

# The Open University Equality Analysis Template

## Equality Analysis

### INTRODUCTION

This template will support you in meeting the requirements of the Public Sector Equality Duty (Great Britain) and Section 75 of the Northern Ireland Act. You should use this template to record evidence that equality analysis has been carried out *before* policy decisions take place. The template is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, harassment and victimisation, promote and advance equality of opportunity, and promote and foster good relations** with respect to the characteristics protected in equality law.

This template covers the 6 stages, namely:

- STAGE 1: ABOUT THE POLICY/PROJECT
- STAGE 2: DECIDE IF THE POLICY/PROJECT IS RELEVANT TO EQUALITY
- STAGE 3: EVIDENCE AND CONSULTATION
- STAGES 4 & 5: IDENTIFYING ADVERSE IMPACTS & MITIGATION, PROMOTING EQUALITY AND GOOD RELATIONS
- STAGE 6: ACTION PLANNING, MONITORING AND SIGN-OFF

Please read the Guidance and any available examples before attempting to complete this template.

Section 4 of the Guidance provides instructions on how to complete this template.

If you require further help, please contact the [Equality, Diversity and Information Rights Team](#).

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## STAGE 1: ABOUT THE POLICY/PROJECT

The term policy encompasses any proposed, amended or existing strategy, policy statement, project plan, business plan, change, procedure or practice that may have an impact on people, and is not necessarily a written document.

Name of the policy/project	GDPR personal data processing compliance sourcing
Name and job title of the policy/project manager	Dawn Turpin, Acting Assistant Director, Academic Policy and Governance Unit
Name and job title of the senior accountable executive/project sponsor	Jonathan Wylie, Acting University Secretary, University Secretary's Office
What is the purpose/aim of the policy/project?	<p><b><u>Background</u></b></p> <p>The General Data Protection Regulation (GDPR) will come into effect on 25 May 2018. It will be the most significant change in UK data protection legislation in over 20 years. It has been recognised that external support is required to complete compliance assessments of circa.20 core areas of the University that undertake data processing.</p> <p>Background:</p> <ol style="list-style-type: none"> <li>1 Data protection and privacy in the UK is currently primarily regulated through the Data Protection Act 1998 and the Privacy &amp; Electronic Communications Regulations. These have been replaced with a new set of regulations encapsulated within the General Data Protection Regulation (GDPR). The GDPR is the most significant change in UK data protection legislation in over 20 years.</li> <li>2 The OU handles and stores significant amounts of personal data as part of the delivery of its services to enquirers, students, apprentices, alumni, donors and staff and in undertaking research. The GDPR significantly increases the data protection obligations on the University imposing changes on how personal</li> </ol>

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data is processed from collection through to disposal and/or retention.

3 The main changes have already been noted by VCE via the APG briefings in May 2016 and July 2017 but in summary they include:

- stronger rights for individuals
  - the right to object – requiring unambiguous consent for how we use, handle and share information about people i.e. opt-ins rather than opt-outs
  - the right to be informed – more comprehensively informing people about the handling of their information
  - the right to erasure or ‘the right to be forgotten’ - ensuring an individual’s records can be deleted
  - the right of access - the timescale for responding to Subject Access Requests reducing from 40 calendar days to within one month and removal of the £10 fee (the OU charges £8)
- embedding data protection by design and default – data protection considerations must be taken into account at the start of systems development
- under the new ‘accountability’ principle improved record keeping on personal data processing and the use of data protection impact assessments
- greater restrictions and accountability on third party handling of data requiring data sharing agreements
- an appropriate level of information security and mandatory reporting of breaches to the ICO within 72 hours.

