



Equality Impact Assessment Full Guidance

Date: February 2014

Version: Draft 9

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Charity Number: SC0 36198

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1. College Equalities Statement

“We will positively promote equality, diversity and human rights for all.

In doing so, the College will:

- Foster good relations based on dignity and respect;
- Advance equality of opportunity for individuals; and
- Eliminate harassment, victimisation and discrimination.”

2. Equality & Diversity Policy and Commitment

Staff and students have the right to be treated with dignity and respect and our Equality Policy aims to eliminate discrimination, promote equality of opportunity and good relations between staff and students from all backgrounds.

Indeed, the College’s Diversity & Equalities mainstreaming vision is to nurture an environment in which the diversity and equality of students and staff from all backgrounds is routinely anticipated, expertly accommodated and positively celebrated.

3. Introduction

An Equality Impact Assessment (EQIA) is a systematic and evidence based approach for identifying and removing any barriers, arising from a policy, procedure, or practice that has the potential to cause discrimination against a protected characteristic, as specified by the Equality Act 2010. In short, EQIAs verify that the College’s policy, procedures and practices are “equality proof”, non-discriminatory and progress the general equality duty.

Whilst the concept of an EQIA may appear bureaucratic, it is a legal requirement of the Equality Act, requiring public bodies to be proactive in advancing equality of opportunity and outcome. Indeed, the College regards EQIA as a key area through which effective learning and support can be promoted and enhanced.

Conducting an EQIA is not about political correctness; it is concerned with ensuring that policies, etc are fair and inclusive in meeting the legitimate and diverse needs of the groups which make up the College's staff and students.

The process is cyclical, beginning with the initial, proposed policy formulation and continuing through the policy renewal process and ultimately moving to the revision process. Through time it is expected that the principles and values of EQIA become embedded as a standard component of policy formulation.

The responsibility for conducting EQIAs will lie with policy developers and owners. In conjunction with Organisational Development, the Diversity & Equalities Department will provide training, advice and support to staff as required. As such, this guide has been produced to help you conduct these confidently and competently. **Examples contained within this document are for illustrative purposes only and do not reflect the actual strategy and operation of the College.**

4. Legislation

Public authorities, of which the College is defined, are required to meet the general duty of the Equality Act 2010, please see [Table 1](#) . The specific duties are presented in [Appendix A](#). These include the **duty to assess proposed and revised policies and practices**, i.e. EQIAs. When conducting EQIAs, the College is **required to consider relevant evidence and take account of results** of assessments. The results have to be **published within a reasonable period**. The College intends to do this through publishing results on the College's Diversity & Equalities websites.

In short, through conducting EQIAs, policies, procedures and practices should be devised to help the College **better perform** the public sector general equality Duty.

Table 1: Summary of the General Duty of the Equality Act 2010

Components	Due Regard
A public authority must, in the exercise of its functions, <i>have due regard</i> to the need to:	Having due regard specifically involves taking steps to:
a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act.	
b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.	a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic. * b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.	a) Tackle prejudice. b) Promote understanding.

‘Due regard’ comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a function is to equality, then the greater the regard that should be paid. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership *
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

* Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for **all** stakeholders

5. What Are the Aims of an EQIA?

Inequality and discrimination can occur due to conscious and unconscious factors. It is often the case that service providers sometimes unwittingly overlook, or excludes certain groups by not specifically considering and accounting for their needs. By undertaking a formal EQIA process, overall quality and rigor in policy design is improved, the potential for discrimination is reduced and awareness amongst staff is enhanced.

6. Which Policies, Procedures or Practices should be Considered?

The College carries out impact assessments on **all** proposed, reviewed and revised policies, procedures, or practices (including decisions) **as they arise** in order to determine differential impact on any of the protected characteristics. **Differential impact refers to an action which could affect different groups in different ways.** Conducting an EQIA can also highlight areas of good practice where the public sector equality duty is being advanced. Please refer to [Appendix B](#) for a flow chart detailing the drafting and approval of policies and procedures and EQIA.

7. Levels of EQIA

The College has devised three broad levels of EQIA, using the same proforma:

1. **A Low Level Impact Assessment** in which no potential differential impact is identified for any group (Steps 1, 6, and 7).
2. **A Lighter Touch Impact Assessment** where a small group identifies the likelihood of **differential positive impact**, together with detailing **positive** or **neutral** impacts. (All steps).
3. **A More Detailed Impact Assessment**, involving a wider audience to consider **negative impacts and mitigation**, where relevant or proportionate (All steps).

8. Which Groups Should be Considered?

You should consider all the groups identified by the Equality Act 2010 as “protected characteristics”. These are:

- Age
- Disability
- Gender re-assignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief (or none)
- Sex (formerly gender)
- Sexual orientation

* The Equality Duty covers: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships in employment. As such protection from discrimination for being married or in a civil partnership is not extended to education and vocational training. However, the college is committed to ensuring parity between the characteristics and as such will examine marriage and civil partnership within EQIA for **all stakeholders**.

9. Positive, Neutral and Negative Impacts

A Positive Impact

This would mean that the policy, procedure, or relevant practice complies with the College’s Diversity & Equalities Policy and the Equality Act 2010, to **promote** the spirit of the law and **advance** equality.

