Equality and contracting: tendering for contracts

Information to help you complete equality-related questions in tender documents and funding applications

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Introduction

Equality is at the heart of the University's mission. It is essential in building an effective business which treats students, staff and partners fairly and in return the University expects to build a reciprocal equality relationship with its partners and contractors.

This resource has been developed in response to an increasing need for staff across the University to respond to requirements by public sector and funding bodies with whom we seek to tender. In pursuing their statutory public duties, these bodies increasingly ask equality-related questions in their tendering and funding application processes.

This resource will enable University staff working on tender bids and funding applications to complete what are often relatively standard questions. The responses developed have been carefully researched and written to demonstrate that the University not only has a strong commitment to meeting its equality and diversity duties and objectives but also has a robust structure to manage equality and diversity including a series of embedded annual processes through which it monitors effectiveness and addresses equality challenges. We would like staff to use this toolkit as their first point of reference when completing a bid or funding application.

Published on the equality and diversity intranet, it is anticipated that in most instances the standard responses can be copied and pasted into your tender bid or funding application to fit a particular question. In Appendix A we have included the Vision and Principles contained in the University's current Equality Scheme. In Appendix B we have provided a number of internal contacts. In some cases you will need to make contact with these staff to make sure that the information requested is up to date and accurate. Questions where this action is required have been flagged.

Further information about equality and diversity at the OU is published on the equality and diversity intranet, including the Executive Summary, Abbreviated and Full versions of the equality scheme, the current equality action plan, equality and diversity annual reports, and briefing notes, guidance and resources covering a wide range of equality-related issues. You may find it helpful to consult the intranet to help you respond to questions, at http://intranet.open.ac.uk/equality-diversity/.

If the kind of equality-related information being requested fundamentally differs from that provided in this resource, is not available on the equality and diversity intranet, and you are not sure how to respond, then you may want to contact the Equality and Diversity Team for further guidance. It will be appreciated if requests for support to the Equality and Diversity Team is planned into your tendering or application response timeline to ensure that the information required can be provided when you need it. Our service standard for responding to requests and queries is 10 working days.

We welcome feedback on this resource and other resources developed by the team.

Tony O'Shea-Poon

Head of Equality and Diversity

Thanks to Derek Child, who researched and drafted this publication

Questions about...managing equality and diversity

1. Does your institution have a published equality and diversity strategy/policy/scheme?

The Open University has had a published policy on equality and diversity since 1991. In the following years, it developed specific policy and schemes for the characteristics of race, disability and gender. Following a process of detailed and wide consultation, the University developed and published its first single Equality Scheme and Action Plan to cover the period 2009-2012, with the subsequent scheme covering the period 2012-2016. The University's Equality Scheme has always been aligned to the requirements of equality law and is now aligned to the requirements of the Equality Act 2010, in particular the Public Sector Equality Duty, which requires public bodies to have due regard to preventing unlawful discrimination, advancing equality of opportunity and fostering good relations. The scheme goes well beyond the minimum requirements of legislation, recognising the unique contribution that The Open University has to make to advancing equality through its social justice mission. The Equality Scheme also pays attention to the priorities established by the four Governments of the UK, and is supported by additional schemes, including our Equality Scheme for Northern Ireland, and our Welsh Language Scheme.

The Equality Scheme describes how the University advances equality in relation to the characteristics of age; disability; caring and dependency responsibilities; gender identity; pregnancy, adoption, maternity and paternity; marriage and civil partnership status; political opinion; race; religion or belief, sex and sexual orientation.

2. What structures are in place to manage your equality and diversity strategy?

As a public body the University must meet its statutory duty as set out in the Equality Act. It also intends to achieve its strategic equality objectives which are set out in the Equality Scheme. It has a deep commitment to equality and diversity and the achievement of social justice and therefore always sets out to work beyond mere compliance.

The Equality and Diversity Team is part of the University Secretary's Office. The Head of Equality and Diversity reports to the University Secretary and to the Director Students, who are members of the Vice Chancellors Executive (VCE), which secures senior management engagement and commitment.

