UNIVERSITY OF WESTMINSTER

Staff Equality, Diversity & Inclusion Annual Report 2009-10

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CONTENTS   **Page No.**

Section 1: Introduction and Executive Summary

1.1 Purpose of Report

Accurate equality profiles enable higher education institutions to take steps to address diversity and equality issues in the structure of the workforce to ensure they are preventing discrimination and to provide appropriate support services to staff. The purpose of the annual report is to:

- Summarise the monitoring and benchmarking of the University's effectiveness in delivering the equality, diversity and inclusion agenda, in relation to the staffing population at Westminster.
- Highlight any issues which need to be considered by the University and make recommendations to address them.
- Satisfy compliance requirements.

1.2 Executive Summary

1. The profile of our staff was, once again, relatively stable, with relatively low voluntary turnover in comparison with the Sector.
2. A major effort on data cleansing and checking has yielded a welcome increase in diversity and greater confidence in the figures reported.
3. The legislative picture with respect to Equality and Diversity has required significant monitoring and activity to review relevant policies and procedures is ongoing. The University was well-prepared for the Equality Act 2010 when that came into force in early October. We are now considering the implications of a possible phase out the Default Retirement Age (DRA) from April 2011 to October 2011 and the general public duty to proactively promote equality likely to come in from April 2011.
4. The third Equal Pay Audit was completed in summer 2010. The previous two audits (2006, 2008) did not raise any significant areas of concern and, once again, the main conclusion from this Audit is that the University does not have any significant need for concern over equal pay issues when comparing employees within current grades.
5. There are 17 report recommendations for comment and/or approval (page 8). Priorities include reviewing and revising the Diversity Action Group terms of reference against the published Diversity Champion indicators; ensuring that the University continues to anticipate and prepare for changes to legislation, including developing manager guidance to enhance capability in implementing policies; redeveloping the Diversity and Equality policies into a Single Equality policy to reflect recent legislation; making recommendations to UEB on how to operate following the removal of the Default Retirement Age, and capturing all information relating to informal casework to better monitor all activity and risk exposure.
6. Significant progress has been made on recommendations in the 2008-9 Staff Equality and Diversity Report. The third Equal Pay audit and a 'light touch' review of the Equal Pay policy were completed; implementation of the Disability Equality Action Plan is underway and ongoing, and a plan for the complete review of development and training related to Diversity and Equality is in place.
7. In the last year HR has played a major role in supporting the University restructuring and staff reductions. Aside from advice and guidance, where requested, on organisational and job design, steps were taken to ensure that the underpinning processes for the restructuring and staff reductions were as fair, systematic and inclusive as possible.
8. A new HR Strategy was formally approved in May 2010 which has implications for a change in approach to embedding equality work across all University responsibilities.
9. A revised role for the Diversity Audit Group will be proposed to UEB in November 2010.
10. The HR Department's restructure was launched on September 28 with a Corporate Services restructure panel for Union consultation and a Departmental briefing to mark the staff consultation. Senior Managers were consulted over the summer as part of the review. The proposed new structure proposes a spread of the responsibilities for Diversity and Equality across all professional roles to ensure better embedding in all activities.

Section 2: Summary Reports: Staff Diversity Profiles
In 2009/10 HR carried out a data cleansing and checking exercise to ensure that the HR database is as accurate as possible. The exercise involved auditing for missing or incomplete data and cross referencing the various modules within the HR System such as the recruitment module. This has provided greater confidence in the figures reported over the last two years. The following reports are broadly 'by exception'. The narrative includes links to activities mentioned in other sections of the report, where relevant and appropriate, or where the information in the Appendices does not show the data. **Appendices 1-5** have been grouped by protected characteristic i.e. Disability, Ethnicity, Gender, Turnover/Employment Type, and Age.

a. Disability – Appendix 1 refers
- Disability disclosure has remained largely stable at 4.1% and is higher than the sector average of 2.9% as reported by DLA Piper and the Equality Challenge Unit.
- The number of new starters declaring a disability has increased from 1% to 3% over the last three years. This increase coincides with the launch of a dedicated website supporting disabled staff, and the continuation of disability awareness training however there is no specific evidence of a causal link.
- There are similar variations between academic and professional units when compared against internal and Sector benchmarks.