Examples of a positive impact include:

- **Learner Achievement:** Learners with an impairment often face barriers in achievement. Your EQIA has shown that the outcome rates for disabled learners are slightly higher than the outcome rates for learners who do not have impairments. This positive impact would imply that the College’s support mechanisms are effective.

- **Learner Harassment Policy:** Quantitative information shows that gay people are more likely to suffer from bullying and harassment. Data from your College shows that no complaints have been made about this in the past 5 years.

A Neutral Impact/No Impact

This would mean that the policy, procedure, or relevant practice has no bearing on protected characteristics and is there for equally applicable to all people.

Example of a neutral/no impact include:

- **Learner Retention:** Your data shows that retention rates are proportionate with the overall College demographics. There is no indication, for example, that ethnic minority learners are more likely to withdraw than Scottish learners. This could demonstrate a neutral impact.

A Negative Impact

This would mean that the policy, procedure, or relevant practice would be potentially discriminatory and possible breach legislation.

Examples of a negative impact include:

- **Revision to Transport Policy:** The College has decided that it can no longer make discretionary payments to learners to support them with their transport costs. The data shows that 80% of learners who have historically received these funds have declared that they have a disability.
- **Facilities Reorganisation:** The College needs more teaching space. One proposal is to redesign the second floor to allow for more classrooms. This proposal would result in the removal of the provision of the Sanctuary Room.

If you have identified a negative impact you need to show that you have made changes to the policy, or practice to address the impact or reduce or mitigate against the impact. Before making a decision, though, you should also check that by adopting an option that reduces an impact on one group it does not create a negative impact on another group. If you think this is unavoidable, you will need to

be able to argue credibly that the policy, or practice aims and objectives were essential and justifiable to the College. You may wish to seek legal advice to justify whether you can proceed with an indirectly discriminatory policy.

Discrimination can only be justified in extreme circumstances, and this approach should be used with great caution. Justification of direct or indirect discrimination is only possible when it is a “proportionate means of achieving a legitimate aim”. Make sure you give your reasons for the decision you reach. If changes are needed, you should also consider when and who needs to make those changes.

10. What Evidence is Required When Conducting an EQIA?

An EQIA is inherently an evidence based approach. The requirement is to consider the impact that decisions will have on equality across all protected characteristics, and this must be informed by qualitative and, or quantitative evidence.

Authorities will also be required to have regard to the outcome of assessment.

When you are gathering evidence, consider whether the EQIA requirement means that it should be analysed to illustrate positive, neutral, or negative impacts on protected characteristics. As such, ensure that you structure your data gathering to enable you to do this:

- **Quantitative Data:** Of significance, the College holds a great deal of quantitative data centrally and the Diversity & Equalities, Human Resources and Student Records/IT/MIS Departments can provide support in data analysis.
- **Qualitative Data Obtained through Stakeholder Engagement:** The involvement and consultation of members of protected characteristics should be sought to gather such data, terms of gathering qualitative data, e.g. through focus groups, or interviews. It is important to consider how best to meet the needs of such groups or to overcome barriers when designing data gathering methods, as such this needs to be carefully planned to provide a supportive environment and to avoid “consultation fatigue”. Again the Diversity & Equalities Department can provide support.

- **External Research:** Any local, regional, or national published research can be used to provide supporting evidence and the Diversity & Equalities Department can provide support.
- **Anecdotal Evidence:** Where none of the above sources exist, some anecdotal information may be used as supportive evidence until such time where data gathering, engagement, or research becomes available.

The College's Equality Mainstreaming Report, which provides student and staff data, together with external benchmarks, [can be accessed via this online link](#).

The Scottish Government has devised an evidence finder, providing key data for protected characteristics across a number of policy areas including "Employability, Skills and Lifelong Learning". This guide [can be accessed via this online link](#).

Key sources of evidence presented at the end of this document, [can be accessed via this link](#).

11. What Are The Benefits of EQIA?

Other than meeting legal compliance, there are many benefits to the College in conducting EQIAs. These include:

- **Enhanced Student Learning and Support Services:** Understanding the needs of all learners, service users and stakeholders and by seeking their feedback, allows learning and support services to remain proactive, responsive to learner needs, relevant and indeed customer focused. The information collected through EQIAs is valuable management information.
- **Recruiting and Retaining the Best Staff:** By completing EQIAs for recruitment, selection, and other key HR policies, the College will ensure that it supports the recruitment and retention of the best people, judged solely on their abilities and merit.
- **Diversification of the College Community:** As the College's community of staff and students continues to diversify and reflect the communities at large, the EQIA process will ensure that our policies are inclusive of all of them. This will

enhance the experience of all groups, e.g. international students and increase the College's competitiveness by making it the destination of choice.

- **Refuting Unwarranted Claims of Discrimination:** EQIAs and D&E monitoring and reporting produce an evidence base which advances the general equality duty and more importantly help counter claims where discrimination is alleged.
- **Protecting the College from Vicarious Liability:** This is a legal term which refers to instances when the employer is liable for the negligent actions of the employee even through the employer was not directly responsible for the injury.

12. Criticisms of EQIA and Response

Similar to other legislation and organisational requirements, EQIAs has received criticisms. These include:

- **The Creation of Unnecessary Bureaucracy:** The systematic approach of EQIAs does not mean another level of bureaucracy is created, as long as the process is used to embed, mainstream and enhance D&E across the College. The Diversity & Equalities Department is working to ensure that the process is proportionate and measured. It is important to understand that the investment of time and effort in conducting EQIAs will save time and resources that might otherwise be diverted to dealing with complaints, grievances or legal processes that allege discrimination.
- **Over-The-Top Political Correctness:** EQIA is a systematic approach to doing activities which are already valued such as recruiting the most talented staff and students and providing an environment within which to develop and succeed. Being systematic should make us more effective in embedding and implementing the College's core values and objectives.

