every evening as it indirectly discriminates against women, who are more likely to be primary carers of children, unless this can be objectively justified as above

⁵ Section 13, Equality Act 2010

⁶ Regarding age, different treatment can be justified if it is a proportionate means of meeting a legitimate aim. However, this can be a difficult test to meet.

⁷ Section 19, Equality Act 2010

⁸ Ultimately, if tested, it will be for a court of law or tribunal to determine what is justifiable.

the University implements a policy that no students can be given lectures notes to improve note taking skills as it indirectly discriminates against disabled students

2.3 Harassment

The Equality Act outlines three types of harassment⁹:

unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity¹⁰

unwanted conduct of a sexual nature (sexual harassment)

treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment

An example of harassment may include the following:

a number of students (or a member of staff) make comments on a student's sexuality in a way that makes the student feel uncomfortable.¹¹

Courts and tribunals will continue to be required to balance competing rights on the facts of a particular case¹².

2.4 Victimisation

Victimisation¹³ takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act or helped someone else to do so.

Examples of victimisation may include the following:

a student alleges that they have encountered racism from a tutor, and as a result they are ignored by other staff members

a member of staff brands an student as a 'troublemaker' who previously supported a fellow student in submitting a formal complaint against the member of staff for sexist behaviour

some students on a programme start to ignore another student because they disclose they are undergoing gender reassignment

3 Teaching and Learning

The following sections provide information on how the Equality Act relating to teaching and learning with examples (where appropriate) to highlight issues pertinent in this area.

3.1 Academic Freedom

There is no specific exemption related to the concept of academic freedom in the Equality Act, but there is reference to the curriculum¹⁴. The purpose is to

⁹ Section 26, Equality Act 2010

¹⁰ This does not apply to the protected characteristics of pregnancy and maternity, and marriage and civil partnership

¹¹ The perceptions of the recipient of the harassment are very important and harassment can have been deemed to have occurred even if the intention was not present, but the recipient felt they were being harassed.

¹² This includes consideration of the value of freedom of expression (as set out in article 10 of the European Convention on Human Rights).

¹³ Section 27, Equality Act 2010

ensure that the Equality Act does not inhibit Universities from including a full range of issues, ideas and materials from multiple perspectives in their curriculum.

The Equality Act¹⁵ covers the way in which a University provides education for students. Teaching methods, delivery and related issues such as assessment all need to comply with the main provisions of the Act, including those relating to direct and indirect discrimination, harassment and the duty to make reasonable adjustments for disabled students (see previous sections). Through the Act imposes the duty to make reasonable adjustments on the governing bodies of Universities¹⁶ in respect of disabled students and applicants, there is provision within the equality Act that exempts competence standards from this duty¹⁷.

3.2 Admission and treatment of students

Section 91 of the Equality Act prohibits the governing body of the University from discriminating against a person/student with a protected characteristic in the following ways:

in the arrangements it makes for deciding who is offered admission as a student

in the terms on which it offers to admit the person as a student

by not admitting the person as a student

in the way it provides education for the student

in the way it affords the student access to a benefit, facility or service

by excluding the student on the basis of a protected characteristic

by subjecting the student to any other detriment

The Act also makes it unlawful for the University to victimise or harass students or prospective students.

The Equality Act¹⁸ also requires the governing body of the University to ensure that they do not discriminate or victimise against disabled students through either:

the arrangements it makes for deciding upon whom to confer a qualification

the terms on which it is prepared to confer a qualification on the person

by not conferring a qualification on the person

by withdrawing a qualification from the person or varying the terms on which the person holds it

3.3 Pregnancy and maternity

The way the Equality Act is written/worded suggests that it is likely that the University will be unable to refuse an applicant entry to a course because they are pregnant or ask that they leave a course because they become pregnant. The University will also need to consider:

¹⁴ Subsection 94(2), Equality Act 2010

¹⁵ Subsection 91(2)(a), Equality Act 2010

¹⁶ Subsection 91(9), Equality Act 2010

¹⁷ Schedule 13, paragraph 4(2), Equality Act 2010

¹⁸ Subsection 91(3), Equality Act which applies only in regards to disability discrimination

arrangements for students to ensure that a woman is not treated less favourably because she is breastfeeding.

absence related to pregnancy and maternity

The University will not be able to penalise students who miss examinations or course work deadlines because of pregnancy and maternity including pregnancy related illness or appointments, for example, marking down assessments due to late submission.

