

Impact case study (REF3b)

Institution: Oxford Brookes University
Unit of Assessment: 19 - Business and Management Studies
Title of case study: Development of policy and practice in the field of equality in the workplace [Higher Education Sector]
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Research by Manfredi (Business) and Vickers (Law) has informed the development of equality policy and practice for to the management of human resources in Higher Education, both nationally and internationally. Work on the implementation of the public sector equality duty has been instrumental in developing the equality policy of HEFCE and the equality framework of the REF 2014. Research on the implications for the management of human resources of the abolition of mandatory retirement has generated knowledge which has demonstrably influenced organisational policy development on age equality and retirement. This has been widely applied in personnel training initiatives, legal briefings and used to develop good practice guidance for employers.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Equality policy in research careers: Research on equality and the RAE 2008 was undertaken for the Equality Challenge Unit/HEFCE in 2009 by Professor Manfredi and Professor Vickers (1). This research was commissioned on a competitive basis (£46,000 grant; Manfredi principal investigator), and involved document reviews from 32 higher education institutions, and interviews with senior staff, and main and sub-panel members. Findings confirmed that the selection rate of women was lower than that of men in RAE 2008. This was consistent with the findings of the HEFCE study (HEFCE 2009/34). In the RAE2008, individual sub-panels provided different equality guidance in their panel criteria statements particularly with regard to the treatment of early-career researchers. The research concluded that this was not justified by differences in the subject areas, and ambiguity in the sub-panel guidance might have led to exclusion of some staff from an RAE submission. The research recommendations included that that there should be greater consistency in the equality guidance issued by different panels; equality training provision should focus on the REF and make use of case studies to explore the implications of dealing with personal circumstances in the process of selecting staff for inclusion. These recommendations were implemented in the REF 2014 guidance: (para 111 Research Excellence Framework Second Consultation on the Assessment and Funding of Research (HEFCE 2009).</p> <p>Age equality and retirement policies: Research on the new legal regime on age equality as it affects the management of human resources in Higher Education was undertaken from 2007-2012 by Manfredi and Vickers as part of two consecutive HEFCE funded projects. The projects partners included main HE stakeholders: the Equality Challenge Unit (ECU), UCEA, the Leadership Foundation for Higher Education, University Human Resources and the trade unions, UNISON and UCU. The first study (£134,000 grant ref. LGM123, Manfredi PI) investigated staff preferences and expectations about retirement and perceptions of age discrimination across all the occupational groups in the HE sector. It was conducted in a sample of twelve institutions, gathering quantitative and qualitative information through an anonymous questionnaire (7218 responses), and a series of focus groups with senior academics, managers of administrative and manual staff. A follow-up study was undertaken in 2010-11 when mandatory retirement was abolished (£ 64,000, grant ref. LGM233 Manfredi PI). These studies indicated that: many staff wish to retire past pensionable age and work flexibly (2); employers however, are concerned that longer working lives may reduce career opportunities for younger staff, make workforce planning more difficult and lead to a greater use of formal performance management processes(4). The research also examined staff's rights to extend their working lives and employers' interests to manage their workforce effectively, in the context of age discrimination legislation and the evolving European and national case-law on age equality and retirement policies (3,4,5).</p>
<p>References to the research (indicative maximum of six references)</p> <p>1) The impact of the process to promote equality and diversity in the Research Assessment Exercise 2008" (2009) ECU, London. http://www.ecu.ac.uk/publications/files/equality-and-diversity-in-the-research-assessment-exercise-2008.pdf/view report reviewed by an expert advisory panel for Equality Challenge Unit before publication.</p>

2) Manfredi, S. and Vickers, L. (2009) Retirement and Age Discrimination: Managing Retirement in Higher Education, *Industrial Law Journal*, Vol 38 No4: 343-364 – DOI: 10.1093/indlaw/dwp025 Submitted to REF2014, Oxford Brookes University, UoA19-Business and Management Studies, REF2, S Manfredi, Output identifier 7573.