13. Who is Responsible for Conducting an EQIA?

The Lead Officer responsible for formulating a policy, procedure, or practice is responsible for undertaking the assessment as the proforma assumes background knowledge and understanding of the policy, procedure, or practice.

The proforma has been devised to encourage you to think about positive impacts, then suggest recommendations to reduce the negative impact and identify where further evidence/involvement of stakeholders may be required.

Training and support will be available from the Diversity & Equalities Department.

14. Support and Guidance

The Diversity & Equalities Department is responsible for providing best practice advice and support to individuals, groups and departments that have responsibility for policy, procedure and practice formulation. The department recognises that many staff are relatively inexperienced in conducting EQIAs. Moreover, it is accepted that consultation and involvement can be time consuming and difficult; as such it is important that consultation is proportionate and the Diversity & Equalities Department will assist with coordinating this process.

15. Who Should Be Present at an EQIA?

It is essential for key members of the policy formulation group are present at both the initial and full impact assessments. A sound understanding of the policy, procedure, or process is essential for the area to be effectively addressed. Each member of the group should be given a copy of pro forma to note their ideas. It is understood that on some occasions, only one person is responsible for devising a policy. **However, wherever possible, the EQIA should not be completed by one person working alone.**

In some cases, it is important for internal/external stakeholders to be also present. This will ensure that an independent and impartial perspective is considered, together with a variety of views and attitudes.

16. Quality Assurance and Improvement

For quality assurance and improvement purposes, the D&E Working Group will review a random selection of initial/full impact assessments of new and/or revised

policies on a three year cycle. However, to reiterate, the responsibility of conducting and completing the assessment process lies with policy leads.

17. Conducting an EQIA

Please complete all assessments electronically.

Please save a copy of the form to your own directory folder before completing

Please refer to [Table 1](#) , [Appendix A](#) and [Appendix C](#) for guidance.

Step 1: Outcomes and Potential Impacts

1A. What are the intended consequences (outcomes) of the policy, procedure or relevant practice?

Write a summary of the policy, bearing in mind that what you write is a public document, not a file note for yourself or an internal memo for colleagues. Many policies have an introductory paragraph which outlines the overarching aims of the policy. This can be used to inform Step 1. Where relevant, it might be appropriate to outline the following:

- The policy's rationale and purpose.
- How it operates, or will operate, in practice.
- The historical background, for example when it began or will begin, and reference to any pilots or trials.
- How the policy fits in with other policies, for example whether it is a strand within a larger policy area.
- Sources of and links to further information.
- What the outcomes will be.
- Who will be affected.

1B. Could this policy, procedure or relevant practice potentially result in differential impact on groups with protected characteristics?

Yes, No, or Not Foreseen

Note: Differential impact refers to an action which could affect different groups in different ways. Differential impact can therefore be positive, or negative.

If “Yes”, go to **Step 2** and then complete the remainder of the form.

Where **potential positive (and neutral) impact** is identified, a lighter touch and relatively quick assessment would be conducted (**Complete all steps**).

When **potential negative impact** is identified, or where the policy, procedure or practice does not comply with the general duty, a more detailed impact assessment will be required (**Complete all steps and consider mitigation**).

If “No”, or “Not foreseen”, go to **Step 6** and then complete the remainder of this form.

Some policies, procedures, or practices will not result in any differential positive or negative impact. Instead, these will have a **neutral impact for all groups** (**Complete steps 1, 6 and 7**).

All available sources of evidence are to be used and further information should be gathered if more is required. There are several stages to the process and you should consult and involve stakeholders as widely as possible.

Please refer to [Table 1](#) , [Appendix A](#) and [Appendix C](#) for guidance.

Step 1: Examples

- **Admissions:** This practice is focused on ensuring that admissions are fair, explicit and implemented consistently. In terms of relevance to diversity & equalities, a fair and transparent admissions system should focus on objective criteria. A fair admissions system will benefit all learners, and should mean that no learner is treated unfairly because of membership of a group of people who share protected characteristics.
- **Health & Safety Policy:** The purpose of this policy is to ensure the provision and maintenance of safe and healthy working conditions, equipment and systems of work for all staff, learners, contractors and other users of the College facilities.

Step 2: Consideration of Evidence and Information

2A. What information do you plan to use as the basis of this EQIA?

- What information is available and if information is lacking, how will you address this shortfall?

Detail the quantitative and qualitative methods which will be used:

- What information/data will be considered for the purpose of this assessment?
- What information is lacking?
- Can this shortfall in information be addressed?
- If yes, how will this information be addressed?

2B. Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

- What does the information indicate about potential positive, neutral and negative impacts on people who share protected characteristics?
- Are the needs of people with different characteristics met?
- Does the policy, procedure, or relevant practice affect some groups differently?
- Please refer to evidence, or information.

An EQIA should fully detail the principal sources of relevant evidence which have been consulted.

