Equality and diversity ... making it happen

Interim abbreviated version of The Open University Equality Scheme 2012 – 2016*

We are creating an inclusive university community and a society-

- where people are treated with dignity and respect,
- where inequalities are challenged, and
- where we anticipate, and respond positively to, different needs and circumstances,

so that everyone can achieve their potential.

Version 1.0
July 2012
This scheme is available in a range of formats including full and abbreviated version documents published on our website in Word and PDF formats and abbreviated version in print. The scheme, or sections of it, can also be requested in plain text, in large print, in Braille, comb-bound or audio format. If you would like to request the scheme in a particular format to meet your needs, please contact the Equality, Diversity and Information Rights Team.

This document is the summary version of our UK Equality Scheme.

*This scheme is published as an interim version as we are awaiting its approval by the Equality Commission for Northern Ireland. Annex E of the full version of this scheme sets out the legal requirements and how this scheme will meet them. However, until such time as we have received approval, our current scheme for Northern Ireland is the 2003 version published on our equality and diversity website.

It is intended that the scheme, including the Annexes will be reviewed and updated after 4 years. Information that will be reviewed and updated more frequently is published in separate Appendices. Appendix 1 and 2, the equality objectives and equality action plan, are particularly important to the effective implementation of this equality scheme.

The abbreviation ‘the OU’ is often used for ‘The Open University’ throughout this document.

Further information about equality and diversity at The Open University is available on our website at www.open.ac.uk/equality-diversity.

Comments or questions about this equality scheme should be sent for the attention of the Head of Equality and Diversity. For complaints, please see Section 4.3.

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Foreword

The Open University is open to people, places, methods and ideas. We promote educational opportunity and social justice by providing high-quality education to all who wish to realise their ambitions and fulfil their potential.

As an organisation with social justice at the heart of our mission, we are committed to developing an inclusive university community and contributing to an inclusive and just society. This commitment is expressed in the vision and principles set out in this scheme.

Discrimination arising from individual characteristics and circumstances is not only unlawful, but a waste of talent and a denial of opportunity. At The Open University we recognise the value of diversity and the strength that it brings and we challenge under-representation and differences in outcomes through positive action programmes.

As a public body, we also have a number of statutory duties.

The Public Sector Equality Duty under Section 149 of the Equality Act 2010 requires us to have due regard to the need to eliminate discrimination, advance equality and foster good relations between groups of people (see box 1).

Section 75 of the Northern Ireland Act 1998 requires us to have due regard to the need to promote equality of opportunity and good relations across a range of characteristics (see box 2).

In this equality scheme we set out our arrangements for how The Open University will meet these duties.

We will commit the necessary resources in terms of people, time and money to make sure that we comply with our statutory duties and that our equality scheme is implemented effectively, and on time.

We commit to having effective internal arrangements in place for ensuring our compliance with the statutory duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff and governors are made fully aware of our equality scheme and understand the commitments and obligations within it.
We, the Chancellor and the Vice-Chancellor of The Open University, are fully committed to ensuring that the University fulfils its statutory equality duties effectively across all functions, including education and related services, employment, partnerships and procurement.

We realise the important role that our students and the public have to play to ensure our statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there is active engagement, so that people affected by our work can influence and shape our organisation.

On behalf of The Open University and our staff we are pleased to support and endorse this equality scheme which has been drawn up in accordance with the Public Sector Equality Duty under Section 149 of the Equality Act 2010, and Section 75 and Schedule 9 of the Northern Ireland Act 1998, and guidelines provided by the Equality and Human Rights Commission and the Equality Commission for Northern Ireland.

We expect commitment and involvement from all our staff, students, partners and providers of goods and services in ensuring compliance with our statutory duties and working towards the achievement of our equality vision.

Lord Puttnam of Queensgate CBE
Chancellor

Box 1: The Public Sector Equality Duty in Great Britain

The Public Sector Equality Duty under Section 149 of the Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:
- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

People with caring responsibilities are also protected from discrimination by virtue of their association with people with protected characteristics.

Box 2: Section 75 in Northern Ireland

Section 75 of the Northern Ireland Act 1998 requires The Open University, in carrying out our functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between
- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- Men and women generally
- Persons with a disability and persons without
- Persons with dependants and persons without

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland, we must have due regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Martin Bean
Vice-Chancellor
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1 Our vision, principles, scheme aims and responsibilities

1.1 Our vision of a fair and just society

We are creating an inclusive university community and a society:

- where people are treated with dignity and respect,
- where inequalities are challenged, and
- where we anticipate, and respond positively to, different needs and circumstances,

so that everyone can achieve their potential.

1.2 Our equality and diversity principles

1. We value diversity and we recognise that different people bring different perspectives, ideas, knowledge and culture, and that this difference brings great strength.