The Equality and Diversity Management Group (EDMG) is chaired by the Head of Equality and Diversity. The EDMG has a broad senior staff core membership and is the forum for the detailed discussion and development of equality and diversity strategy, policy and institutional compliance. The EDMG also meets in developmental workshop mode and these meetings are open to wider equality and diversity stakeholder groups and include representatives of self-organising equality staff networks. The EDMG holds an annual development meeting where institutional performance, achievements and challenges are reviewed by key senior staff, including members of the VCE and future priorities are agreed.

Representatives of equality staff networks, including those for disabled staff, black and minority ethnic staff and lesbian, gay, bisexual and transgender staff are encouraged to raise issues of concern to the Equality and Diversity Team, and to attend EDMG meetings where there are matters on the agenda that are of interest to them.

Specific disabled student equality related issues are considered by the Disabled Students Management Group which reviews and manages strategy and co-ordination of development activity in the areas of learning and teaching and student support. The Widening Participation Management Group establishes and manages strategy for the recruitment and success of underrepresented students, particularly students living in areas of multiple deprivations and with low prior qualifications.

3. What systems and processes are in place to implement your equality and diversity strategy?

The University has established a number of internal processes to track and report institutional progress, to identify and respond to trends, to agree priorities and to monitor engagement at Faculty/Unit level. These processes include:

Annual Faculty/unit planning and reporting

Each year, faculties and administrative units across the University report progress against the actions in their unit equality action plan, and review and update the plan for the forthcoming year. Planning is directly aligned with the University's main business planning cycle. The unit equality plan is linked directly to the University's Equality Scheme, supporting the achievement of its aims and objectives.

Annual data trends analysis

A wide range of data is collated and analysed annually to inform the annual review process. This includes data from across all the characteristics where data is currently available and for a wide range of indicators for students, staff and governance, including participation, outcome and satisfaction indicators. For most indicators, the analysis covers several years, allowing trends to be identified and reported.

Annual review

Information from the faculty/unit planning and reporting activity and from the data trends analysis is brought together each year to inform The Equality and Diversity Management Group Annual Development Meeting, attended by senior staff. This annual extended meeting is used to review progress and achievements, identify gaps in our response to key inequalities and to make decisions on future priorities.

Annual report

The Equality and Diversity Annual Report is a comprehensive review of progress against the University's equality objectives, and contains both qualitative information about activities undertaken across the University to advance equality and a summary of trends identified as a result of the data trends analysis.

Equality Analysis (Equality Impact Assessment)

The University requires all staff to give due regard to equality prior to making changes affecting strategy, policy or practice. The University replaced its previous two-stage process of 'Equality Impact Assessment' with a more streamlined process called 'Equality Analysis' which embeds analysis within the process of policy/strategy change, rather than it being considered as a separate exercise. Detailed guidance and templates are available to staff.

Promoting Inclusive Behaviours

The University has developed a behavioural framework called 'Valued Ways of Working' which is the primary mechanism for communicating and achieving the dignity and respect to which are individuals are entitled. The framework specifically identifies 'respect the individual' as one of eight ways of working that is highly valued by the University. The framework is used in appraisal, recruitment and staff development.

Benchmarking

The University takes part in external national benchmarking exercises in order to assess progress against other organisations who invest in developing equality and diversity strategy and practice. These organisations include Stonewall, Race for Opportunity and Opportunity Now (gender). The University also uses information available from the Higher Education Statistics Agency to assess its performance against other higher education institutions.

4. How do you keep up to date with legislation and good practice on equality and diversity?

The Equality and Diversity Team has established relationships with a range of external organisations and networks, and provides briefings to different parts of the University as appropriate.

The following are the primary sources of information on equality legislation and good practice:

- The higher education sector organisation, The Equality Challenge Unit, who provide briefings, events, resources and a newsletter

- The Higher Education Equal Opportunities Network (HEEON), who provide annual conferences for equality practitioners

- The Government Equalities Office, who establish the UK equality strategy and provide resources and a newsletter

- The Scottish Parliament, who establish equality strategy and priorities for Scotland

- The Welsh Assembly Government, who establish equality strategy and priorities for Wales

- The Equality and Human Rights Commission, who provide statutory codes, guidance and web site resources

- The Equality Commission for Northern Ireland, who provide statutory and non-statutory guidance and web site resources

- Affiliations with other national equality organisations including: Stonewall, Race for Opportunity, Opportunity Now, Employers' Forum on Disability, Employers Forum on Age.