Please note that the word 'evidence' is used here in the broad sense that is used in the proceedings of a committee of inquiry, or in those of a court. There are many kinds of evidence, that is to say, ranging from substantial academic research to accounts of personal experience and viewpoint by individuals and groups.

It is relevant to note and use the familiar distinction between quantitative evidence and qualitative. There are further notes on the distinction below.

Quantitative evidence

Quantitative evidence in the education system in relation to equalities is mostly about relative levels of participation, involvement and take-up, or else about outcomes, successes and failures.

It will often be necessary to refer to the City of Glasgow College's internal management information systems for learner data. It should be noted that disclosure rates may differ depending on protected characteristic, as some are perceived as being "sensitive"; e.g. sexual orientation. Accordingly, the reliability of internal data may depend on the protected characteristic.

Qualitative evidence

The principal **types** of **qualitative evidence** include:

- Case studies and project evaluations.
- Literature reviews.
- Interviews and focus groups.
- Inspection reports.
- Views, proposals, recommendations and good practice guides.
- Responses to government consultations, Green Papers and White Papers.
- Responses to draft equality impact assessments.

The principal **authors** of **qualitative evidence** include:

- SFC and the College Development Network.
- Equality Challenge Unit.
- The three previous equality commissions (CRE, DRC and EOC) and, more recently, the Equality and Human Rights Commission (EHRC).
- Specialist consultancy organisations.
- The College itself.
- User Led Equality Groups.
- Learner feedback.

Existing Sources of Information or Evidence

The College produces data in relation to D&E in its mainstreaming report. [Please refer to the College's D&E website section or more information.](#)

The SFC annually publish sector data about learner's age, race and gender, and disability. With regards to staff, the SFC do not publish data on disability, religion or belief, transgender, sexual orientation, marital or civil partnership status, or data relating to pregnancy or maternity. Much of this information is available for analysis through the "Infact" Database.

It will often be relevant to refer to [Scotland's Census 2001 Results](#) and [Scotland's Census 2011 Results](#). It should be noted that much information is only available for 2011. Until the 2011 results are published, these results are still useful for general indicators.

It is not necessary to always have quantitative data in order to carry out an EQIA. External or internal quantitative data may not always be available. This should not prevent a consideration of general best practice and issues of fairness.

The Scottish Government has devised a comprehensive evidence finder which provides key data for protected characteristics across a number of policy areas including "Employability, Skills and Lifelong Learning". To access this guide, please click [here](#).

Additional sources of information can be found in [Appendix D](#).

Data Gaps

Finally, you may not have all the data you need. If there are information gaps determine whether you need to generate new data and how you would do this. You should note that the gathering of data can sometimes depend on the individual practices of an organisation. This may mean that a resulting action point from an assessment is to work to improve data gathering, and to review the EQIA at a later date.

Step 3: Consider Alternatives and Mitigation

3A. Are you able to reduce any potential negative impacts identified above?

Yes, No, or N/A (If N/A, go to Step 4)

3B. If “Yes”, what arrangements could be implemented to reduce any potential negative impacts identified above?

If you have identified a negative impact you need to show that you have made changes to the policy, or practice to address negative impacts and reduce or mitigate against that impact.

3C. If “No”, it may be appropriate if the policy, procedure of relevant practices affects groups differently where this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details to objectively justify this decision.

Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.

If you have identified a negative impact, in Step 2, you need to show that you have made changes to the policy, or practice to address negative impacts and reduce or mitigate against that impact. Please refer to [Section 9 of this guidance](#).

In some cases, it may be appropriate for the policy, procedure, or relevant practice to affect groups differently if this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details justifying this decision.

A Proportionate Means of Achieving a Legitimate Aim

To be 'legitimate' the aim of the provision, criteria or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of further and higher education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of students.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the further or higher education institution's justification, if there are other good reasons for adopting the chosen practice.

Step 3 Examples:

- **Revision to Transport Funding Policy** (See negative impact identified above): In order to mitigate any negative impact, the College should consult with those who are affected and let them have fair and adequate notice. The College should ensure that learners who need additional assistance with transport costs are informed about other support available to them, e.g. the Disability Living Allowance. The College should also seek support from partners, such as the learner's local authority.
- **Facilities Reorganisation:** The College should ensure that alternative provision is made available for learners who wish to use the Sanctuary Room. The College should ensure that there are adequate resources within an alternative room and that learners are engaged with/consulted about these changes.

Step 4: Compliance with General Equality Duty

4A. Does the policy, procedure or relevant practice comply with the three parts of the General Duty?

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by 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.

Note: It is not enough to prevent unlawful discriminatory conduct, the policy or practice should also **advance equality of opportunity** and **foster good relations**. Please refer to [Table 1](#) and [Appendix A](#).

Yes, or No (for 4B-4D please detail relevant groups who share a protected characteristic and refer to evidence/information)

4B. If “Yes”, how?

Please detail positive benefits and compliance with the general duty with reference to the existing sources of supporting information, or evidence used to inform your assessment.

4C. If “No”, what are the negative impacts and the associated risks?

Please detail any neutral and negative impacts as associated risks, as appropriate with reference to the existing sources of information, or evidence used to inform your assessment.

4D. If “No”, what arrangements exist, or could be implemented to better comply with the general duty?

If you have identified a negative impact you need to show that you have made changes to the policy, or practice to address negative impacts and reduce or mitigate against that impact to better comply with the general duty.

Furthermore, it is important to examine neutral impacts and implement necessary arrangements to advance equality of opportunity and foster good relations.