## **Mandate of this Project**

This project will specifically assess how the University processes personal data and interrogate for compliance with the relevant provisions of the GDPR

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<p>Is it a new or revised policy/project?</p>	<p>New</p>
<p>How does the policy/project relate to other University strategic priorities or programmes and/or external organisations?</p>	<p>Compliance with the GDPR is a legal requirement and as the university holds and manages staff and students data, and undertakes external engagements, this project links to Student First: Strategy for Growth and to Adaptive Organisation and Culture.</p> <p>In cases of non-compliance, the UK information Commissioner’s Office will be able to levy financial penalties of up to €20m or 4% of global turnover.</p>
<p>Does this policy/project involve any public or student services delivered in Wales? If yes, please refer to the <a href="#">OU Welsh Language Scheme</a> to ensure you meet the Welsh Language Act duty.</p>	<p>GDPR will apply to the whole of the United Kingdom and Northern Ireland</p>
<p>Could the implementation of this policy/project have particular implications in the different nations of England, Northern Ireland, Scotland or Wales? If yes, please give details and say how any issues will be managed.</p>	<p>GDPR will apply to the whole of the United Kingdom and Northern Ireland</p>
<p>Does this policy/project have any implications for access to learning or other University services for students in prisons or secure units, or other students who do not</p>	<p>Yes, in terms of how we hold, manage and process personal data for students in secure locations. The consultant, when conducting assessments may be shown information but will not be permitted to record such information though any electronic means, nor will they be permitted to remove information off site. This will be made clear in briefings which will be sent out to all areas being assessed.</p>

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generally have internet access? If yes, please give details and say how these implications can be managed or mitigated.

## STAGE 2: DECIDE IF THE POLICY/PROJECT IS RELEVANT TO EQUALITY

What level of impact is the policy/project likely to have on people, e.g. students, staff, contractors, the general public, etc.?

If the impact is likely to be major, complete all stages of the analysis, including consultation. If the impact is likely to be minor, consultation is not essential but may be beneficial. **If the impact is none, no further analysis is required and you can move to stage 6, authorisation and sign-off, ignoring the action plan table if it is not needed.**

- Major<sup>1</sup>
- Minor<sup>2</sup>
- None<sup>3</sup>

As this project is simply to assess gaps against the requirements of the GDPR there is no impact on people with protected characteristics. Individual areas requiring to take action after gaps have been identified will conduct their respective equality impact assessments as required.

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## STAGE 3: EVIDENCE AND CONSULTATION

<p>What existing OU data/information has been used to inform this analysis?</p> <p>For each data source, state which characteristics there is data for.</p>	
<p>What external sources of data/information have been used?</p> <p>See Appendix E &amp; F of the Guidance for a list of sources.</p>	
<p>What consultation has/will take place to inform this analysis?</p> <p>Consultation should always take place when the equality relevance is Major.</p> <p>If the policy or project has Major equality relevance and it affects people in Northern Ireland, you must consult with the agreed list of organisations in Appendix 5 of the Equality Scheme.</p> <p>Suggestions for consultation are included in Section 3.2 of the guidance.</p>	

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## STAGES 4 & 5: IDENTIFYING ADVERSE IMPACTS & MITIGATION, PROMOTING EQUALITY AND GOOD RELATIONS

	Document below any adverse impacts you have identified <i>(The duty to eliminate discrimination, harassment and victimisation<sup>4</sup>)</i>	Possible mitigation for any adverse impacts identified in the previous column	Document below any opportunities to address under-representation or disadvantages or meet different needs <i>(The duty to promote and advance equality of opportunity<sup>5</sup>)</i>	Document below any opportunities to tackle prejudice or promote understanding <i>(The duty to promote and foster good relations<sup>6</sup>)</i>
General consideration's applying to all Protected Characteristics				
Age				
Caring and dependency				
Disability <sup>7</sup> - Physical or mobility impairments				
Disability - Mental health difficulties				
Disability - Sensory impairments				
Disability - Specific learning difficulties, e.g. dyslexia				
Disability - Manual skills restricted				

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Disability - Other unseen disabilities				
Gender Reassignment (Transgender)				
Marital/Civil Partnership status <sup>8</sup>				
Political Opinion (For policy/projects affecting people in Northern Ireland only)				
Pregnancy and Maternity				
Race/Ethnicity				
Religion or Belief				
Sex (Gender)				
Sexual Orientation				