2. We believe that discrimination or exclusion based on individual characteristics and circumstances, such as age; disability; caring or dependency responsibilities; gender or gender identity; marriage and civil partnership status; political opinion; pregnancy and maternity; race, colour, nationality, ethnic or national origin; religion or belief; sexual orientation; socio-economic background; trade union membership status or other distinctions, represents a waste of talent and a denial of opportunity for self-fulfilment.

3. We recognise that patterns of under-representation and differences in outcomes at The Open University can be challenged through positive action programmes.

4. We respect the rights of individuals, including the right to hold different views and beliefs. We will not allow these differences to be manifested in a way that is hostile or degrading to others.

5. We expect commitment and involvement from all our staff, students, partners and providers of goods and services in working towards the achievement of our vision.

1.3 Scheme aims

1. **To eliminate unlawful discrimination, harassment and victimisation**, which involves:

   - Ensuring there is no less favourable treatment for people
   - Ensuring no factors give rise to discrimination

2. **To promote and advance equality of opportunity**, which involves:

   - Removing or minimising disadvantage experienced by people
   - Taking steps to meet the needs of people that are different to the needs of other people
   - Encouraging people to participate in public life or in other activities where their participation is disproportionately low

3. **To promote and foster good relations between people**, which involves:

   - Tackling prejudice
   - Promoting understanding between people
1.4 Your responsibilities

Everyone that is part of our University community has responsibilities under this equality scheme. Responsibilities for different groups of people are set out below. Section 3.2 of this scheme provides information about the equality and diversity learning and development programme that supports staff in meeting these responsibilities.

As a student, you should:

- Treat all members of our University community with dignity and respect for their rights and beliefs
- Challenge or report incidents of discrimination and bullying
- Respond positively and inclusively to individual differences

As an employee, consultant or agent, you should do all the above, and:

- Anticipate and respond positively to different needs and circumstances of members of our University community
- Apply equality and diversity principles through everyday activities
- Keep knowledge of University equality and diversity policy up to date

As a line manager or manager of consultants or agents, you should do all the above, and:

- Ensure the University’s equality vision and scheme are communicated to potential employees and new staff through the recruitment and induction processes
- Disseminate accessible information to ensure employees, consultants and agents are aware of their responsibilities
- Identify and respond to equality and diversity staff development needs
- Support individual needs and circumstances of staff so they can perform effectively

As a Head of Unit, you should do all the above, and:

- Where relevant, include equality and diversity development actions in the unit’s business plan
- Ensure that equality analysis\(^1\) is carried out for changes to strategy, policy and practice
- Assess and report progress against agreed equality action plans

As a member of the Vice-Chancellor’s Executive, you should do all the above, and:

- Champion, sponsor and promote equality and diversity
- Ensure institutional compliance with equality legislation

As a member of the governing body, you should:

- Satisfy yourself that the University is fully compliant with its equality duties
- Request further information from University staff where you require assurance

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\(^1\) See Section 3.5 for further information about equality analysis.
As an **academic staff member developing or acquiring teaching and assessment materials**, you should:

- Anticipate and respond to the needs of students with different impairments when developing learning outcomes and materials
- Develop materials with your audience in mind, recognising the full diversity of the student body

As an **academic or research staff member, engaged in research activity**, you should:

- Apply equality and diversity principles to all those associated with your research, and treat individuals with dignity and respect
- Ensure that your research activity adheres to equality and diversity principles and ethical research standards

As a **research leader**, you should:

- Ensure that *equality analysis* is carried out for all new research activity in accordance with the University’s arrangements and the principles of the Concordat to Support the Career Development of Researchers²

As a **staff member developing strategy and policy**, you should:

- Ensure that *equality analysis* is carried out for all new and revised strategies and policies, so that strategy and policy is inclusive, and does not unintentionally discriminate or lead to unintended outcomes

As a **Chair of a University Committee, management group or steering group**, you should:

- Ensure that *equality analysis* has been carried out for changes to University strategy, policy and practice, and that the findings are taken into account before decisions are made at the committee, management group or steering group that you Chair

As a **partner, or provider of goods and services**, you should:

- Comply with equality laws in the countries in which you operate
- Have due regard to the need to eliminate unlawful discrimination, promote and advance equality of opportunity, and promote and foster good relations
- Subscribe to the vision and principles of our equality scheme

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² The Concordat sets out the expectations and responsibilities of researchers, their managers, employers and funders. Further information is available at http://www.researchconcordat.ac.uk/.
2 Context of our scheme

2.1 About the OU

Since the OU’s launch in 1969 more than 1.6 million people worldwide have achieved their learning goals by studying with us.

The OU is the biggest university in the UK with more than 260,000 students, around 7,000 Associate Lecturers (tutors), more than 1,200 academic and research staff, and more than 3,500 support and administration staff.

Most modules are available throughout Europe and some are available worldwide directly from the OU. Many more are available through our partners and accredited institutions.