Step 4 Example:

- **New Build:** The College could advance equality by ensuring that accessibility is promoted, and by inclusive universal design.
- **Student Engagement:** The College could foster good relations by ensuring that the diversity of the student voice is communicated and accounted for at class rep and student executive meetings.

Step 5: The Involvement of Individuals, Groups and Organisations Representing Protected Characteristics

5A. Who has been involved in the undertaking of this assessment? (Please detail the staff/student/stakeholder groups)

5B. How successful has this been, and what changes can be made to improve this process in the future?

5C. If you have further involvement to carry out, please list who you are going to involve and how?

Whilst involvement of groups is not a legal requirement of conducting EQIAs the EHRC and ECU regards involvement as being a key step in demonstrating due regard. Furthermore, the involvement of groups is particularly important when formal data sources are unavailable, e.g. for sexual orientation, gender reassignment and religion or belief.

Step 6: Making a decision and outcome

6A. What is your decision? Please select an option from the drop down menu options:

- A. A positive impact is explicitly intended and very likely.
- B. A negative impact is not foreseen, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
- C. A negative impact is not foreseen. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.
- D. A negative impact is unlikely, but positive impact is also unlikely.
- E. A negative impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.
- F. A negative impact is probable or certain for some groups but the policy as a whole can nevertheless be justified as a **proportionate means of achieving a legitimate aim**.

Note: if you select option F, you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.

In the light of legislative requirements and framework, and of the evidence you have reviewed, make an assessment. **Please make a decision** and then expand and explain it as appropriate.

6B. Are you able to introduce the policy, procedure, or relevant practice without making any changes? Yes, or No

6C. If “Yes”, clearly explain upon which basis this decision was made

6D. If “No”, what changes will you make before implantation?

Step 7: Taking action and monitoring

7A. What action will we take?

7B. Who will take that action?

7C. When will that action be completed?

7D. Once implemented, how will the policy, procedure or relevant practice be monitored?

This step is to be completed after the involvement/consultation stage.

An EQIA should conclude by indicating clearly the ways in which it will be followed up and kept under review.

So far as is appropriate, the statements about next steps should reflect SMART principles - the measures should be:

- Specific.
- Measurable.
- Achievable.
- Realistic.
- Time-bound.

The statement of next steps should also emphasise the equality impact assessment as a whole is a living document and that, accordingly, it will be revised and updated, as appropriate, in the light of further evidence, discussions and representations.

You are likely to mention some or all of the following:

- Plans that are already under way or under active consideration to address challenges and priorities you have highlighted.
- Arrangements for monitoring, and for periodic reports to the College's Diversity & Equalities Working Group.
- Arrangements for ensuring that evaluations of any pilot projects take account of the concerns and discussions outlined in your assessment.
- Arrangements for discussing with other agencies, equality organisations and regulatory bodies the scope for taking account of the concerns and discussions in your assessment.

- Arrangements for ensuring that your assessment is brought to the attention of all relevant colleagues, and in this contributing to reviews of the College's approach to mainstreaming equality and progressing equality outcomes.
- Arrangements for disseminating information about your assessment to all local authorities and other stakeholders.
- Arrangements for improving the information base.
- Intentions for drawing up a detailed action plan.

Where the outcome of an assessment is positive, you should promote (via publicity material, discussions at meetings, entries on the web-site, etc) and promote this an example of good practice.

Miscellaneous

Additional information (please insert any supporting information, or data here)

Sign-off, authorisation and publishing

For records, but not for publishing:

- The information contained within this EQIA needs to be confirmed and approved as the completed EQIA will be published on the College web-site.
- As such, EQIAs must be approved by a Director or above.
- Ask a Director to review and sign off the EQIA (an electronic signature will suffice, as long as a paper copy follows).
- Following completion, send an electronic copy to both the Diversity & Equalities Manager and Director of Planning & Administration.

Appendix A: Summary of Equality Act 2010 and Duties

The full Equality Act 2010 can be accessed [here](#). Part 11 details the public sector equality duty; this can be accessed [here](#).

Introduction and Protected Characteristics

The purpose of the Equality Act is to streamline, strengthen and harmonise 40 years of equalities legislation. The Act establishes 9 protected characteristics.

These are:

- Age.
- Disability.
- Gender reassignment.
- Marriage and Civil Partnership. *
- Pregnancy and Maternity.
- Race.
- Religion or Belief.
- Sex.
- Sexual orientation.

All protected characteristics (with the exception of marriage and civil partnership) will be subject to the full general public sector equality duty from April 2011.

The General Equality Duty

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; *
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having **due regard** to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having **due regard** to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves, in particular, to the need to:

- a) Tackle prejudice; and
- b) Promote understanding.

***** The public sector equality duty covers the following protected characteristics: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The public sector equality duty also covers marriage and civil partnerships, with regard to eliminating unlawful discrimination in employment.

Compliance with the duties may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The Specific Equality Duties

The Scottish Government Equality Unit published revised draft regulations for the public sector equality duty for Scotland on 12th September 2011. A consultation on the regulations ran until 25th November 2011. The final regulations, which came into effect on 27th May 2012, can be found [here](#).

Duty to Report Progress on Mainstreaming the Equality Duty

- Publish a mainstreaming report on the progress made to make the general equality duty integral to the exercise of its functions so as to better perform the duty:
 - No later than 30th April 2013; and
 - Subsequently at intervals of no more than 2 years, beginning with the date on which it last published a report.

