

University of St Andrews
Equality and Human Rights Impact Assessment (EHRIA) Form
Template version: 3.0

Introduction

EHRIAs support the University of St Andrews to meet its statutory duties stipulated under the Equality Act (2010); the Public Sector Equality Duty (2011); and the Scottish Specific Duties (2012). This template will support the University in meeting the statutory requirements.

Prior to the publication on the University's website, every EHRIA will be assessed by the Equality, Diversity & Inclusion (EDI) Team, before publishing documentation on the University's website.

Template to be completed by the person leading the EHRIA

Policy Owner:	EDI Team & Human Resources
School/Unit:	Human Resources
EHRIA Commenced date:	15 May 2023
Version number:	1.0
EHRIA Completed date:	19 May 2023
Date signed-off by the University EDI Team:	9 June 2023
EHRIA actions due for review on date:	N/A
Date summary of EHRIA published and where (if required):	N/A

Stage 1: Background information

Title of Policy/Procedure/Service:	Marking and Assessment Boycott
EHRIA Lead Person:	Sukhi Bains, Head of EDI
Who else is involved in the EHRIA? Please list all colleagues who will support the development of this assessment	Planning Unit (data purposes).
Is this a new or revised policy/procedure/service?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Stage 2: Scoping and evidence gathering

What is the reason for introducing/revising an existing policy/ procedure/service?
The commencement of the UCU Marking & Assessment Boycott from 20 April 2023, resulting in the adjustment of pay from 19 May 2023 inclusive and until the Marking & Assessment Boycott ends or individuals cease participating in the Marking & Assessment Boycott.
What is the intended outcome(s) and impact?
The MAB is not a university action. Participation in the Marking & Assessment Boycott is a breach of contract and as such, pay will be impacted.

What internal/external quantitative/qualitative data, evidence or research, as well as legislation relating to equality and human rights, has been considered when deciding to develop new or revise current policy/procedure/service? e.g. University equality reports or action plans

External:

Equality & Human Rights Commission Equality Act (2010) guidance.

Internal:

Recognition agreement (between the University and the recognised TUs).

Equality, Diversity and Inclusion Policy.

Dignity and Respect at Work Policy.

FAQS – Marking and Assessment Boycott document.

Who has been consulted?

e.g. Staff/students, Trade unions, Third sector partners, Expert groups

Note: This is a screening exercise, in line with guidelines and no full consultation is required.

How did the consultation shape the policy/procedure/service?

N/A

Stage 3: Identifying outcomes and impact

Delivering on the University's Public Sector Equality Duty, consider the equality risk assessment within the context of broader staff, student or visitor journey (attainment, recruitment, retention, progression, promotion, training etc.)

1. How does the policy/procedure/service contribute to eliminating discrimination, harassment and victimisation?

Positive

Negative

No effect

Please describe:

The following areas of current relevant policies in place provide protection specifically for members of, and undertaking the activity of, trade unions:

Section 2.1 of the 'Equality, Diversity and Inclusion Policy' states that 'The University of St Andrews is fully committed to respect and fair treatment for everyone, eliminating discrimination and actively promoting equality of opportunity and delivering fairness to all. In addition to being compliant with the equality laws (public duties and Human Rights), the University also supports diversity and promotes equality of opportunity for all staff, students and visitors regardless of their: Union activity.

Section 6.5 of the 'Recognition agreement (between the University and the recognised TUs)' states that the 'University recognises that Trade Union representatives fulfil an important role and that the appropriate discharge of their duties as union representatives will in no way prejudice their career prospects or employment with the University as supported by the Dignity and Respect at Work Policy and the Equality Policy.'

An email was sent by the Director of HR to all staff, dated 18 May 2023, clearly asking staff to confirm if they are participating in the Marking Assessment Boycott, via an online portal:

<https://portal.st-andrews.ac.uk/strike/>

The impact on pay was also explained, stating that a payment at 50% of normal rates will be made to those participating in the MAB. Payment will be adjusted from the June payroll onwards as follows: June Payroll (19 May – 12 June; July Payroll (13 June – 12 July); August Payroll (13 July – 10 August) and so on as per the [published cut off dates](#).