Questions about...compliance with equality law

5. Is it your policy to comply with the Equality Act 2010 with respect to all of your institutions functions/activities?

The University has published its strategy in the Open University Equality Scheme which is closely aligned to the Equality Act 2010. The scheme covers all of the University's functions, including curriculum, learning and teaching, research, student support, staffing and staff development, partnerships, procurement, broadcasting and community relations. It is the University's stated intention as a public body to meet all of its statutory duties and to work to an institutionally agreed strategy which is at a standard above minimum compliance. The University expects its students, staff, agents and partner organisations to subscribe to the vision and principles established in the Equality Scheme and to ensure that all actions carried out while in the employment or while acting on behalf of the University are lawful.

6. Is it your policy to comply with equality legislation and/or equivalent legislation and regulations in the country/countries in which you operate?

As a UK-wide higher education institution, the University recognises the variations in equality law across the four nations of England, Northern Ireland, Scotland and Wales, and the different policies and priorities of the four UK Governments. The University's policy is to comply with all equality legislation in the countries that it operates in and to support the policies and priorities of different Governments.

The University also recognises and abides by all laws in European and other countries in which it operates.

7. Is it your policy to recognise all individuals or groups that have 'protected characteristics' under the Equality Act 2010 or other equality laws applicable to the countries in which you operate?

As a public body the University intends to comply with and work beyond its statutory duty with respect to all of the protected characteristics as set out in the Equality Scheme.

8. In the past three years, has your institution been subject to a finding of unlawful employment discrimination by any court or industrial or employment tribunal?

[At the time of writing, June 2011, the University has not been subject to a finding of unlawful employment discrimination in the past 3 years. In order to verify the current position please contact your relevant Head of HR.]

9. In the past three years, has your institution been subject to a finding of unlawful discrimination by any court or had an equality-related complaint upheld by the Office of the Independent Adjudicator with respect to students?

Students who have exhausted the University's internal complaints system may take an alleged case of unlawful discrimination for consideration by the Office of the Independent Adjudicator (OIA).

[At the time of writing, June 2011, the University has not been subject to a finding of unlawful discrimination by any court. In 2008/09, the Office of the Independent Adjudicator found that 4 complaints made against the Open University were 'partly justified', and in 2009/10 they found 2 such complaints 'partly justified'. These cases resulted in either changes being made by the University for those individuals (e.g. compensation, fee waiver, special arrangement) or changes being made by the University for all students (e.g. changes to policy/procedure). In order to verify the current position please contact the Complaints and Appeals team in Student Services.]

10. In the past three years, has your institution been the subject of a formal investigation by the Equality and Human Rights Commission (EHRC) on the grounds of alleged unlawful discrimination or ever been served a Compliance Notice by the EHRC?

[At the time of writing, June 2011, the University has never been the subject of a formal investigation or been served a Compliance Notice by the EHRC. In order to verify the current position, please contact the Equality and Diversity Team.]

11. If the answer to questions 8, 9, or 10 is "yes", what steps did your institution take as a result of that finding or investigation?

In the event of a negative finding the University would actively investigate the causes and take appropriate remedial action to reduce the likelihood of a further similar finding. This may include a review of policy, checking adherence to policy/procedures, staff development/training, and/or assessment of individual staff behaviours which intentionally or unintentionally led to the act of unlawful discrimination.

[If the answer is "yes", please contact Human Resources, the Complaints and Appeals Team in Student Services or the Equality and Diversity Team as appropriate, to obtain information about the specific action that was taken by the University]

Questions about...equality in employment

12. How do you prevent discrimination and advance equality in the following aspects of employment?

12.1. Recruitment and selection

It is the policy of the University to offer equal opportunities to all applicants at all stages of the recruitment and selection process. Human Resources publishes a Guide to Effective Recruitment and Selection which is essential reading for all staff involved in the selection of staff to the University. This guide contains information about responding to the diversity of applicants and meeting the needs of disabled applicants. Panel members are expected to have undertaken appropriate recruitment and selection training, which also reflects good practice relating to equality and diversity.

The University monitors and reports on data relating to applicants in different groups at different stages of the recruitment process.