b. Ethnicity – Appendix 2 refers
- The University had an overall BME staff population of 21.9%, which compared very favourably with the HE Sector average of 8.9%. Following the recent reductions in staff, this has increased in relation to the percentage of overall staff.
- This position is not reflected in the ethnicity profile of staff in the more senior levels posts in the University, or within the academic population.
- There have been no significant changes to the percentage of BME staff employed however improvements in diversity have been largely sustained.
- There has been an overall increase of 5.5% in BME new starters from 2008/9, although the number of BME applicants has decreased slightly.

c. Gender – Appendix 3 refers
- The gender balance remains stable across most staff groups.
- The overall gender split is 50.9 % female staff compared with the HE average of 54.8%.
- 45% of academic staff and 59% of professional support staff are female. There is a clear case for ensuring that these staff are supported and retained, and their particular needs are accommodated.
- Within the context of recruitment and selection, there is a higher ratio of female applicants, shortlisted applicants and new starters.
- The main reasons for pay differences were the positions of individuals within a grade, as determined by automatic incremental progression, which is primarily based on length of service, and differences in starting salary on appointment. Appendix 6 is the 2010 Equal Pay Audit report.

d. Staff turnover – Appendix 4 refers
(*NB – These figures do not include voluntary severances, end of fixed term contracts, retirements, redundancies, death in service, failed probations, dismissals etc).*
Staff turnover remains relatively low for most staff groups, creating little churn and less scope for changes in the makeup of our workforce year on year.
- Voluntary turnover for the University remains low overall (4.4%), whereas the HE sector average is 6.7%. Both figures show that turnover has reduced again over the last year and this could reflect staff responses to the current economic climate.
- Once again, the average figure masks the variations in turnover figures between the two main groups – Academic Staff (2.6%) and Professional Support (5.6%), which is similar to staff with research only profiles (8%).

- The ECS turnover within the reported period was 0.7%.
- There is no turnover figure for the School of Media Arts & Design (MAD) or the School of Law.

e. Age – Appendix 5 refers
- The profile has not changed significantly since the last report which is not surprising given the overall picture of a stable workforce profile.
- Nearly 37.7% of all staff and the majority of senior managers are over 50. The number of staff at age 60 and over has increased slightly over the last three years.
- The overall profile shows that we are 2-4% higher than the Sector average in the mature groups, and less than half of the average in the younger age groups.
- 50.2% of academic staff are over 50. There is a clear case for ensuring that these staff are supported and retained, and their particular needs are accommodated.
- 24.7% of professional support staff are over 50, however the professional support group has a younger staff profile generally.
- In the context of recruitment the notable difference in applicants this year is that the 55-59 age group has decreased, and the 30-34 age group of applicants has increased.
- The number of new starters aged 29 and under decreased by 9% over the last year, whereas staff aged 35-49 have increased by 8.5%.

2.2 Benchmarking Summary 2009-10

The table summarises the benchmark position of the University against Sector information collected and collated annually by DLA Piper.

Protected Xteristic	UoW %	Benchmark %	Change in year
Disability	4.1	2.9	Disclosure higher than Sector average.
Ethnicity	21.9	9.3	No significant change, significantly higher than Sector average
Gender	51.6	54.8	No significant change, lower than Sector average
Turnover	4.4	6.7	Lower than sector average. Turnover has decreased by 4.2% since the last report
Age	23.6 (55-64)	19.1 (55-64)	Higher than sector average.

2.3 Workforce Planning: Comparing Staff and Student Diversity Profiles

- Student profile information is not included in this year's report although HR has an expectation that the diversity of University staff ought to reflect the diversity of the student population more closely.
- An initial review of staff/student profiles has shown a notable mismatch in diversity profiles between the two groups. Whilst this may be worth following up, the first action would be to determine what impact, if any, this has on the student experience.
- A very simple analysis of the information currently available would suggest that we do need to undertake some balancing in the staff/student profile however, given our low voluntary staff turnover in the academic community, the situation will may not easily be remedied in the short term although a large number of white staff are due to retire between now and 2012 as shown in the retirement profile in **Appendix 5c**.
- Critically, population demographics are a key external driver. Some subject areas still find it difficult to attract academic staff from one gender or another, and student profiles change year on year.
- Work on behavioural competencies to embed University values and inform selection and performance management criteria, is making steady progress. We have planned to roll out revised training to all recruitment panels as part of the preparation for the introduction of performance management. Part of this work needs to include a review of the key criteria for academic appointments to ensure they are an embedded part of the process, particularly for Senior appointments where the diversity profile needs attention.