3.4 Failure to make reasonable adjustments¹⁹

The Act will continue the existing duty placed upon the University to make reasonable adjustments in relation to students and services. These adjustments apply where a disabled person is placed at a substantial disadvantage in comparison to non-disabled people. The Equality Act defines²⁰ what is meant by the duty to make reasonable adjustments. The three requirements of the duty are in relation to:

provision, criteria or practice

physical features

auxiliary aids

Examples of making reasonable adjustments may include the following:

providing lecture hand-outs in alternative formats, i.e. electronic, paper, enlarged print, etc.

providing inclusive access to lecture theatres, i.e. induction loops, wheelchair access, etc

providing access to auxiliary aids to assist with learning, i.e. computer screen-reading software or speech to text software for students. with a visual impairment

3.5 Positive action

The Equality Act provides scope for the University to adopt voluntary positive action measures²¹ to alleviate disadvantage experienced by people who share a protected characteristic, reduce underrepresentation in relation to particular activities, and meet particular needs²²

Examples of positive action may include the following:

providing scholarships to increase participation from underrepresented students of a particular ethnicity.

If an HEI believes that a certain group of students needs particular support or additional tuition, the institution will now be able to lawfully target that support in a proportionate way if that enables them to overcome a disadvantage that people in the protected group share.

4 Goods and Services

¹⁹ These provisions do not apply to the other equality strands, and are unique to disability.

²⁰ Section 20, Equality Act 2010

²¹ Measures would need to be a proportionate way of achieving the relevant aim

²² Section 158, Equality Act 2010

As Universities and students' unions provide a wide range of services to staff and students, they are considered as service providers under the Equality Act 2010. The following sections provide information on how the Equality Act relating to goods and services.

4.1 Provision of services including goods and facilities

Services provided may include careers, placement services, counselling, libraries, accommodation, IT and conference and events services.

The service provider must not discriminate²³ against a person:

as to the terms in providing the service

by terminating the provision of the service

by subjecting the service user to any other detriment

The Equality Act²⁴ imposes a duty to make reasonable adjustments²⁵ in relation to the provision of services and in the exercising of public functions even if this favours disabled people (see the Disability section for further details on reasonable adjustments).

Examples of making reasonable adjustments to the provision of services may include the following:

the accommodation service provides accessible rooms for disabled students in the halls of residence that are larger than standard rooms at the same cost
the University library provides a book collection service for students with mobility difficulties who provide them with a reading list

4.2 Premises

The Equality Act imposes a duty to make reasonable adjustments in relation to leasehold and commonhold premises²⁶ and (in an extension to the law that currently applies) to common parts²⁷. This requires Universities to ensure due regard to adjustments ensuring it can provide an inclusive living and studying environment for disabled students.

An example of making reasonable adjustments to leasehold/common premises may include the following:

Edging the internal steps of a leasehold building to provide contrast for the visually impairment to walk up stairs

The Act also places a responsibility on Universities to ensure that any private landlords with whom they have a contractual relationship are aware of the Act and are committed to providing accessible accommodation.

4.3 Recreational or training facilities

The Equality Act also requires that Universities must not discriminate or victimise in the way it provides recreational or training facilities, such as sports

²³ Section 29

²⁴ Section 29 (7)

²⁵ Section 20

²⁶ Section 36

²⁷ Section 37 (4) lists circumstances that may provide exemptions/clarification

services or clubs²⁸. Discrimination against or victimisation of a person should be avoided in:

the arrangements it makes for deciding who is provided with the facilities

the terms on which it offers to provide the facilities to the person

not accepting the person's application for provision of the facilities

Similarly, Universities should not harass or victimise a person who is seeking to access or accessing recreational facilities.

The duty to make reasonable adjustments (see section 3.4) also applies, ensuring that recreational or training facilities are created and provided in an inclusive way.

Examples of making reasonable adjustments to recreational or training facilities may include the following:

providing a trainer to assist a disabled person with mobility difficulties to access various pieces of gym equipment

a University gym provides a weekly women only session staff by women to allow Muslim women to access to the gym without fear of being viewed by men

5 Advancement of Equality

The Equality Act introduces a new public sector equality duty²⁹. The new duty covers all of the protected characteristics apart from marriage and civil partnership.

5.1 General duties - public sector equality duty

The duty will require Universities (or individual employees³⁰ of a University) in the exercise of their functions, to have due regard to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it

foster good relations between people who share a relevant protected characteristic and people who do not share it

To advance equality of opportunity³¹, Universities will need to have due regard to:

remove or minimise disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic

take steps to meet the needs of people who share a relevant protected

characteristic that are different from the needs of people who do not share it

encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low

²⁸ Section 93

²⁹ Section 149, expected commencement April 2011

³⁰ Section 149 (2)

³¹ Section 149 (3)

According to the EHRC (Equality and Human Rights Commission), in fostering good relations Universities should look in particular at the need to tackle prejudice, and promote understanding.