Our institution is diverse:

- We are the largest provider of higher education for disabled people with around 13,500 studying with us
- Around 1,800 OU students study each year in prison or a secure unit
- Around 4,000 armed forces personnel and their dependents study with us each year, some while on active duty
- Around 10% of our UK students are from ethnic minorities
- Around 70% are in work while studying
- 60% of our students are female
- We have students taking OU modules alongside A levels and we have students in their 90s – the average age is 31 and more than 29,000 students are aged under 25
- More than 40% of OU undergraduates have one A level or lower qualification at entry

The Open University’s mission is to be open to people, places, methods and ideas. The University was founded to open up higher education to all, regardless of circumstances or location. The OU has developed and embodies a set of core values that make it the most distinctive institution in higher education – we are inclusive, innovative and responsive. These values provide a moral and intellectual compass for the University in a changing world.

We have no minimum entry requirements for admission to most undergraduate qualifications. We teach primarily at a distance through a system of supported open learning which includes the provision of high-quality print and multimedia teaching materials, together with personalised tuition, learning feedback and support. Personalised tuition takes the form of online and face-to-face tutorials, online forums, telephone and email tuition, and residential and day schools, depending on the module and qualification being studied.

Further contextual information about the OU is provided in the full version of this scheme, covering the following topics; four nations and Europe, widening participation, research and scholarship, working with business and industry, open educational resources, and international development.

2.2 The University Strategy

Our strategy is to secure the mission by:

- Delivering an outstanding student experience, and
- Enhancing the capabilities of the University

Implementing our equality scheme will support the achievement of our strategy in the ways outlined in Box 3 below.

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3 Data from ‘The Open University in facts and figures’, April 2012 – the latest data is available at http://www8.open.ac.uk/about/main/the-ou-explained/facts-and-figures/.
Box 3: How the equality scheme contributes to the University Strategy

Deliver an outstanding student experience:

- Support the delivery of a market-leading enquirer experience by attracting and retaining increasing numbers of students from diverse backgrounds
- Support a study experience that maximises students’ chances of success in achieving their study goals by responding positively to individual needs and circumstances and addressing barriers to success
- Support journeys from informal to formal learning by promoting diversity and inclusion through open media

Enhance the capabilities of the University:

- Support research and scholarship that is externally recognised for excellence and impact by leading research and scholarship in social justice and inclusion
- Support people and culture that enable us to deliver high performance, by attracting and retaining a diverse workforce, by promoting equality through all our people processes, and by drawing on the creativity, skills and experience of our diverse workforce
- Support flexible, integrated and robust systems by embedding accessibility in procurement and systems development
- Support financial sustainability, preventing unnecessary costs by considering different needs and circumstances from the outset

2.3 Progress in advancing equality and good relations

We have made great strides in advancing equality of opportunity and good relations at The Open University in recent years and the following are some brief examples of the work we have done.

We continued to widen participation to higher education for people living in areas of socio-economic disadvantage, through a national programme of community partnerships and through our work in prisons and our work to provide effective study support to carers.

We invested significantly in developing new systems to automate the production of a wider range of alternative formats for disabled students and we completed a project to implement DAISY – digital talking books. We implemented an extensive Securing Greater Accessibility programme which aims to ensure that the learning accessibility needs of disabled students are anticipated at an earlier stage.

We developed a new approach to considering equality during policy development and when managing change projects. Our Equality Analysis method ensures that we give active consideration to equality implications at an early stage; we embedded this method in our annual unit planning process.

We developed a framework to enable staff networks and gave practical support to help a number of these to get started, including networks for ethnic minority staff, for lesbian, gay, bisexual and transgender staff, and for disabled staff. We introduced religion or belief and sexual orientation questions in our staff survey. We responded to issues identified in the surveys, for example we developed Aspire, a leadership mentoring programme for minority staff.

Further examples of progress, including some charts showing trends over a number of years, is contained in the full version of this scheme.
2.4 External drivers

A wealth of evidence shows that education is a key determinant of life chances. As well as being a right in itself, education is an enabling right, allowing individuals to develop the skills, capacity and confidence to secure other rights and economic, social and cultural opportunities. In some ethnic and religious groups there are large numbers of people without any qualifications at all. Educational attainment continues to be strongly associated with socio-economic background, but ethnicity, gender and disability are also key determinants and there continues to be strong subject segregation.

Many barriers within employment are breaking down however, only 1 in 4 Muslim women work, while Black people and disabled people in their early 20s are twice as likely not to be in employment, education or training as White people and non-disabled people. Occupational segregation and the large proportion of women in part-time jobs continue to feed pay differences.

It is a time of enormous and accelerating demographic and social change. People are living longer and are remaining economically and intellectually active for longer; economic migration is changing the structure of the education and labour market; there is massive change in ethnic and religious diversity; economic, social and health inequalities are widening; there is more openness in society.