Section 3: Equal Pay Audit Report: Summary

Appendix 6 gives the full report of the 2010 Equal Pay Audit report for information. Typically the HR Committee receives this report separately however it is an integral part of the Equality agenda so has been submitted with this annual report. It is important to note that the overall gender pay gap includes a review of the distribution of men and women across pay grades as well as any pay discrimination (April 2010 Equality Challenge Unit publication "Promoting Equality in Pay"). As Westminster has undertaken pay modernisation we would expect there to be few significant pay gaps within grades, and the overall ratio of female to male pay would be determined largely by the gender distribution across grades. This may raise issues in relation to equality and diversity that require action but are outside the scope of the equal pay review.

3.1 Summary Findings
In summary, the main conclusion of the third Equal Pay audit was that the University does not have a significant need for concern over equal pay issues when comparing employees within current grades. The audit also showed that the implementation of the Pay Framework and new pay and benefit package offered to staff from 1st August 2009 has not impacted adversely on any of the staff groupings looked at in this audit.

3.2 Summary reports by relevant protected characteristic
a. Gender
Where pay gaps were identified, further investigation and analysis showed that the main reasons for pay differences were:
- The positions of individuals within a grade, as determined by automatic incremental progression which is primarily based on length of service.
- A small number of differences in starting salaries upon entry at senior level to the University were identified which can be linked to the amount of discretion that appointing managers and selection panels have in relation to starting salaries.

b. Ethnicity
It is difficult to make reasonable and statistically significant comparisons on pay as, in most cases, we are dealing with very small numbers of staff in certain ethnic groups.
- In most cases average pay for BME staff in the University is more favourable.
- The under-representation in more senior positions has been noted previously.
- Although there may be a small number of variances in relation to ethnicity, there are legitimate explanations for them.

c. Disability
Where there was a significant variance in pay it was in favour of disabled colleagues and can be attributed to long service.

d. Senior Staff
- Criteria related to the quality and profile of research or scholarly papers, were more significant in determining starting salaries for some senior staff in Professorial and Dean of School posts, than factors such as age.
- The issue around starting salaries was also highlighted in the 2008 audit although that report did not highlight starting salaries to be a significant factor in relation to gender-based pay differentials.

3.3 Conclusions/Recommendations
Recognising legitimate reasons for pay gaps, we continue to develop and maintain HR policies and practices that help close the gaps. We will focus our activities in 2010-12 on monitoring and strengthening the following areas:

1) Embedding equal pay principles in all relevant HR policies and procedures, promoting pay transparency, and consistently applying pay practices.
2) Continuing to develop programmes for leaders and managers. The Corporate Services Investors in People report of December 2008 highlighted the positive impact of the Corporate Services Management Programme on skills and behaviours of managers in all departments, enabling the Departments to retain and develop high calibre members of staff.
3) Continuing to promote flexible working and family friendly policies practices for *all* staff – the Corporate Services Investors in People report also highlighted this as a strength that can support staff to achieve work life balance and provides a valuable retention tool.
4) Making recruitment and selection briefings mandatory for all those involved in appointment processes and supporting these with clear guidance in a revised Management Handbook.
5) Continuing to improve participation of HR Managers on interview panels, including academic appointment panels.
6) Continuing to ensure our commitment to embracing diversity and promoting equality and working to ensure that there are no perceived barriers to progression for all staff.
7) Reviewing and revising reward and remuneration policies and procedures in line with legislation and best practice.

Section 4: Legislative Issues and Casework
4.1 Formal case work
A review of formal casework activity for the period 1st May 2008 to 30th April 2009 does not show a significant or disproportionate impact in terms of ethnicity, gender, disability or age, within the context of the University's overall staffing population, although the small number of formal cases (24) makes it difficult to make statistically significant comparisons. We also run the risk of identifying individuals if we report any detail, therefore in order to comply with Data Protection principles in the way that information is presented, and protect confidentiality, and therefore the credibility, of this exercise, we have included this point in the narrative rather than showing numbers.