Duty to Publish Equality Outcomes and Report Progress

- Prepare and a publish set of equality outcomes, which is considered to enable better performance of the general equality duty:
 - No later than 30th April 2013; and
 - Subsequently, at intervals of no more than 4 years, beginning with the date on which it last published a set of equality outcomes.
- In preparing a series of outcomes:
 - Take reasonable steps to involve persons who share a relevant protected characteristics/those who represent the interests of those persons; and
 - Consider relevant evidence relating to persons who share a relevant protected characteristic.
- Publish reasons if equality outcomes do not cover every relevant protected characteristic in relation to further the general equality duty.
- Publish a report on the progress made to achieve the published equality outcomes:
 - No later than 30th April 2015; and
 - Subsequently, at intervals of no more than 2 years, beginning with the date on which it last published a report.

Duty to Assess and Review Policies and Practices

- Assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty.
- In making the assessment, consider relevant evidence relating to persons who share a relevant protected characteristic (including any received from those persons).
- In developing a policy or practice, take account of the results of any assessment.
- Publish, within a reasonable period, the results of any assessment made.
- Make arrangements to review and revise any policy or practice to ensure that it complies with the general equality duty.
- Any consideration as to whether or not it is necessary to assess the impact of applying a proposed new or revised policy or practice is not to be treated as an assessment of its impact.

Duty to Gather and use Employment Information

- Take steps to gather information on the number and relevant protected characteristics, in each year, of the:
 - Composition of the authority's employees
 - Recruitment, development and retention of employees
- Use this information to better perform the general equality duty.
- Report progress within the mainstreaming report, including:
 - Annual breakdown of information gathered, which has not been previously published elsewhere; and
 - Details of the progress made in gathering and using that information to enable it to better perform the general equality duty.

Duty to Publish Gender Pay Gap Information

- Publish information on the percentage difference among staff between men's average hourly pay (excluding overtime) and women's average hourly pay (excluding overtime).
- Publish this information no later than 30th April 2013 and every second year thereafter.

Duty to Publish Statements on Equal Pay, etc

- Publish a statement containing the required information no later than 30th April 2013 and every fourth year thereafter.
- The statement must specify the policy on equal pay among its employees between:
 - Women and men;
 - Persons who are disabled and persons who are not; and
 - Persons who fall into a minority racial group and persons who do not.
- The statement must specify occupational segregation among its employees in relation to the concentration of:
 - Women and men;
 - Persons who are disabled and persons who are not; and
 - Persons who fall into a minority racial group and persons who do not.
- The first statement (therefore no later than 30st April 2013) must contain information on women and men.
- The second statement (therefore no later than 30st April 2017) and subsequent statements must contain information on gender, disability and race.

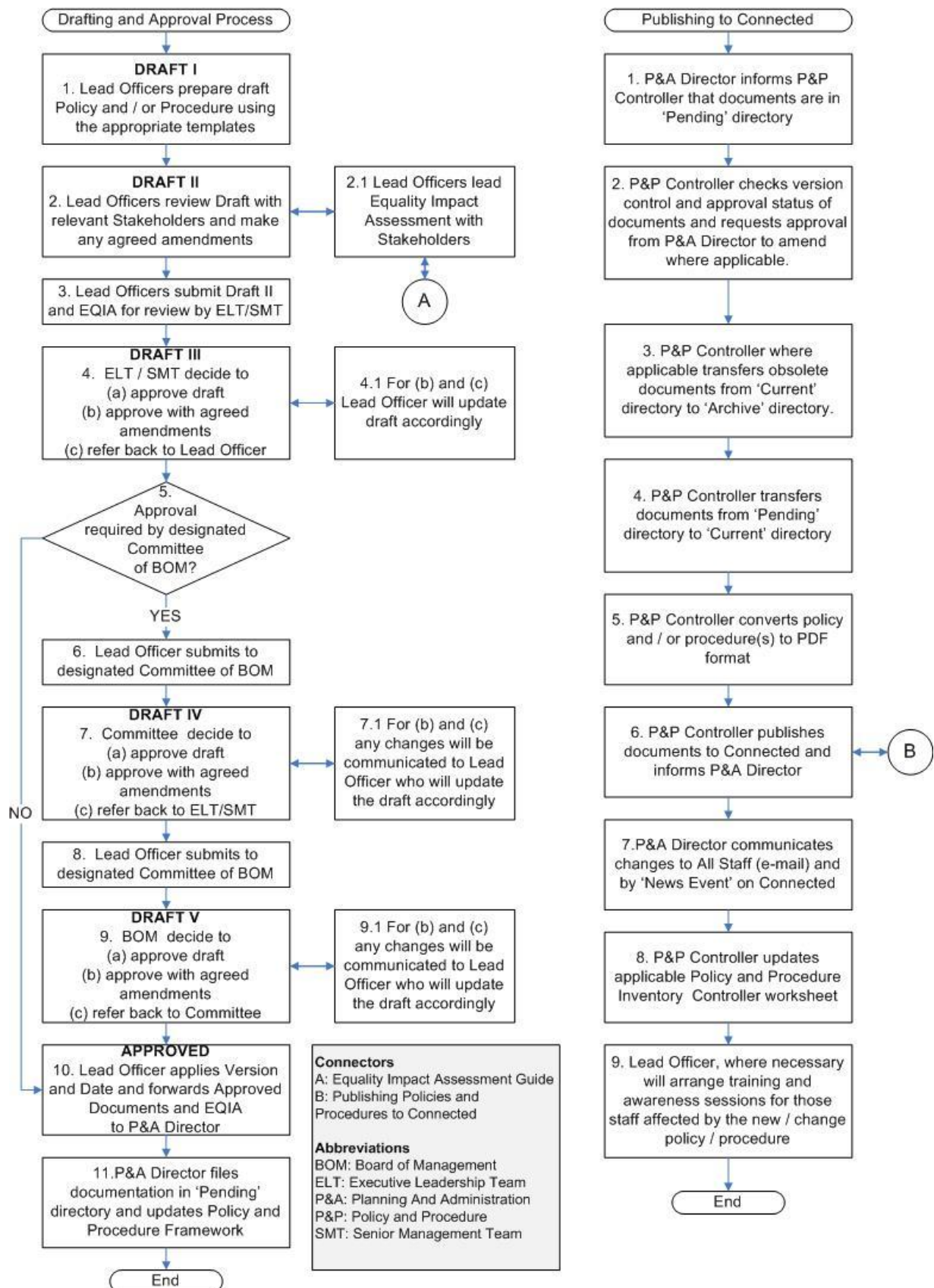
Duty to Consider Award Criteria and Conditions in Public Procurement