This equality scheme is written at a time following a period of worldwide recession, and a time when higher education has been affected by changes in government public funding policy in England, requiring efficiencies to be made and new areas of work to be developed that will accelerate income from non-government sources. As a result, we are undergoing a period of rapid and unprecedented change, introducing student fee increases and a greater emphasis on qualifications.

In recent years, changes to immigration rules have resulted in new challenges to universities, as educators and employers, in recruiting talented learners and staff from overseas. The changes have included the introduction of a new minimum pay requirement for skilled workers, tightening of existing work placement restrictions, the introduction of Highly Trusted Sponsor Licences for institutions, and the introduction of limits on the time that can be spent studying at degree level.

The introduction of the Equality Act 2010 has transformed equality law in Great Britain. The first phase became law in October 2010 and in broad terms it harmonises, updates and amends previous anti-discrimination legislation, providing greater protection from discrimination and harassment for all individuals across a wide range of protected characteristics. The second phase became law in April 2011 and enacts a new Public Sector Equality Duty, which amends and expands the previous duty to cover a wider range of characteristics.

The Act does not apply in Northern Ireland, where Section 75 of the Northern Ireland Act 1998 already places a duty on the University to have due regard to the need to promote equality of opportunity between persons across a wide range of equality categories, and to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Working in different countries presents both opportunity and challenge. Staff must develop their knowledge of the specific legal, cultural and political contexts in which they operate, and must comply with specific equality laws in different countries. Where we teach overseas students directly, those students have the same protections under equality law as students based in the UK.

Further information about equality law is contained in the full scheme, particularly Annexes A to E.
3 Arrangements for managing and embedding equality

3.1 Leadership

Strong, visible leadership is an essential component of this equality scheme. Members of the Vice-Chancellor’s Executive (VCE) sponsor individual objectives and promote equality and diversity through strategic decision making. The University Secretary and the Director, Students, both members of the VCE, are responsible for ensuring compliance with equality legislation and promoting best practice across the institution. Supporting these individuals is the Equality and Diversity Management Group, chaired by the Head of Equality and Diversity.

3.2 Staff learning and development

Everyone working at the OU needs to know something about equality. Staff working directly with students need to be able to respond to a wide range of needs and circumstances. Staff that develop learning materials need to know how to create inclusive and accessible resources. Managers need to know how to manage a diverse workforce. Some staff need specialist equality knowledge.

