

# The University's approach to external assurance and benchmarking diversity schemes

## Background

1. The Minister of State for Higher and Further Education, Michelle Donelan, wrote to the University on 27 June 2022 following the third reading of the Higher Education (Freedom of Speech) Bill in the House of Commons. The letter highlighted a “growing concern that a ‘chilling effect’ on university campuses leaves students, staff and academics unable to freely express their lawful views without fear of repercussion”. As part of the University’s statutory duty to take steps that are reasonably practicable to ensure freedom of speech within the law, the letter asked universities to carefully consider their participation in external assurance and benchmarking diversity schemes.
2. The University currently participates in a range of charters and benchmarks related to equality, diversity and inclusion, as well as utilising other external standards to ensure we deliver excellence in research and education. Current examples are: the HR Excellence in Research framework; the Declaration on Research Assessment (DORA, which recognises the need to improve the ways in which researchers and the outputs of scholarly research are evaluated); the Athena SWAN award; and the Stonewall Workplace Equality Index Diversity Programme.
3. This paper addresses the issues raised by the letter from the Department of Education and sets out the University of Essex approach to managing these risks.
4. The concerns raised in the Minister’s letter were as follows:
  - Whether membership of a scheme is potentially in tension with the creation of an environment that promotes and protects free speech?
  - How membership of a scheme is genuinely the best way of achieving our commitment to equality, diversity and inclusion, rather than addressing the issues independently?
  - Universities should not feel they are being pressured to take part in such initiatives to demonstrate their support for the cause the scheme addresses and demonstrate how this is the case.
  - Universities should “be thinking carefully and independently about their free speech duty when signing up to these sort of schemes” and demonstrate how this is the case.
  - Membership of these schemes, the initiatives that flow from them, and the creation of new, highly paid, management roles should represent good value for money for taxpayers or

students and a value for money case should be made.

**Whether membership of a scheme is potentially in tension with the creation of an environment that promotes and protects free speech?**

5. All our inclusion work takes place within the wider institutional context for staff and students, where we have statutory duties both to uphold academic freedom and freedom of speech within the law and as part of the Public Sector Equality Duty. The actions taken in response to the Reindorf Review have been undertaken in the context of and used to reflect and to reinforce the University's commitment to academic freedom and freedom of speech within the law. These actions include the revisions to the Speaker Code of Practice and External Speaker form, training and risk review process.
6. The University's commitment to academic freedom and freedom of speech within the law provides the context for the exploration of the benefits and disbenefits of the University's relationship with the use of charters and benchmarks as a whole, within which the University's portfolio approach to equality, diversity and inclusion is situated. How membership of a scheme is genuinely the best way of achieving our commitment to equality, diversity and inclusion, rather than addressing the issues independently.

**How membership of a scheme is genuinely the best way of achieving our commitment to equality, diversity and inclusion, rather than addressing the issues independently?**

7. External charters and benchmarks are tools that can be used to shape inclusion work, particularly when organisations are at an early stage of maturity in relation to an area of equality and diversity, as is the case at the University. External charters are only one part of the wider inclusion agenda at the University, but provide an external framework, constructive challenge and access to best practice in other organisations facing similar challenges. Risks emerge when charters are implemented uncritically and seen as a "tick box" exercise, rather than a structured and time-limited approach to promoting cultural change. There is ample evidence that engagement with external charters has led to an improved understanding of the barriers facing groups with particular shared protected characteristics and promoted inclusive practices.
8. An appropriate use of charters and benchmarks as a component of the University's portfolio approach to equality, diversity and inclusion through which a plurality of voices can be heard on our campuses, is therefore the best current means of securing expert evaluation of the

University's practices to support its commitments and obligations in relation to equality, diversity and inclusion.