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

Duty to Publish in a Manner that is Accessible, etc.

- When producing the mainstreaming report, outcomes and subsequent progress, gender pay gap information and equal pay statements, the authority must:
- Publish in a manner that makes the information published accessible to the public; and
- So far as practical, employ an existing means of public performance reporting.

Appendix B: Policy Flow Chart



Appendix C: Positive and Negative Differential Impact

(Note: examples are provided for students, but these would equally apply to staff groups)

Direct Discrimination

Someone is treated less favourably than another person because of a protected characteristic (pc)

For Example: Direct discrimination occurs when you treat a student less favourably than you treat (or would treat) another student because of a protected characteristic. So a very basic example would be refusing to admit a student because of their race, for example because they are Roma.

It is not possible to justify direct discrimination, so it is always unlawful.

In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. So a gay student cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual student would not be excluded for fighting. A student does not need to find an actual person to compare their treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.

There is no need for someone claiming direct discrimination because of racial segregation or pregnancy or maternity to find a person to compare themselves to:

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.
- To claim pregnancy or maternity discrimination a female student must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

It is not direct discrimination against a male student to offer a female student special treatment in connection with her pregnancy or childbirth.

It is not direct discrimination against a non-disabled student to treat a disabled student more favourably.

For Example: A further education college rejects a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. This would be unlawful direct discrimination on the grounds of sex.

A college gives a student with dyslexia longer to complete his exam than other students. A non-disabled student asks for more time to complete her exam as she accidentally missed a question, but this is rejected. This would not be unlawful direct discrimination.

A student with carpal tunnel syndrome has a scribe to take notes during lectures. Another student requests a scribe as he needs to miss a lecture to attend a wedding. The college does not agree to this request. This would not be unlawful direct discrimination.

Discrimination by Association

This form of direct discrimination against someone occurs because they associate with another person who possesses a pc (other than pregnancy and maternity).

Direct discrimination might occur when you treat a student less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination by Perception

This form of direct discrimination against someone occurs because the others think they possess a particular pc.

Direct discrimination can also occur when you treat a student less favourably because you mistakenly think that they have a protected characteristic (other than pregnancy and maternity).

Discrimination because of Pregnancy and Maternity

It is discrimination to treat a woman (including a female student of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger. It is direct sex

discrimination to treat a woman (including a female student of any age) less favourably because she is breastfeeding a child who is more than 26 weeks old.

Indirect Discrimination

This can occur when a rule or policy that applies to everyone indirectly disadvantages a particular pc.

Indirect discrimination occurs when you apply a provision, criteria or practice in the same way for all students or a particular student group, such as HND students, but this has the effect of putting students sharing a protected characteristic within the general student group at a particular disadvantage.

It doesn't matter that you did not intend to disadvantage the students with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such students compared with students who do not share that characteristic.

'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage had occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect discrimination applies to all the protected grounds other than pregnancy and maternity, although something that disadvantages students who are pregnant or new mothers may be indirect sex discrimination.

'Provision', 'criterion' or 'practice' are not defined in the Act but can be interpreted widely and include:

- Arrangements (for example, for deciding who to admit).
- The way that education, or access to any benefit, service or facility is offered or provided.
- One-off decisions.
- Proposals or directions to do something in a particular way.

These may be written out formally or they may just have developed as you have worked out the best way of achieving what it wanted to do.

Indirect discrimination will occur if the following four conditions are met:

- You apply (or would apply) the provision, criterion or practice equally to all relevant students, including a particular student with a protected characteristic; and
- The provision, criterion or practice puts or would put students sharing a protected characteristic at a particular disadvantage compared to relevant students who do not share that characteristic; and
- The provision, criteria, practice or rule puts or would put the particular student at that disadvantage; and
- You cannot show that the provision, criteria or practice is justified as a ‘proportionate means of achieving a legitimate aim’.

What is a ‘proportionate means of achieving a legitimate aim’?