Type	No of cases 2008/09	No of cases 2009/10
Disciplinary	4	10
Grievance	12	10
***Employment Tribunal**	2	4

The figures show a significant increase in disciplinary cases over last year and a small drop in grievances. This is reflected in the national picture and is anticipated to continue to increase following recent changes to legislation. The Grievance and Disciplinary policies and procedures need to be reviewed at some point to ensure HR can cope with volume increases, given some of the timescales built into the timelines for response. Two of the Employment Tribunals were decided in the University's favour, and two were settled out of court, subject to Compromise Agreements.

4.2 Informal case work
HR professionals are involved in a large number of informal cases, typically resolved through discussion, dialogue and mediation, usually with the support of trade union representatives, as appropriate. We do not capture this information in our current monitoring processes however, given that interventions seem to be taking significant amounts of time, we intend to start doing this to better manage all case work, and monitor HR workloads. It will also be helpful in assessing our response to the recent changes to dispute resolution mechanisms, and in ensuring regular impact assessments are undertaken, where needed.

4.3 The new Equality Act 2010 and other Equality Legislation
The University is already well placed to meet most of the requirements of the new legislation that came into force in October 2010. Work is ongoing for the new public sector equality duty (April 2011) and the phasing out of the default retirement age, specifically in relation to succession planning and the staff retirement profile to 2012, is needed (Appendix 5 refers).

Section 5: Recommendations for 2010/11

Recommendation	Timeline
1) Continue to monitor the situation with regards to shortlisting and appointing people from ethnic minority backgrounds.	Report twice a year
2) Continue data cleansing and collection including data on sexual orientation and religion and belief.	Ongoing
3) Continue to embed Equality, Diversity and Inclusion into all relevant policies, functions and processes.	Ongoing
4) Capture all information relating to informal casework and carry out regular impact assessments.	Ongoing
5) Work with the student and staff profiles, in the context of workforce planning, to see where Schools could do more to align their staffing complement more closely with their student profile, and develop guidance for School management teams and Chairs of recruitment panels that can be of practical use in addressing this issue.	Ongoing
6) Approve a revised remit for DAG, reporting to the CSR Committee, to ensure the University continues to progress and improve its equality, diversity and inclusion agenda (**Appendix 7** refers).	December 2010

7) Undertake policy reviews and develop manager guidance to enhance University's readiness for changes to legislation:
• Review all relevant policies and associated regulations and create a single Equality Policy, including:
   a. Race Equality Policy and Action Plan.
   b. Diversity & Dignity at Work & Study Policy.
   c. Maternity, Paternity, Adoption Leave and Pay Policy.
	31st July 2011

8) Review Sector guidance for HEIs on public sector duty, identify gaps in readiness and address them.	1st April 2011
9) Ensure that where relevant and proportionate, equality-related award criteria are included for every contract that we tender. NB link to procurement review.	February 2011
10) Review the University's re-tendering of the current occupational health contract for issues in respect of disability equality and support for disabled staff.	1st January 2011
11) Ensure that the disability equality and pre-employment health screening elements of the new Equality Act are embedded into the University's pre-employment health screening procedures and offer letters.	4th January
12) Develop manager guidance on all relevant processes and procedures for the Management Handbook to support the implementation of the new Equality Policy.	In progress
13) Make recommendations to UEB for how the University should respond to the phasing out of the Default Retirement age.	1st April 2011
14) Develop guidance on disability related sick leave to comply with the University's Disability Equality Scheme and best practice on guidance on disability equality.	tbc
15) Build on current equality and diversity training and awareness raising provision in the areas of disability awareness and cultural awareness/race equality training.	In progress, to be completed by April 2011
16) Develop a more supportive and positive approach to retirement by creating a Westminster Former Staff Network or "Expert's Club".	July 2011
17) Develop and implement a plan of action to address highlighted pay gaps and areas of concern in the 2010 Equal Pay Audit.	July 2011