**Universities should not feel they are being pressured to take part in such initiatives to demonstrate their support for the cause the scheme addresses and demonstrate how this is the case, and should “be thinking carefully and independently about their free speech duty when signing up to these sort of schemes” and demonstrate how this is the case.**

9. External benchmarking supports a process of self-evaluation, on the basis of which the University makes conscious choices about which areas of further work are relevant to and contribute to our strategic aims. This is part of the University's portfolio approach to equality, diversity and inclusion which supports and works alongside mechanisms to support academic freedom and freedom of expression within the law, including our arrangements for external speakers. Which charters to submit to, and any resulting action plans, are agreed through the University's governance or management structures, where there is a clear understanding and commitment to upholding the statutory duties of the University in relation to both freedom of speech and the Public Sector Equality Duty.

10. These checks and balances ensure that the use of charters and benchmarks is judicious and appropriate, and that safeguards are in place to promote academic freedom and freedom of speech within the law and that these safeguards are understood and effective. The approvals processes required prior to the use of a particular charter or benchmark being agreed enable explicit and independent consideration to be given to the risks and benefits of use of the charter. Proposals for actions as a result of the charter self-evaluation process are also carefully considered, to ensure that they contribute to, and do not create any unnecessary tensions with, the University's duty to uphold academic freedom and freedom of speech within the law.

**Membership of these schemes, the initiatives that flow from them, and the creation of new, highly paid, management roles should represent good value for money for taxpayers or students and a value for money case should be made.**

11. The portfolio approach to equality, diversity and inclusion requires that the components of that portfolio are open to scrutiny and challenge. The portfolio itself and the way that it is delivered are expected to change over time, as new voices emerge, and the University's practices and

culture develop.

12.The Minister also raised specific concerns about value for money, including where delivery of charters and benchmarks led to the creation of “new, highly paid management roles”. No new management roles have been created at the University to deliver charters or benchmarks, and where additional resources have been needed these have been supported through bids to the rigorous annual planning round, as for all other new posts. Where new initiatives are identified as part of a charter, in addition to those identified through the standard annual planning processes, action plans are drawn up and given appropriate scrutiny, including whether they represent good value for money, through the University’s management or governance structures.

13.While regular review is built into the University’s portfolio approach to equality, diversity and inclusion, it is recommended that regular reviews are established as an explicit requirement for all charters, benchmarks and the posts that support them to ensure they continue to be relevant to the University’s needs, remain the best means of evaluating our practices and provide value for money for the University in pursuing its mission and charitable objects.

## **Conclusions**

14.At its meeting on 14 July 2022, Council noted the specific consideration to the risks and opportunities arising from the use of charters and benchmarks as a feature of the University’s portfolio approach to equality, diversity and inclusion and, in particular:

- a. Noted the context provided by the University’s commitment to promoting academic freedom and freedom of speech within the law, within which the University’s portfolio approach to equality, diversity and inclusion is situated, as outlined in the paper.
- b. Endorsed the appropriate use of charters and benchmarks as a component of the University’s portfolio approach to equality, diversity and inclusion through which a plurality of voices can be heard on our campuses, as the best current means of securing expert evaluation of the University’s practices to support its commitments and obligations in relation to equality, diversity and inclusion.
- c. Noted the checks and balances in place to ensure that the use of charters and benchmarks is judicious and appropriate, and that safeguards are in place to protect and promote academic freedom and freedom of speech within the law, and that these safeguards are understood and effective.

- d. Noted the approvals processes required prior to the use of a particular charter or benchmark being agreed, enabling explicit and independent consideration to be given to the risks and benefits of use of the charter. Proposals for actions as a result of the charter self-evaluation process are also carefully considered, to ensure that they contribute to and do not create any unnecessary tensions with the University's duty to uphold academic freedom and freedom of speech within the law.
- e. Endorsed the need for periodic reviews of the utility and value for money of the use of individual charters, benchmarks and the posts that support them, to ensure that they continue to be relevant to the University's needs, remain the best means of evaluating our practices and provide value for money for the University in pursuing its mission and charitable objects.