12.2. Training and promotion

The University has a career development and staff appraisal process which all staff are required to undertake, and includes a formal annual review process and regular less formal reviews throughout the year. The career development aspect of the process requires managers to discuss job-related training and development with their staff and to identify development opportunities that will support their learning and career goals. All staff are expected to undertake a minimum amount of training and development each year.

The University operates the same rigorous selection process for appointments made internally as it does when roles are open to external applicants. Internal applicants must apply for positions and take part in a fair and transparent selection process in order to be promoted.

The University monitors and reports the participation of different groups in development opportunities and the promotion rates for different groups.

12.3. Experience of employees at work

The University has a range of policies and services which are designed to ensure that staff are treated fairly and that consider the needs of different groups at work. The following policies and services have particular equality and diversity relevance:

- Bullying and harassment policy

- Code of practice for employment of disabled staff

- Family friendly policies, including a nursery at Walton Hall and childcare voucher scheme

- Pension scheme which is fully equitable for same-sex couples

- Prayer facilities

- Right to request flexible working

- Flexible working for those who need time off for religious observance

The University recognises that some staff, particularly if they are part of a minority group, may experience isolation and has developed a framework to support minority staff networks. Not all members of minority groups require peer support from networks or groups, but many staff benefit from participation. The framework sets out the support available to networks, including funding for activities and a limited amount of paid time off normal duties for network coordinators.

The University conducts a staff survey and the results are analysed and reported for different groups.

12.4. Please provide relevant examples of your employment policies, documents, or other appropriate literature as evidence.

[Most of the information you might require should be published on the HR intranet. Use the A-Z in the section 'Policies, Procedures and Forms' to search for documents that you can submit as evidence. If you cannot find the policy, document or other literature you need, you should contact your HR Adviser.]

Questions about equality in service delivery

13. How do you prevent discrimination and advance equality in the following aspects of service delivery?

13.1. Recruitment and selection of students

The University has no minimum entry requirements for admission to undergraduate modules. Providing students register in a country where the module is taught, and can pay the fee (eg. student loan, financial support, student budget account, employer or privately funded), there are no restrictions on entry. Around one third of UK undergraduates have entry qualifications lower than those usually required by other UK universities.

The Marketing strategy particularly targets groups that are underrepresented at the University or in higher education across the UK.

The University runs a Community Partnerships Programme which actively recruits underrepresented groups through partnerships between Open University national and regional centres and voluntary sector organisations. There is also an Offender Learner Programme which works with prisoners who could not otherwise access higher education.

13.2. Achievement and success of students

As an institution that provides supported open learning, The Open University has more than forty years experience of developing policies and processes to ensure fair treatment. It is committed to recognising and responding to the needs of different student groups.

Students are supported through the Learner Support Framework model, which encompasses all aspects of the student experience and the student journey from awareness of the University through to registration and study and completion of their studies. The model identifies a number of key decision making points which all students experience either during the initial year of study or if continuing throughout their learner career with the University. These serve as key points of intervention in both identifying students who require additional support and in providing support in response to needs.

The University monitors and reports a range of student success indicators, including completion rates, attainment rates and student satisfaction.

13.3. Experience of service users/students

The University has a range of policies which are designed to ensure that students are treated fairly and that take account of the needs of different groups. The following policies have particular equality and diversity relevance:

- Admission of applicants under the age of 18
- Code on personal relationships between staff and students
- Code of practice for student discipline
- Complaints and appeals procedures
- Disability statement - Open to your needs
- Policy on Special Circumstances for Assessment
- Policy on plagiarism
- Safeguarding and protecting children and young people
- Student code for dealing with bullying and harassment

The University conducts regular surveys of students, including end of course surveys and withdrawal from study surveys, and the results are analysed and reported for different groups.

13.4. Support for disabled students

The University has a considerable infrastructure to enable the participation and achievement of learning outcomes for disabled students, including:

- Provision of a minimum standard of accessibility for module materials developed by the University

- An Access Centre, conducting needs assessments for students

- Disability advisers in every national and regional centre of the UK

- A central disability advisory service, providing guidance to national and regional centre staff and other staff supporting disabled students

- A resources team that provides materials in alternative formats, including an Audio Recording Centre

- A wide range of resources and information to enable tutors to effectively support students with different impairments

13.5. Please provide relevant examples of your service policies, documents, or other appropriate literature as evidence.

[Most of the information you might require should be published on the Student Policies page. Go to 'Policies and Strategies' on the main intranet and then click on 'Student Policies'.]