<p>| Equality and Diversity Staff Learning and Development Programme |
|--------------------------|------------------|----------------|--------------------------|
| <strong>Who needs to know?</strong> | <strong>What?</strong> | <strong>For what purpose?</strong> | <strong>How will they learn?</strong> |
| All staff | Rights and responsibilities under equality law, and responsibilities under our equality scheme | To achieve dignity and respect for all; to promote staff satisfaction; to prevent unlawful discrimination, harassment and other prohibited conduct | Diversity online module Promotion of Valued Ways of Working framework through staff appraisal process Written briefings from the E&amp;D Team E&amp;D intranet resources |
| Associate Lecturer staff | Where to find information and University policy and practical strategies in responding to different needs and circumstances | To respond effectively to needs of students, promote engagement, student satisfaction and success | Resources on Tutor Home website Support from Staff Tutors, Module teams and faculty Accessibility Specialists Regional and national staff development days |
| Contractors and consultants | Rights and responsibilities under equality law, and responsibilities under our equality scheme | To achieve dignity and respect for all; to prevent unlawful discrimination, harassment and other prohibited conduct | Standard equality-related clause in all contracts Equality built in as a core requirement in contracts where relevant Consultants provided with copy of summary equality scheme |</p>
<table>
<thead>
<tr>
<th>Who needs to know?</th>
<th>What?</th>
<th>For what purpose?</th>
<th>How will they learn?</th>
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</table>
| Line managers                                       | How to recruit and manage a diverse workforce                         | To utilise staff diversity; to respond positively to individual needs and circumstances; to promote staff satisfaction and success; to prevent unlawful discrimination | Disability and employment website  
Effective recruitment and selection course  
Employment law for managers course  
Cultural diversity at work course  
Briefings from HR Managers and Advisers                                                                 |
| Staff providing advice and guidance to students     | University policy and precedent in responding to particular equality-related circumstances | To meet needs of students, promote engagement, student satisfaction and success                                                                     | Training for Student Registration and Enquiry Service staff  
Training for Curriculum Support Teams  
Regional briefings for advice staff  
Staff operating procedures                                                                                                                  |
| Disability advisers                                 | Understanding of a wide range of different needs and University policy and precedent in responding | To meet needs of disabled students, and promote student satisfaction and success                                                                     | Induction for new advisers  
Disability and Additional Requirements regional meetings  
Online resources  
Annual conference  
Advice from specialist advisers                                                                                                           |
| Research student supervisors                        | University policy and precedent in responding to particular equality-related circumstances | To meet needs of students, promote engagement, student satisfaction and success                                                                     | Advice from specialists in the Research Career Development and Research Degrees teams; Supervisor training events; Supervisor handbook |
| Principal Investigators and Directors of Research    | How to recruit and manage a diverse research team                     | To utilise staff diversity; to respond positively to individual needs and circumstances; to promote staff satisfaction and success; to prevent unlawful discrimination | Effective recruitment and selection course  
Cultural diversity at work course  
Briefings from HR and Research School Managers                                                                                           |
| Staff developing curriculum, and teaching methodologies and tools | Good practice in developing an inclusive and accessible curriculum and learning experience | To create an inclusive curriculum that increases student engagement, retention and satisfaction; to anticipate barriers and address these proactively; to reduce bespoke costs | Research seminars provided by the Centre for Inclusion and Curriculum  
Sharing good practice through the Accessibility Practitioners Group  
Online resources linked to the Curriculum approval process  
Advice from faculty Accessibility Specialists  
Resources and advice from central specialists                                                                                                 |
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<th>Who needs to know?</th>
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<tr>
<td><strong>Staff creating materials and assets</strong></td>
<td>Good practice in developing accessible materials and assets</td>
<td>To anticipate barriers and address these proactively; to reduce bespoke costs</td>
<td>Accessibility training provided to media teams</td>
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<td></td>
<td></td>
<td></td>
<td>Advice from faculty Accessibility Specialists</td>
</tr>
<tr>
<td><strong>Staff developing strategy and policy</strong></td>
<td>How to assess the impact of strategy and policy on people</td>
<td>To develop inclusive strategy and policy; to meet the public sector equality duty and Section 75 duty</td>
<td>Equality analysis training; sharing exemplars; coaching</td>
</tr>
<tr>
<td><strong>Staff developing, commissioning or procuring websites and systems</strong></td>
<td>Good practice in developing accessible websites and systems</td>
<td>To anticipate barriers and address these proactively; to ensure systems are accessible to staff and students; to reduce bespoke costs</td>
<td>Briefings on accessibility standards and processes by Communications and IT.</td>
</tr>
<tr>
<td><strong>Staff developing partnerships, in the UK and internationally</strong></td>
<td>Understand the importance and value of cultural sensitivity</td>
<td>To build and maintain successful partnerships and relationships</td>
<td>Business cultural awareness course</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Widening Participation Network</td>
</tr>
<tr>
<td><strong>Staff leading on equality planning and reporting for their unit</strong></td>
<td>University equality priorities and approaches to tackling inequalities</td>
<td>To develop effective interventions to address inequalities</td>
<td>Oral briefings and meetings with the E&amp;D Team</td>
</tr>
<tr>
<td><strong>Members of the Equality and Diversity Management Group</strong></td>
<td>Equality law and sector good practice</td>
<td>To develop informed equality strategy and policy</td>
<td>Oral briefings from the E&amp;D Team; email subscriptions to the Equality Challenge Unit and the Government Equalities Office</td>
</tr>
<tr>
<td><strong>Staff with specialist equality-related roles</strong></td>
<td>Interpretation of equality law and case law, good practice within and beyond the sector</td>
<td>To support the development of informed equality strategy and policy; to advise other staff</td>
<td>Sector conferences; briefings and mailings from equality organisations; research reports; internal networks, external specialist networks</td>
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3.3 Accessible information and services

We are mindful of the fact that our students and prospective students cover the broadest spectrum of ages and we provide communications using formats and language appropriate to our audiences.

For disabled students or students with health conditions that affect their ability to study, to attend residential school or to take examinations, we provide a wide range of alternative formats, services and reasonable adjustments and have our own access centre to assess student needs\(^4\). We also assess and provide reasonable adjustments for our disabled staff to enable individuals to perform effectively in their roles.

Our open access policy means that individuals with English as an additional language or with limited academic English can register with us without needing to take an English proficiency test. We provide online activities and diagnostics for enquirers to help individuals assess whether they meet the required competency standard.

Using computers and the internet to enhance study is an essential part of learning at higher education level. Students need regular and reliable access to a computer and the internet to take full advantage of our online services, including module learning materials, forums, and the library\(^5\). We use websites extensively to communicate with our students, staff, alumni and members of the public. The Open University websites aim to achieve World Wide Web Consortium (W3C) Web Accessibility Initiative Priority 2 level\(^6\).

We are committed to ensuring that our services are fully accessible to everyone who is eligible or has a legitimate interest in accessing these services.

3.4 Consultation and engagement

**Consultation in relation to our statutory equality duties**

We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties and we will consult on our equality scheme, equality objectives, action plans, and other matters relevant to the Public Sector Equality Duty and the Section 75 duty. We will specifically consult on the impact of our policies where relevant to any of our functions in Northern Ireland.

We will seek views from a wide range of people who have a legitimate interest in the matter for consultation. It is our intention to consult as widely as possible when we are reviewing our equality scheme or when the matter to be consulted on is likely to have a very significant impact on a large number of people. For matters that are relevant to specific groups or smaller numbers of people, we will take a more targeted approach to consultation.