5.2 Specific duties for Scottish public bodies

This element of the Equality Act is currently being consulted on by the Scottish parliament. Consultation is due to be completed by 26 November 2010. It is anticipated that proposals will be published and agreed by April 2011. The key elements of the new specific duties³² are likely to be:

- Publishing equality outcomes, based on evidence and involvement of equality groups and communities
- Reporting on 'mainstreaming' - action to embed equality into day to day systems and practices
- Consideration of the impact on equality of policies and practices, informed by evidence
- Gathering and publishing employment data
- A Scottish Ministers' duty to set national equality priorities and report on progress
- Publication duty - simplification of reporting using existing public performance reporting systems

6 Enforcement

The information under this section explains what happens if an individual makes a complaint against the University (or an individual under section 149 [2] of the Equality Act) and what legal action they can take. It also explains what action may be taken to put right any discrimination, harassment or victimisation that is found to have taken place.

There is no legal requirement to go through a University complaints procedure first.

6.1 Equalities Mediation Service (EMS)

This is a free service which is funded by (but independent to) the Equality and Human Rights Commission for resolving disputes about discrimination.

Universities cannot request that a complaint is referred to the EMS; only the person making the complaint can make such a request. If a complainant wishes to use the EMS; they must be referred by the Commission or by an advice agency or law centre that is recognised by the Commission as a third-party referrer.

If the Commission refers the case to mediation, the EMS will contact the University and the complainant and confirm agreement from both that you are willing to proceed with mediation. A University does not have to agree to participate in mediation.

Agreeing to participate in the mediation process does not prevent a complainant from pursuing a case through the court but if a full settlement is reached through mediation then the claim cannot be pursued in the court.

6.2 Gathering information

³² Consultation on public sector equality draft regulations and order [published on Scottish Government website on 13 September 2010]

If someone thinks they may have been discriminated against, harassed or victimised because of a protected characteristic, they can obtain information from you to help them decide if they have a valid claim or not.

There is a set form you do this (see Appendix A) should a University wish to reply to the request. The Universities are not legally required to reply, or to answer the questions. The questions and the answers can form part of the evidence if the case goes to court.

If the University does not respond to the questionnaire within eight weeks of its being sent, then the court can take that into account when making its judgment. The court can also take into account answers which are evasive or unclear.

6.3 Claims brought in the sheriff court

Anyone who believes that a University has discriminated against, harassed or victimised them can make a claim to a sheriff court.

A claim must normally be served on the institution (or individual) within six months of the alleged discrimination. Where there has been a continuing process of discrimination taking place over a period of time, the six months begins at the date of the last discriminatory act. Courts have the discretion to consider a claim brought outside the six-month period if they consider that it is fair to do so.

The time for bringing a claim is extended to within nine months of the alleged conduct taking place where a dispute is referred to the Equalities Mediation Service by the EHRC.

6.4 Remedies

A sheriff court can:

Declare that a university (or individual) have unlawfully discriminated against, harassed or victimised the person making the claim, or declare that no unlawful discrimination, harassment or victimisation has taken place.

Impose an interdict requiring you to do something (such as admit the person as a student) or to prevent you from repeating any discriminatory act in the future.

Order you to pay compensation including compensation for injury to feelings.

Order you to pay interest on any compensation.

Order either party to pay costs.

References

What equality law means for you as an education provider?

EHRC, September 2010

Equality Act 2010

Legislation.gov.uk [accessed 10 November 2010]

The Equality Act 2010: Implications for higher education institutions

Equality Challenge Unit [ecu.ac.uk accessed 10 November 2010]

Appendix 2 - Disability Equality Action Plan 2010/11 to 2012/13.

No	Area	Specific Action/Focus	Lead officer/committee/ School or Service	Timescale	Performance Indicator
1.	Disability awareness.	To present and support a positive view of disability within the University, particularly for staff; emphasising the removal of barriers, the support available, and contributing to a change of perceptions both for disabled and non-disabled constituents.	Equality & Diversity Sub-Committee (Disability Equality Task Group)	June 2011	Revised Disability policy. Disability handbook for staff. Increase in disclosure.
2.	Disability awareness.	To introduce an annual process for gathering and evaluating student and staff perceptions, experiences and issues with regard to disability issues.	Disability Equality Task Group	June 2011	Annual report on data gathered.
3.	Disability awareness.	To establish and publicise a clear definition of what is meant by disability with regard to staff and students.	Equality & Diversity Sub-Committee (Disability Equality Task Group)	June 2011	Student and staff disability handbooks. Increase in disclosure.