Appendix A: Extracts from the Open University Equality Scheme

The Vision and Principles from the University's Equality Scheme are set out below. The Vision and Principles underpin all of the University's equality work and you may want to include this information in response to a general question. If you require greater detail on the Equality Scheme you can find the Executive Summary, the Abbreviated Version and the full Scheme on the equality and diversity intranet at http://intranet.open.ac.uk/equality-diversity/.

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.

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 experiences, 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.

Appendix B: Contacts for further information and support

Listed below are useful internal contacts who you can consult if you require more specific information to support your tender bid or grant application. The contacts are up to date as at the date of this publication. The up-to-date list of contacts is maintained on the equality and diversity intranet at http://intranet.open.ac.uk/equality-diversity/.

Associate Lecturer Development and Services Team, Student Services

Embedding equality of opportunity and preventing unintended discrimination in employment policy and practice:
Ros James
Student Services Manager
Ext: 52242

Design and delivery of equality staff learning and development for Associate Lecturers:
Pat Atkins
Assistant Director, AL Support and Professional Development
Ext: 59342

Centre for Inclusion and Curriculum

Staff development for academic units on equality, diversity, inclusion and widening participation in the curriculum, and research on inclusion and widening participation:

Liz Marr
Director, Centre for Inclusion and Curriculum
Ext: 58294

John Rose-Adams
Research and Information Officer
Ext: 54018

Disabled Student Services, Student Services

Disabled student allowance, needs assessments and specialist technology training for disabled students:
Malcolm Dixon
Manager, Access Centre
Ext: 55352

Services and support for disabled students including support at residential schools, alternative formats and specialist equipment and assistance:
Jenny Augustyniak
Manager, Disability Resources Team
Ext: 53035

Specialist advice, guidance and training to regional and national centres and other Student Services functions directly supporting disabled students:
Julie Young
Manager, Disability Advisory Services
Ext: 52255

Disabled students' strategy:
Carol Doran
Head of Disabled Student Services
Ext: 59869

Human Resources

Embedding equality of opportunity and preventing unintended discrimination within employment policy and practice, including policy and practice delegated to units:

Hazel Jenner
Head of HR for Strategy and Policy Development
Ext: 55873

Kath Huth
HR Adviser Policy Development
Ext: 52849

Design and delivery of staff learning and development opportunities in response to the priorities of the University's equality scheme and requirements of legislation:

Veronica Barnes
Head of Human Resources Development
Ext: 58095

Provision of staff equality-related statistics and reports:
Simone Russell
HR Manager, Admin, MI & Systems
Ext: 54102

Information Office

Provision of institutional-level OU student equality statistics:

Jo Millington-Wallace
Statistician
Ext: 55999

Institute of Educational Technology

Consultancy to faculties on accessibility in curriculum, learning and teaching for modules in planning and production, including usability and accessibility testing and evaluation of materials and websites:
Anne Jelfs
Learning & Teaching Development Manager
Ext: 54579

Chetz Colwell
Project Officer
Ext: 55772

The Open University in Ireland

Development and implementation of the Equality Scheme for Northern Ireland and annual reports to the Equality Commission for Northern Ireland:

Gary Sloan
Assistant Director, Development
Ext: 72162

The Open University in Scotland

Relationships with the Scottish Government and Scottish Funding Council in respect of equality-related strategy:

Lucy MacLeod
Depute Director (Students)
Ext: 71129

The Open University in Wales

Relationships with the Welsh Assembly Government and Funding Council for Wales in respect of equality-related strategy.

Michele Looker
Assistant Director, Planning and Resources
Ext: 70125

Widening Participation, Student Services

Development, implementation and evaluation of the Widening Participation Strategy, Community Partnerships Programme and widening participation relationships with funding councils:

Margaret Hart
Head of Widening Participation
Ext: 68229

Meg Allen
Evaluation Officer
Ext: 68238