3) Manfredi, S. (2011) Retirement, Collective Agreement, and Age Discrimination: Implications for the Higher Education Sector in the UK, *International Journal of Discrimination and the Law*, Vol 11 No 1-2: 65-80 - DOI:10.1177/135822911101100207-peer reviewed journal article

4) Manfredi, S. and Vickers, L. (2013). Pensioning off the mandatory retirement age: implications for the higher education sector. *Legal Studies* 33 (2), pp.289-311 – DOI:10.1111/j.1748-121X.2012.00247.x Submitted to REF2014, Oxford Brookes University, UoA19-Business and Management Studies, REF2, S Manfredi, Output identifier 6278.

5) Vickers, L. and Manfredi, S. (2013) Age equality and retirement: Squaring the circle, *Industrial Law Journal*, Vol.42 No1: 61-74 – DOI:10.1093/indlaw/dws042 Submitted to REF2014, Oxford Brookes University, UoA19-Business and Management Studies, REF2, S Manfredi, Output identifier 8730.

Details of the impact (indicative maximum 750 words)

Work on equality policy in research careers was said to have made ‘a significant contribution to the development of the policies and practices that are linked to the new Research Excellence Framework’ (Policy Director of ECU, 8). The research report was sent by ECU to all Vice-Chancellors as it was seen as ‘particularly useful in influencing practice at local level’ (8). The recommendations based on the research had demonstrable and direct impact on the content of the Funding Councils Equality Guidance for REF 2014. They were taken up in the REF 2014 guidance: (para 111 Research Excellence Framework Second Consultation on the Assessment and Funding of Research (HEFCE 2009) and Assessment Framework and Guidance on Submission (HEFCE July 2011, 6) and by ECU (6,7). Below are the details of these recommendations (see report section 3.1 pp 28-29,1) which show that they were instrumental in shaping the equality guidance issued by the Funding Councils and ECU for REF 2014:

This research identified that the pro-rata approach adopted by some panels to deal with equality related circumstances had the advantage of clarity and that a more flexible approach, although less restrictive, could open up more subjective interpretations: REF 2014 equality guidance has adopted a clear distinction between defined personal circumstances to be dealt with by adopting a pro-rata approach, and complex circumstances where a more flexible approach is needed (paragraph 67, *ibid*).

The need for greater consistency in the equality guidance issued by panels and sub-panels particularly with regard to the treatment of early career researchers was identified and led to the adoption of more consistent rules in REF 2014 (paragraph 72, *ibid*).

Institutions were recommended to have ‘robust procedures’ to facilitate self-disclosure of personal circumstances. This is directly reflected in paragraph 220 (Assessment Framework and Guidance on Submission (HEFCE July 2011) on Disclosure of Individual Staff Circumstances. Following the recommendations the ECU developed a template for universities to gather equality-related personal circumstances (7).

Equality training should focus on the REF context and take a case study approach. In response ECU and the REF Equality Advisory Panel have designed REF specific equality training and developed a bank of case studies for training purposes (7).

HEIs should be encouraged to undertake Equality Impact Assessments (EIAs) of REF submissions (paragraph 212 Equality Impact Assessments, *ibid*)

All equality related appeals should allow for a timely resolution of any complaint. In response to this the Funding Councils are requiring that ‘appropriate and timely procedures should be put in place’ (paragraph 227 Feedback and appeals, *ibid*)

The impact of this work has also been recognised by those affected by it: for instance Manfredi and Vickers were commissioned to carry out REF equality training by the University of Surrey (2012) for those involved in decision making in the REF 2014. Furthermore as HE sectors in other countries like Australia are considering the adoption of similar approaches to assess research outputs, the findings from this study are likely to influence practice internationally.