To be legitimate the aim of the provision, criteria or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of further and higher education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of students.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means ‘appropriate and necessary’, but ‘necessary’ does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the further or higher education institution’s justification, if there are other good reasons for adopting the chosen practice.

The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.

In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

For Example:

An environmental science student with MS suffers from manual dexterity problems, particularly hand tremors. She is prevented from undertaking a practical experiment involving volatile chemicals as she may spill or drop the substances while conducting the experiment. This would pose a health and safety risk to her and other students on the course. This is unlikely to be indirect discrimination as it could be justified as a proportionate means of achieving a legitimate aim.

Discrimination Arising from Disability

Discrimination arising from disability occurs when you treat a disabled student unfavourably because of something connected with their disability and cannot justify such treatment.

Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the reason for the treatment does not matter; the question is whether the disabled student has been treated unfavourably because of something connected with their disability.

Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual disabled student or for the disabled student to compare themselves with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- You treat a disabled student unfavourably, that is putting them at a disadvantage, even if this was not your intention, and
- This treatment is because of something connected with the disabled student's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour, and
- You cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'. This is explained above.

For Example:

A student with autism often speaks out of turn during tutorials which can create a disruptive atmosphere for the tutor and other students. Because of his behaviour, he is asked not to attend tutorials. This is likely to be discrimination arising from disability.

Knowledge of disability

If you can show that you:

- Did not know that the disabled student had the disability in question, and
- Could not reasonably have been expected to know that the disabled student had the disability
- Then the unfavourable treatment does not amount to unlawful discrimination arising from disability.

If your agent or employee knows of a student's disability, you will not usually be able to claim that you do not know of the disability.

For Example:

A student tells his tutor he has cancer and requires time off to attend medical appointments. The student misses a practical experiment which counts towards his final mark as he had a hospital appointment. As the tutor knew the pupil needed time off to attend medical appointments and no reasonable adjustments were

made, for example, enabling him to do the practical exercise at another time, this is likely to be unlawful discrimination arising from disability.

Relevance of Reasonable Adjustments

By acting quickly to identify and put in place reasonable adjustments for disabled students, you can often avoid discrimination arising from disability, although there may be cases where an adjustment is unrelated to the unfavourable treatment in question.

If you fail to make an appropriate reasonable adjustment, it is likely to be very difficult for you to argue that the unfavourable treatment is justified.

What is the Reasonable Adjustments duty?

You are required to take reasonable steps to:

- Avoid substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage.
- Avoid substantial disadvantage, where a physical feature of the building or premises puts disabled persons at a substantial disadvantage; this includes removing the physical feature in question, altering it or providing a reasonable means of avoiding it.
- Provide an auxiliary aid where without one, disabled students would be put at a substantial disadvantage.

Where the reasonable adjustment you need concerns the provision of information, the steps it is reasonable to take include ensuring that the information is provided in an accessible format.

You owe this duty to existing students, applicants and, in limited circumstances, to disabled former students.

You cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue is whether or not the adjustment is 'reasonable' and this is an objective question for the courts to determine ultimately.

The duty is an anticipatory and continuing one that you owe to disabled students generally, regardless of whether you know that a particular student is disabled or whether you currently have any disabled students. You should not wait until an individual disabled student approaches you before you consider how to meet the duty. Instead, you should plan ahead and anticipate the requirements of disabled students and the adjustments that might need to be made for them. You are not expected to anticipate the needs of every prospective student but you are required to think about and take reasonable and proportionate steps to overcome barriers that may impede people with different kinds of disabilities.

Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex.

Pregnancy and maternity is not protected directly under the harassment provisions, however, unwanted behaviour (as described below) will amount to harassment related to sex.

Harassment related to a protected characteristic

Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- Violating a student's dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.
- The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the student to say that they object to the behaviour for it to be unwanted.

In this context 'related to' has a broad meaning and includes situations where the student who is on the receiving end of the unwanted behaviour does not have the

protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic. This would also include situations where the student is associated with someone who has a protected characteristic or is wrongly perceived as having a particular protected characteristic.

For example:

A college tutor makes racist remarks about the local Gypsy and Traveller site stating that it should be shut down as the ‘gypos’ were causing problems in the community. A pupil from a Traveller background is in the class and finds the tutor’s behaviour degrading and offensive. This would be harassment related to the protected characteristic of race.

Sexual Harassment

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- Violating a student’s dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

‘Of a sexual nature’ can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex

It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

For Example:

Following a tutorial, a tutor walks up to a female student who has stayed behind to speak to him and puts his arms around her waist and kisses her and tells her she is

‘very attractive’. The student is offended by his behaviour but doesn’t push him away. This would be less favourable treatment resulting from sexual harassment.

In the same example, the tutor tries to put his arms around the student but she pushes him away and tells him he is behaving in an inappropriate manner. This is less favourable treatment following rejection of sexual harassment.

Victimisation

Someone is treated badly because they have made/supported a complaint or grievance under the act

Victimisation is defined in the Act as “treating someone badly because they have done a ‘protected act’ (or because you believe that a person has done or is going to do a protected act).

A ‘protected act’ is:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

If you do treat a student less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the student did and your treatment of them.

The less favourable treatment does not need to be linked to a protected characteristic.

For Example:

A tutor shouts at a student because he thinks she intends to support another student’s sexual harassment claim. This would amount to victimisation.

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