Staff were also invited to contact the Director of HR if they had any queries.

A set of FAQs were published as additional information for staff:

<https://www.st-andrews.ac.uk/media/human-resources/Marking%20and%20Assessment%20Boycott%20FAQs.pdf>

The FAQs document clearly states that 'all employee and employer pension contributions will be maintained at the normal rate during the pay deduction period'. Therefore, impact on staff recently commenced their pension contributions is not mitigated against, such as staff members of younger age bands.

2. State how the policy/procedure/service advances equality of opportunity between those who share a protected characteristic and those who do not?	Positive	<input type="checkbox"/>
	Negative	<input type="checkbox"/>
	No effect	<input checked="" type="checkbox"/>

Please describe:

Refer to answer above regarding current relevant policies in place that provide protection specifically for members of, and undertaking the activity of, trade unions.

3. In which ways does this policy/procedure/service fosters good relations (tackle prejudice, promote understanding) between those who share a protected characteristic and those who do not?	Positive	<input type="checkbox"/>
	Negative	<input type="checkbox"/>
	No effect	<input checked="" type="checkbox"/>

Please describe:

Refer to answer above regarding current relevant policies in place that provide protection specifically for members of, and undertaking the activity of, trade unions.

4. Does the policy/procedure/service ensure Human Rights articles compliances? Compliant <input checked="" type="checkbox"/> Breach <input type="checkbox"/>
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Please indicate which articles of Human Rights does the policy/procedure/service relate to:

Article 1 - Free and equal

Article 2 - Right to life

Article 3 - Prohibition of torture

Article 4 - Prohibition of slavery and forced labour

- Article 5 - Right to liberty and security
- Article 6 - Right to a fair trial (e.g. disciplinary procedures)
- Article 7 - No punishment without law (e.g. disciplinary procedures)
- Article 8 - Right to respect for private and family life
- Article 9 - Freedom of thought, conscience and religion
- Article 10 - Freedom of expression
- Article 11 - Freedom of assembly and association (e.g. trade union recognition)
- Article 12 - Right to marry
- Article 14 - Prohibition of discrimination (e.g. people part of protected characteristic groups)
- Protocol 1 Article 1 – Protection of property
- Protocol 1 Article 2 – Right to education

Screening data

Please note that as we do not hold UCU membership data, we have based the following on the staffing cohort covered by UCU and those who participated in Strike Action during 2023.

Characteristic group	A Contract Holders (excludes bank and casual staff)	MAB Participants	Total %
Age band			
16 - 24	1%	0%	0%
25 - 34	18%	15%	15%
35 - 44	33%	42%	23%
45 - 54	27%	28%	19%
55 - 64	16%	14%	16%
65+	4%	1%	4%

Disability			Total %
Disability disclosed	3%	3%	18%
No disability disclosed	93%	94%	19%
Not given/known	4%	3%	14%

Ethnicity			Total %
BAME	3%	4%	23%
White	59%	62%	19%
Not given/known	38%	34%	16%

Nationality			Total %
UK	66%	60%	17%
Non-UK	33%	40%	22%
Not given/known	1%	0%	0%

Religion or Belief			Total %
Religion/Belief	27%	19%	13%

No religion	38%	48%	23%
Not given/known	35%	33%	18%

Sex			Total %
Men	53%	48%	17%
Women	47%	52%	20%

Sexual Orientation			Total %
LGB+ (Lesbian, Gay, Bisexual, Other)	9%	14%	28%
Heterosexual	57%	50%	16%
Not given/known	34%	36%	19%