4.	Inclusivity.	To include disability as an integrated feature of the university business strategy to avoid the possibility of disability issues being treated as a bolt on feature.	Vice-Principal & Deputy Vice-Chancellor	December 2010	Reduction in disability-specific reports.
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No	Area	Specific Action/Focus	Lead officer/committee/ School or Service	Timescale	Performance Indicator
5.	Accessibility.	To facilitate knowledge transfer in producing accessible information in online Word, PDF and web documents.	Director of Communications	Ongoing throughout period of plan up to 2013	Ongoing and regular schedule of training events. Reduction in non-accessible documents.
6.	Accessibility and consultation.	To introduce a process for supporting visitors; including prior and contemporary disclosure of disability, and collecting feedback.	Disability Equality Task Group	October 2011	Process defined and initiated.
7.	Accessibility.	To assess the extent and nature of any accessibility issues related to the use of the University's	Quality Enhancement Committee	October 2011	Accessibility report on VLE.

		current Virtual Learning Environment (VLE), Blackboard/WebCT.			Accessibility as a non-negotiable requirement in any new VLE tender. An accessible VLE.
8.	Accessibility.	To ensure that all new internally developed software systems are accessible and to review existing in-house software and take remedial action where necessary	Head of Information Services/Director of Communications	Ongoing throughout period of plan up to 2013	All staff can use all internal systems.

No	Area	Specific Action/Focus	Lead officer/committee/ School or Service	Timescale	Performance Indicator
9.	Accessibility.	To ensure that accessibility is a priority functional requirement in any invitation to tender for new or replacement software systems.	Head of Information Services/Head of Finance	October 2010	All staff can use all externally sourced systems.
10.	Staff support.	To introduce a one-stop mechanism for supporting disabled staff; integrating HR, Health & Safety, occupational Health, etc.	Equality & Diversity Sub-Committee	April 2011	Staff disability handbook. Establishment of the mechanism.

11.	Staff/Student Support.	To keep under review mental health support for staff and students.	Head of Student Services/ Head of HR	Ongoing throughout period of plan up to 2013	Review and plan published.
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No	Area	Specific Action/Focus	Lead officer/committee/ School or Service	Timescale	Performance Indicator
12.	Student Support.	To review the processes for initial identification and procurement of student disability support to ensure timely action and robustness.	Head of Student Services	August 2011	No students waiting on adjustments or support after 2 weeks of term.
13.	Student support.	To review communication streams between support and academic staff in relation to identifying students with special needs and appropriate staff training in these needs (if required).	Disability Equality Task Group	August 2011	Minimise reports of late and inappropriate student support.
14.	Teaching / learning Environment.	To meet the objective of a barrier free teaching and learning environment designed in to new builds and refurbishments.	Head of Estates & Campus Services	Ongoing throughout period of plan up to 2013	Minimise accessibility or disability issues raised.

Appendix 3

Preparing and publishing equality outcomes

Higher education institutions must prepare and publish equality outcomes which will assist them in furthering one or more of the aims of the general public sector equality duty.

In preparing equality outcomes, institutions must involve and consider evidence of persons with relevant protected characteristics and persons who represent their interests.

Institutions must publish initial equality outcomes by 6 April 2012 and subsequent equality outcomes at four year intervals. They must review and publish a report on progress towards achieving their outcomes by 6 April 2014 and subsequently at two year intervals.

Mainstreaming Equality

Higher education institutions must publish a report on the action they have taken and the progress they have made in ensuring that the aims of the general public sector equality duty are being taken into account in carrying out their functions.

The first report must be published by 6 April 2012 and subsequently at two year intervals.

Impact Assessment

Higher education institutions must assess the impact that their proposed policies and practices and changes to and revisions of existing policies and practices will have on persons with relevant protected characteristics and on their ability to fulfil the aims of the general public sector equality duty.

When conducting these assessments, institutions must consider relevant evidence relating to persons with protected characteristics and the results that the assessments will have.

Publication of employment information

Higher education institutions with 150 or more employees must publish employment information by 6 April 2012 and subsequently at two year intervals on:

The percentage of their workforce comprised of:

ethnic minority groups

disabled people

women

men

Their gender pay gap i.e. the percentage difference between men's and women's average hourly pay excluding overtime.

An equal pay statement including:

the institution's policy on equal pay between women and men

the occupational segregation within their workforce i.e. the concentration of women and men in particular grades and occupations

Institutions must review and publish a report on their equal statement every four years

Publication duties

Higher education institutions must publish the information and reports listed above in a way that is accessible to the public.

They should use their existing means of public performance reporting as far as possible and state where and when they will publish three months prior to doing so.