We will use consultation methods that are appropriate to the circumstances, ensuring that everyone who has an interest in participating is able to do so. We will ensure information is accessible and will offer alternative formats to meet individual needs. For each consultation, we will establish a consultation period that is appropriate to the scale, impact and complexity of the matter we are consulting on. Where we are required to implement a change immediately, and it is beyond our control, we may consult after implementation, in order to identify and respond to any negative impact.

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\(^4\) For further information, see the Services for Disabled Students website at http://www.open.ac.uk/disability/.

\(^5\) Further information is available at the Study at the OU website at http://www8.open.ac.uk/study/explained/what-is-distance-learning/what-are-the-course-materials-like.

\(^6\) Further information about W3C and AIP2 is available at http://www.w3.org/.
Engagement principles for governance, policy and service development

We recognise that engagement with students, alumni, staff, partners, and the wider University community, in governance and institutional development, will greatly enhance the quality of our decision-making. Engagement will support our vision of creating an inclusive university community. Engagement with our students and potential students, in particular, will help us to remain student-centred and position students as active participants in their learning and study experience.

The pyramid of engagement (see Figure below) represents four different levels of engagement, from information giving at the bottom to partnership working at the top. We recognise that engagement at the lowest level represents the lowest quality of engagement and we aim to achieve above this level wherever possible. The key challenge from an equality perspective is ensuring that engagement is representative of a wide variety of individual characteristics.

3.5 Equality analysis

Equality analysis, formerly known as equality impact assessment, is the method used by the OU to give due regard to equality when developing and revising policy. Policy is broadly defined and means any proposed, amended or existing strategy, policy statement, project plan, procedure or practice, which is often, but not necessarily, a written document.

The need for equality analysis is identified through the annual business planning process or when unplanned change to policy is required. The aims of equality analysis are: to identify potential discrimination and remove or reduce this as far as possible, to consider how policy might support the promotion and advancement of equality of opportunity, and to consider how policy might help to promote and foster good relations. Equality analysis makes good business sense. It helps us to make better quality decisions and reduce cost by not having to revisit policy that is not fit for purpose.

We have developed detailed guidance and a template to support staff in applying the method in their work and we provide training and coaching to develop staff knowledge and competencies.

Where policy relates to any of our functions in Northern Ireland, additional requirements need to be met. We are required to consult on the impact of policies adopted or proposed to be adopted, to publish the results of our equality analysis, and to monitor the impact of policies.

The guidance, template and case studies are available on the equality and diversity intranet.

Pyramid of engagement
### 3.6 Monitoring and reporting

The table below sets out the indicators we will monitor each year for the next five years.

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<tbody>
<tr>
<td><strong>Undergraduate and postgraduate UK students</strong></td>
<td>Participation, completion and academic attainment</td>
<td>Participation, completion and academic attainment</td>
<td>Participation, completion and academic attainment</td>
<td>Participation, completion and academic attainment</td>
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<td><strong>Postgraduate research students</strong></td>
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<td>Participation and withdrawal</td>
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<tr>
<td><strong>Non-UK/Overseas students</strong></td>
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<td>Participation</td>
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<td>Complaints and appeals Student survey data</td>
<td>Complaints and appeals Student survey data</td>
<td>Complaints and appeals Student survey data</td>
<td>Complaints and appeals Student survey data</td>
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<tr>
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<td>Composition</td>
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<tr>
<td><strong>Consultants</strong></td>
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<td>Workforce composition</td>
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<tr>
<td><strong>Associate lecturer staff</strong></td>
<td>Workforce composition by location and faculty Reasonable adjustments Recruitment Leavers</td>
<td>Workforce composition by location and faculty Grievances, bullying and harassment, disciplinary Development Pay gap Staff survey data</td>
<td>Workforce composition by location and faculty Reasonable adjustments Recruitment Leavers</td>
<td>Workforce composition by location and faculty Grievances, bullying and harassment, disciplinary Development Pay gap Maternity leave return Staff survey data</td>
<td>Workforce composition by location and faculty Reasonable adjustments Recruitment Leavers</td>
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7 Domicile and geographic area is used instead of ethnicity, as ethnic classifications used in the UK are meaningless for non-UK students.
### Equality Monitoring Schedule

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<tbody>
<tr>
<td><strong>Internal staff</strong></td>
<td>Workforce composition by location, unit, job category, grade band and mode</td>
<td>Workforce composition by location, unit, job category, grade band and mode</td>
<td>Workforce composition by location, unit, job category, grade band and mode</td>
<td>Workforce composition by location, unit, job category, grade band and mode</td>
<td>Workforce composition by location, unit, job category, grade band and mode</td>
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<td>Reasonable adjustments</td>
<td>Grievances, bullying and harassment, disciplinary Promotions</td>
<td>Reasonable adjustments</td>
<td>Grievances, bullying and harassment, disciplinary Promotions</td>
<td>Reasonable adjustments</td>
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<td></td>
<td>Leavers</td>
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<td>Staff survey data(^8)</td>
<td>Staff survey data(^8)</td>
<td>Staff survey data(^8)</td>
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<td>Recruitment</td>
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### 3.7 Publishing