Is there evidence of the potential for intersectional discrimination, e.g. older	<input type="checkbox"/> Yes (older and / or disabled people) <input type="checkbox"/> No
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women, disabled ethnic minorities, younger men, etc.?	
If yes, please give details	
Possible mitigation for any intersectional discrimination	

## STAGE 6: ACTION PLANNING, MONITORING AND SIGN-OFF

### ACTION PLANNING

<i>Summary of actions proposed (add additional rows if required)</i>	<i>Responsibility (should be a named post and current post holder)</i>	<i>Date(s)</i>
1. Review of and compliance with relevant OU policies and strategies		
2. Accessibility review included in roll out of redeveloped site		
3. User accessibility testing		
4. Final review of compliance with OU policies and strategies to inform software handover process		
5. Ensure functionality is achieved or exceeds standards of existing platform		

### MONITORING

Following implementation of this policy, will any equality monitoring be carried out to determine	<input type="checkbox"/> Yes
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the actual impact of the policy/project on different protected characteristics? See Section 4.2 of the Guidance for further information.	<input type="checkbox"/> No
If yes, please give details of which management group or committee will receive the monitoring report	
What frequency will this monitoring report be produced?	

Additional comments/notes	
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## SIGN-OFF

Name & job title of person completing this analysis	Jiten Patel, Head of Equality, Diversity and Information Rights
Date of completion	29 August 2017
Name & job title of senior responsible executive/owner who has authorised this completed analysis	Dawn Turpin, Acting Assistant Director, APG
Date of authorisation	
Name of the committee, steering or management group that completion of this equality analysis has been reported to	University Secretary's Office
Date reported to relevant body	
Date this completed analysis form sent to Equality, Diversity and Information Rights Team	
Review Date	N/a

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<sup>1</sup> Major relevance describes an impact that is likely to affect many people to some extent or one that is likely to affect a small number of people to a significant extent. Examples include plans to increase student fees, changes to eligibility criteria for financial support, development of a new teaching strategy, or closure of a student advocacy service that is used primarily by students with mental health conditions.

<sup>2</sup> Minor relevance describes an impact that is likely to affect many people to a limited extent or affect a small number of people to some extent. Examples include changes to student assignment submission procedures, relocation of a department to a different building nearby, or closure of a staff service that is currently used by few people.

<sup>3</sup> Policies and projects that have no equality relevance include things such as proposals to change a waste disposal contractor, implementation of a new IT system (providing that accessibility and usability are included in purchasing/design decisions), and minor changes to existing processes or statements of service.

<sup>4</sup> The first part of the duty is the requirement to give due regard to the need to eliminate unlawful discrimination, harassment and victimisation. Examples of eliminating discrimination include implementing a policy to amend the University pension scheme to include civil partners as survivor beneficiaries, or amending the University's protocols on publicity materials for potential students to include alternative formats accessible to disabled students

<sup>5</sup> The second part of the duty is the requirement to give due regard to the need to promote and advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic. Examples could include projects that aim to increase participation of female students in Faculties where they have been traditionally under-represented, a marketing campaign that might increase the number of ethnic minority student enquirers, or a policy that aims to increase the number of male staff taking up agile working options.

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<sup>6</sup> The third part of the duty is the requirement to give due regard to the need to promote and foster good relations between people who share a protected characteristic and those who do not share that characteristic. Examples could include increasing the integration of people from different backgrounds through engagement and consultation or providing unconscious bias training for staff to explore stereotypes and perceptions.

<sup>7</sup> A person has a disability if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. For the purposes of equality analysis 'Disability' has been broken down into broad categories to help determine the impact of policies on different impairments. However, it is not possible to provide an exhaustive list of conditions that qualify as impairments.

<sup>8</sup> Under the Equality Act, only those who are married or in civil partnerships are protected, and it is only necessary to demonstrate that due regard has been given with respect to the need to eliminate unlawful discrimination in employment situations. Under Section 75 of the Northern Ireland Act, all marital statuses are protected, discrimination in all circumstances is unlawful and there is a duty to promote equality of opportunity between persons of different marital statuses.