Age equality and retirement policies: The research on age equality and retirement policies has been used extensively in knowledge transfer workshops/training for HE human resource managers, equality specialists and trade union representatives. It has also informed written guidance for universities in developing best practice to manage extended working lives. The direct impact of this research is demonstrated by the following evidence from sector stakeholders, HR managers, equality specialists, and lawyers:

Key findings from the research were included in 2010 HEFCE report on the HE workforce and future management challenges (9). ECU funded (£ 2,000) the production (2011) of a written resource guide informed by the research findings on managing flexible retirement and extended working lives to influence and improve practice in this area (11). This guide was sent to all HR university Directors and other key stakeholders in the sector and published on the ECU web-site (13). Law firms have used the research findings widely in their briefings to clients and in the preparation of cases involving the enforcement of an employer justified retirement age (2010-2013) (10). Manfredi and Vickers were commissioned (2009) by Equality Forward in Scotland to design and deliver training, based on this research, for HR managers in higher and further education. As Manfredi and Vickers continued to examine the changing legal regime on age discrimination and retirement, later research findings informed new training sessions for HR and equality managers which were delivered in several universities in England (2011) and at a workshop, commissioned by ECU, in Scotland (2012). Overall these sessions were attended by HR and equality specialists from over 50 universities and FE colleges. Written feedback from these sessions shows how the research influenced managers' thinking and practice: 'used of the resource guide to improve practice'; 'used evidence from research to tackle prejudice and stereotype about older people, especially about their performance in the workplace'; helped to 'think creatively about how work could be organised to accommodate extended working lives' 'considered links between equality strands'; 'checked retirement/age process for good practice'; etc.(12). This research has also 'shaped the thinking and action' of the University and College Union (14) which led to the adoption of a motion at their Congress in 2012 on Sustainable Working Lives. Manfredi has been invited to be part of a working group convened by UCU in 2013 to look at sustainable working lives in HE (14). Finally this research has attracted media coverage and stimulated a wider debate on age discrimination and retirement policies in the HE sector (15).

3. Sources to corroborate the impact (indicative maximum of 10 references)

Equality policy in research careers:

6) Guidance from REF panel: http://www.hefce.ac.uk/research/ref/pubs/2011/03_11/ and REF guidance from ECU <http://www.ecu.ac.uk/publications/files/equality-and-diversity-in-the-research-assessment-exercise-2008.pdf/view>; evidence of contribution to HE policy makers development of equality guidance for the REF

7) Equality Challenge Unit guidance to Higher Education Institutions to develop a Code of Practice for the REF and REF specific equality training: <http://www.ecu.ac.uk/our-projects/REF>

8) Corroborative statement author 1. Letter from ECU Policy Director to Manfredi dated 7/10/2009 (available on request)

Age equality and retirement policies:

9) The Higher Education workforce framework 2010, http://www.hefce.ac.uk/pubs/year/2010/201005a/name_63861_en.html evidence of contribution to analysis of future challenges relating to managing the workforce in the HE sector

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- 10)** Eversheds solicitors AHUA Law Forum Annual Conference 9th June 2011 Phasing out default retirement – the implications for universities
http://www.ahua.ac.uk/assets/files/documents/jun_11/ahua_1308066895_Eversheds.pdf ; presentations to UCEA 2010; Mills and Reeve solicitors briefing 2011. Letter from Eversheds solicitors to Manfredi dated 30/7/2012. E-mail from Morgan Cole LLP to Manfredi dated 20 May 2013. (All available on request)
- 11)** Resource guide on managing flexible retirement and extended working lives.
<http://www.ecu.ac.uk/publications/managing-flexible-retirement-and-extended-working-lives>
- 12)** Feedback forms from HR and Equality practitioners who attended research informed training sessions on managing flexible retirement and extended working lives and lists of attendees. Available upon request. Workshops materials available on ECU web-site at
<http://www.ecu.ac.uk/events/materials/managing-flexible-retirement-and-extended-working-lives>
- 13)** Correspondence with Manfredi relating to training sessions and distribution of the resource guide: Corroborative statement author 2 - Letter from Equality Forward Interim Director dated 5/5/2009; Corroborative statement author 3 - Letter from Chief Executive Equality Challenge Unit dated 26/11/2010; Corroborative statement author 4 - Letter from Chair of Higher Education Equal Opportunity Network June 2011 (available on request).
- 14)** Corroborative statement author 5. E-mails dated 2/6/2012 and 8/11/2012 from Equality Support Official UCU to Manfredi (available on request).
- 15)** Retirement Law a Grey Area for Staff , 21 February 2008, The Times Higher Education
www.timeshighereducation.co.uk/story.asp?storycode=400714