It is our intention to publish the following:

- This equality scheme
- Our outcome-focused equality objectives (Appendix 1)
- Our equality action plan (Appendix 2)
- Our Welsh Language scheme
- Completed equality analysis templates (for functions relevant to Northern Ireland)
- An annual report showing progress against our equality objectives, a summary of our equality analysis work, and a summary of work we have done to mainstream equality

- Annual monitoring reports based on the table in Section 3.6 of this scheme
- Our annual report to the Equality Commission for Northern Ireland
- Any report produced following a full review of this scheme

All of the above information is published on our website at

http://www.open.ac.uk/equality-diversity

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\(^8\) Our ability to publish staff survey data in any given year is dependent on when the previous survey took place. A comprehensive survey is not undertaken every year.
4 Discrimination, compliance, review and complaints

4.1 Dealing with discrimination, bullying, harassment and victimisation

We will not tolerate any form of bullying or harassment. Examples include unwanted physical contact, personal insults or name-calling, sexual innuendo, coercion, constant unfounded criticism, unwanted intrusion, persistent patronising or exclusion, and derogatory comments. This is not an exhaustive list and further examples are included in the two bullying and harassment codes of practice, one for students and the other for staff. These provide guidance on dealing with bullying and harassment, and information on the informal and formal options available to staff and students to tackle occurrences. Staff and students are encouraged to address issues immediately so that these can be resolved informally wherever possible and are not allowed to escalate.

All staff and students have a right to raise a concern in relation to decisions that they believe have been made based on their individual characteristics and which result in negative consequences or differential treatment. We will give added weight to the seriousness of such cases. Serious staff cases can be raised through the grievance or disciplinary procedures and, where proven, may be treated as acts of gross misconduct, which could lead to dismissal. Serious student cases are dealt with under the Code of Practice for Student Discipline and, where proven, could result in temporary or permanent exclusion from the University.

4.2 Assessing compliance, evaluation and review

Responsibility for the effective coordination and implementation of this equality scheme lies with the Head of Equality and Diversity, accountable to the University Secretary and the Director, Students as members of the Vice-Chancellor’s Executive responsible for ensuring compliance and best practice.

An annual review of progress and delivery against the objectives and the action plan is coordinated by the Equality and Diversity Team on behalf of the Equality and Diversity Management Group. The review is aligned with the University’s normal business planning cycle. Issues arising from the annual review and progress against the objectives and key performance indicators are reported to the management group at its annual development meeting.

The Equality and Diversity Management Group is responsible for the evaluation and review of this equality scheme. The appropriateness of the objectives and key performance indicators in Appendix 1 will be reviewed after two years and the scheme will be reviewed in full within a period of four years.

4.3 Feedback and complaints

We welcome any questions, comments or feedback you may have regarding our equality scheme. These should be addressed to the Head of Equality and Diversity. Contact details are provided on the inside front cover of this document.

You can make a complaint if you believe that you have been directly affected by our alleged failure to comply with our equality scheme or if you believe we have discriminated unlawfully against you.

Further information about complaints is provided in the full version of this scheme.
Protection from *harassment* is extended to all characteristics with the exceptions of pregnancy and maternity, and marriage and civil partnership.

Individuals are protected from *victimisation*, where a person makes an allegation or brings proceedings under the Act, and suffers a detriment as a result.

Discrimination by *association* is extended to cover all the characteristics, with the exception of pregnancy and maternity. For example, carers are protected because of their association with someone with a protected characteristic, such as a disabled person or an older person.

Similarly discrimination because of *perception* is extended to the same characteristics. This means that individuals who are treated less favourably because they are perceived to have a characteristic are protected, even though they don’t have that characteristic.

It continues to be unlawful not to make a *reasonable adjustment* for a disabled person and a disabled person no longer has to show that their impairment affects a capacity, such as mobility or manual dexterity. It continues to be lawful to treat a disabled person *more favourably* than other people.

It is now unlawful to ask disability or health-related questions during a selection process, with some exceptions, and HR has already provided detailed guidance to managers on this provision.

A new protection, *discrimination arising from disability*, has been introduced. It means that unfavourable treatment because of something connected with a person’s disability is unlawful, for example, refusing to allow a student to use a recording device in a tutorial. In practice, providing that reasonable adjustments are made, discrimination should not arise from disability.
What are the positive action provisions?
The positive action provisions in the Equality Act replicate those in previous equality legislation. Where we reasonably think that people who share a protected characteristic suffer a disadvantage, have different needs, or have disproportionately low rates of participation in an activity, we may take action to overcome or minimise this, providing any action taken is proportionate. This provision applies to all functions, including employment and education, and we have and will continue to use these provisions where appropriate. However, the provisions are complex and you should seek advice from the Equality and Diversity Team if you are considering using them.