Section 6: Progress against 2008/9 Recommendations

Action	Progress/status
1. Review of Diversity Policies and Schemes	Revised Disability Equality Scheme approved by HR Committee 21 October 2009 and Gender Equality Policy/Gender Equality Scheme approved by HR Committee 12 April 2010.
2. Equal Pay Audit 2010	See *Appendix 6* for the third Equal Pay Audit Report 2010. Light touch review of Equal Pay Policy completed and successful.
3. Monitoring BME applications in appointing processes	Analysis of Jan to March 2010 appointments showed an improvement of 1.95% of BME applicants being successful. This issue is most likely to be related to a skill set difference in applicant pools rather than inequality at shortlisting and interview.
4. Implementation of Disability Equality Scheme and Action Plan	Ongoing implementation of action plan for 2009/12 Disability Equality Policy.
5. Developing a more supportive approach to retirement	• IT, library and access issues need to be addressed. • All requests for extensions after retirement have to go through a more stringent process and few, if any, requests have been approved in the last 12 months. • On 5 October UEB considered a draft paper on the conferral of the title of Emeritus Fellow for retired expert staff. Further work needs to be done to the detail and the proposal will be considered again.
6. Data cleansing and data collection	• Results of data cleansing and collection are very positive. • Questions on equality issues were embedded in the 2010 Staff Engagement Survey. • Equal Opportunities monitoring form amended to include sexual orientation and transgender information.
7. Equality Impact Assessment	• Audited progress against 2005-6 Equality Impact Assessment Report and Action Plan implemented in 2007-8 to establish a fresh set of priorities and revise action plans. • Equality Impact Assessments done for all areas making staff reductions. • Equality Impact Assessment checklist and guidance updated to reflect all 'protected characteristics' in the Equality Act.
8. Embedding Equality, Diversity and Inclusion	The HR Department is proposing to support embedding across all activities, roles and responsibilities to mainstream the diversity agenda recognising the need for diligent monitoring and follow up action.
9. Change of reporting and remit for Diversity Audit Group	The role of DAG is being revised by the HR Director against the Diversity Champion indicators published by the Leadership Foundation in 2010 which clearly state the responsibilities required for embedding activities into mainstream policy development, implementation and monitoring – **Appendix 7 refers**.
10. Training for Equality & Diversity	The University's Human Resource Development team is currently reviewing equality and diversity training to assess what further provision needs to be developed to support embedding activities.
11. Athena Swan (further information is available from HR)	Institutional member of Athena Swan Charter for Women in Science. A submission for the Bronze Award, (a University award that must be achieved before individual Schools submit for silver/gold levels), not successful on first attempt. Detailed feedback will focus issues to be addressed, within practical constraints, before re-submission.
12. Equality Scheme progress reports	Annual progress reports have been published on the Gender Equality and the Disability Equality Schemes, as required by law.

Section 7: Other activities/issues in relation to delivery of the Equality agenda

1. HR played a major role in supporting University restructuring and staff reductions, in particular ensuring that the underpinning processes were as fair, systematic and inclusive as possible. Equality impact assessments were carried out on the University's Redundancy Policy and Procedure and redundancy selection criteria to ensure that they were fair and defensible. Impact assessments were also undertaken on business cases for affected areas of SSHL, ECS and Corporate Services, primarily to assess the impact on any of the equality grounds, but also to identify any other strategies to mitigate the impact of redundancies. We have subsequently compared the processes we used with the guidance published by the Equality Challenge Unit for FE and HEIs on undertaking Equality Impact Assessments for redundancy and restructuring exercises. The approach we designed and recommended for use in the University largely reflects the guidance in the document.

2. A major effort on data cleansing and checking has yielded a welcome increase in diversity statistics and, as such, greater confidence in the figures reported.

3. A new HR Strategy was developed through consultation and formally approved by the Court of Governors in May 2010. The approach recommended for the Equality agenda was mainstreaming.

4. For the second year running, the HE Sector Environment and Social Responsibility (ESR) benchmarking initiative *Universities that Count*, showed Westminster as leading in Equality, Diversity and Inclusion over both HE institutions and private sector organisations surveyed.

5. The University's staff development approach and the University's commitment to sustainable procurement were also recognised as taking the lead within the HE sector in the 2010 *Universities that Count* results.

6. We have undertaken a number of positive action campaigns promoting the University as an employer committed to embracing diversity and promoting equality. This work needs to continue in order to help the Schools improve the diversity of their academic staffing population.

7. HR is now undergoing its own restructure, which is due to be completed by the end of term. While we expect all of our staff to continue their duties we recognise that individuals cope differently with uncertainty and delivery of parts of the HR agenda may slow for a few months.

March 2011 Final version: corrections from UEB, HR Cttee and Court of Governors