Detail the positive impact here (if not already stated earlier):	
As stated earlier, although this is a screening exercise, current policies in place protect staff members from trade union activity.	
Please select which group(s) will be affected by the positive impact:	
Age (e.g. older people or younger people)	<input type="checkbox"/>
British Sign Language (BSL)	<input type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	<input type="checkbox"/>
Gender (e.g. men, women)	<input type="checkbox"/>
Gender Identity (e.g. Transgender identity, non-binary identities, people who will change/ have changed/are changing their gender from that assigned at birth, and non-binary)	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Maternity and Pregnancy (e.g. maternity/paternity/shared/adoption leave)	<input type="checkbox"/>
Race (e.g. people of different nationalities, national identities, ethnicities)	<input type="checkbox"/>
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input type="checkbox"/>
Sexual orientation (e.g. asexual, lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>
Socio-economic groups (e.g. caring responsibilities)	<input type="checkbox"/>
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	<input type="checkbox"/>

Stage 4: Analysis of impact/outcomes

If it has been indicated that this new or revised policy/procedure/service will have an impact/ outcome on one or more of the 3 main duties of the Public Sector Equality Duty and Human Rights articles for staff or students. Use these sections below to indicate whether the impact is positive or negative, and justify the assessment using the data and evidence already gathered (via statistics, consultation, etc.)

Detail the negative impact here (if any):	
Potential impact:	Mitigating response:
Please select which group(s) will be affected by the negative impact:	
Age (e.g. older people or younger people)	<input type="checkbox"/>

British Sign Language (BSL)	<input type="checkbox"/>
Disability (e.g. people with visible or non-visible disabilities, physical impairments or mental health conditions)	<input type="checkbox"/>
Gender (e.g. men, women)	<input type="checkbox"/>
Gender Identity (e.g. Transgender identity, non-binary identities, people who will change/ have changed/are changing their gender from that assigned at birth, and non-binary)	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Maternity and Pregnancy (e.g. maternity/paternity/shared/adoption leave)	
Race (e.g. people of different nationalities, national identities, ethnicities)	<input type="checkbox"/>
Religion or Belief (e.g. belonging to a particular religion, holding a particular belief, or have no affiliation to any particular religion or belief)	<input type="checkbox"/>
Sexual orientation (e.g. asexual, lesbian, gay, bisexual or heterosexual)	<input type="checkbox"/>
Socio-economic groups (e.g. caring responsibilities)	<input type="checkbox"/>
Human rights compliance (e.g. civil, political, economic, social, and cultural rights)	<input type="checkbox"/>

Stage 5: Identifying options and course of action

Select a recommended course of action:	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of results, including the likely impact of the proposed policy/procedure/service advancing equality and human rights, plus any next steps identified

Please detail the summary here:

From the data listed in the 'Screening data' table, factoring-in proportions of staff where their protected characteristic is 'not given/known', overall, the data indicates that staff whom participated in the Marking and Assessment Boycott were more likely to be disclosed of the following profiles: 35-44 years old; no disability disclosed; white ethnicity; UK nationality; no religion or belief; heterosexual; and women.

There is no direct discrimination due to participation in the Marking and Assessment Boycott being a choice made by individual members rather than as a direct result of being of a particular protected characteristic.

No action will be taken following this screening exercise. However, a review is undertaken of communications/issued raised after all periods of Industrial Action to ensure communications are updated/adjusted as necessary.

Outline plans to action and review the impact of the new or revised policy

- Note: any evidence that raises concern would trigger an early review rather than the scheduled date
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new or changed policy/ procedure/service

Template example (if required):

Action	Responsibility	Date	Review point	Outcome

Stage 6: Publishing

The completed EHRIA and Publishing Document must be emailed to the Equality Diversity Inclusion Team: diversity@st-andrews.ac.uk.

Please note that the final EHRIA, or reference to it will be published on the University's website once the EHRIA has received approval. As part of a transparent process, and to support decision making, EHRIsAs will also be submitted to relevant institutional committee or group.