What is the ‘public sector equality duty’?
The University, in the exercise of its functions, is required to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct.
- Advance equality of opportunity, which involves removing or minimising disadvantage, taking steps to meet needs and encouraging participation.
- Foster good relations, which involves tackling prejudice and promoting understanding.

How does the duty apply to me?
In carrying out your work, in making decisions, in developing, approving or implementing policy and procedures, you must give due regard to the three aims of the equality duty, outlined above. Due regard means that the weight you give to equality needs to be proportionate to its relevance and some roles and functions have greater equality relevance than others. This means being vigilant to anything that you may do that may lead to unlawful discrimination, or anything you could do that would help to prevent the ‘prohibited conduct’ described earlier. It also means being proactive in identifying ways of advancing equality of opportunity and fostering good relations through the work that you normally do.

Are some provisions of the Act not being implemented?
 Plans to introduce a public sector duty regarding socio-economic inequalities were shelved prior to the first phase implementation. However, The Open University aims to reduce socio-economic inequalities and it is an included characteristic in this equality scheme and in our Widening Participation strategy.

Plans to introduce protection from combined discrimination (dual characteristics) were shelved in the budget announcement in March 2011.

Additionally, we have taken the decision not to implement the voluntary positive action provision in recruitment and promotions, which allows employers to consider underrepresentation or disadvantage when faced with making a choice between two or more candidates who are of equal merit. Human Resources has issued specific guidance to managers on this subject. In practice, we have decided that this provision can easily be misunderstood and any small gains to be made are far outweighed by the risks.

Can I be held personally liable?
Yes, an employee or agent is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment. The University will not be liable where it can show that it has taken all reasonable steps to prevent employees from discriminating, harassing or victimising someone.
Annex B: Definition of protected characteristics

<table>
<thead>
<tr>
<th>Protected characteristic</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Age</td>
<td>This includes a person belonging to a particular age (e.g. 32 year olds) or a range of ages (e.g. 18 - 30 year olds).</td>
</tr>
<tr>
<td>Caring and dependency</td>
<td>This includes people with responsibilities for caring for children, dependent adults and disabled people.</td>
</tr>
<tr>
<td>Disability</td>
<td>A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</td>
</tr>
<tr>
<td>Gender reassignment</td>
<td>The process of transitioning from one gender to another. The Equality Act 2010 uses the term “transsexual” to refer to people undergoing gender reassignment.</td>
</tr>
<tr>
<td>Marriage and civil partnership</td>
<td>Marriage is defined as a union between a man and a woman. Same-sex couples can have their relationships recognised as 'civil partnerships'. In Great Britain, the Equality Act 2010 protects married and civil partnered couples equally. People not in a legal relationship, and people not in a relationship, are not protected. In Northern Ireland, everyone is protected regardless of marital or civil partnership status, so individuals who are single, separated, divorced or widowed are also protected.</td>
</tr>
<tr>
<td>Political opinion</td>
<td>Members/supporters of any political party, and supporters of no political party.</td>
</tr>
<tr>
<td>Pregnancy and maternity</td>
<td>Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this explicitly includes not treating a woman less favourably because she is breastfeeding.</td>
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<tr>
<td>Race</td>
<td>This includes a person or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origin.</td>
</tr>
<tr>
<td>Religion or belief</td>
<td>Religion means any religion; belief means any religious or philosophical belief including lack of belief e.g. Atheism. Generally, a belief should affect life choices or the way someone lives for it to be included in the definition.</td>
</tr>
<tr>
<td>Sex</td>
<td>A man or a woman.</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>Whether a person’s sexual attraction is towards their own sex, the opposite sex, both sexes, or neither sex (asexual, which is not the same as celibacy).</td>
</tr>
</tbody>
</table>

Who is protected?

- People who have any protected characteristic.
- People who are perceived to have any protected characteristic.
- People who are associated with someone who has any protected characteristic.
Information about additional Annexes and Appendices

The following additional **annexes** are contained in the full equality scheme:

- Annex C: Definition of prohibited conducts
- Annex D: Public sector specific duties in England, Scotland and Wales
- Annex E: How our scheme meets the Section 75 duty in Northern Ireland
- Annex F: How our scheme and our equality objectives were developed

The following **appendices** are published as separate documents, as they are reviewed and updated more frequently than this document:

- Appendix 1: Equality objectives
- Appendix 2: Equality action plan
- Appendix 3: Equality resources for staff (available on the staff intranet only)
- Appendix 4: People and teams that can advise staff (available on the staff intranet only)
- Appendix 5: Timetable for measures and consultation list for functions in Northern Ireland

Appendix 1 and 2, the equality objectives and equality action plan, are particularly important to the effective implementation of this equality scheme.