



GENDER EQUALITY SCHEME

July 2007

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PREFACE

The Conservatoire is committed to providing a culture which fosters and actively promotes equality and diversity. We see the new gender equality duty as a positive encouragement to continuing our effort to become the kind of institution where individual difference is respected and valued and where both staff and students are able to fulfil their potential without bias or discrimination.

This Gender Equality Scheme is the latest in a set of policy statements which outline our comprehensive approach to developing and improving fair and equal treatment for all our staff and students.

The most important part of this scheme is our Action Plan. This sets out the key actions and outcomes we want to achieve in the first three years. The actions we plan to take in the first year have been identified as significant areas for consultation, research and information gathering and these steps will give us the information we need in order to set ourselves clear, realistic and achievable targets which will generate positive, long-lasting change for women and for men.

We recognise the importance of leadership and commitment at all levels within the Conservatoire and our affiliate schools and our Action Plan clarifies the lines of responsibility at each stage of this work and demonstrates how we will review and monitor our progress.

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ONE: PROMOTING GENDER EQUALITY

Introduction

- 1 The new Gender Equality Duty is intended to make gender equality a core element of the work of public authorities and, like the duties to promote race and disability equality, is intended to encourage cultural change. This is because inequalities still exist within the public sector despite thirty years of legislation designed to ensure legal rights to gender equality.
- 2 This duty is about equality for both men and women, for staff and students. It acknowledges that gender roles and relationships structure both men and women's lives. Women have frequently been disadvantaged by policies and practices that do not recognise their greater caring responsibilities, the different pattern of their working lives and their more limited access to resources. Men are also disadvantaged by workplace cultures that do not support their family or childcare responsibilities. Both sexes can suffer from the stereotyping of their roles and needs.
- 3 The aim of this duty is to make visible and faster progress towards gender equality. Indicators of progress include:
 - employees with caring responsibilities receiving greater support, including flexible part-time work opportunities at all levels of work;
 - employees' awareness of the gender equality duty, understanding how it affects their employment and having the skills to implement the duty in their work.
 - male and female students feeling confident in coming forward to discuss concerns they might have about any gender differences in their training.
 - collecting and analysing appropriate data to assess how certain actions will affect women or men;
 - transsexual people feel supported and valued as students or staff, or as potential students and staff.
- 4 Choosing and implementing specific, measurable, achievable, realistic and time-bound gender equality objectives is at the heart of the duty. This is a more exact requirement than under the race or disability duties. The Equal Opportunities Commission acknowledges that smaller public authorities have fewer resources and this will affect the steps they take to ensure compliance with the general duty.
- 5 The Gender Equality Duty's Code of Practice uses the term 'sex' to describe biological differences between women and men and the term 'gender' to refer to the wider social roles and relationships which structure men's and women's lives. This scheme uses these terms in the same way.

The Conservatoire context

- 6 The Conservatoire for Dance and Drama exists to train artists who will match the world's best and, on entering their professions, shape the future of dance, drama and circus arts. Established in 2001, the Conservatoire is an higher education institution with a unique structure with eight affiliate schools. All of these are small, specialist institutions with international reputations for high quality delivery in their respective fields:

Bristol Old Vic Theatre School (BOVTS)
Central School of Ballet (CSB)
The Circus Space (TCS)
The London Academy of Music and Dramatic Art (LAMDA)
London Contemporary Dance School (LCDS)
Northern School of Contemporary Dance (NSCD)
Rambert School of Ballet and Contemporary Dance (RSBCD)
Royal Academy of Dramatic Art (RADA)

- 7 Each of the Conservatoire affiliate schools is a separate and distinct institution that employs its own teaching staff and remains legally autonomous. At the same time, students are registered jointly with the Conservatoire and the individual school.
- 8 Conservatoire schools are small, specialist, vocational training institutions with international reputations for high quality delivery in their respective fields. Each affiliate has an established record of training its students to a professional standard with an excellent success rate in the number of its students gaining employment in the dance, drama or circus.
- 9 As a vocational training institution, there are a number of characteristics that the Conservatoire may share with similar dance, drama and music institutions but which make it different from other, often larger higher education institutions. These are:
- all students who meet the individual Conservatoire school's criteria will be auditioned for a performance course (dance, acting, circus) or interviewed for a technical course. This is the cornerstone of the Conservatoire's approach to access;
 - the courses students embark upon are intense with a high number of contact hours;
 - there is substantial individual input into each student's development and student numbers are limited across the schools (no school has more than 200 students on HE courses);

- there are particular issues with regard to the balance of male and female students, the way in which a year group is selected and the impact that this has on the mode of training (for example single sex teaching, casting requirements).

The legislative framework

- 10 The Gender Equality Duty (GED) came into force on 6 April 2007 and all public authorities are required to have due regard to the need:
 - to eliminate unlawful discrimination and harassment;
 - to promote equality of opportunity between men and women.
- 11 This is known as the **general duty** and public authorities are required to take a proactive approach to meeting this duty. In addition certain listed public authorities, including higher education institutions must comply with a set of **specific duties**. The Equal Opportunities Commission (EOC) has published a Code of Practice for England and Wales (available from www.eoc.org.uk/Default.aspx?page=19689) which sets out and explains the general and the specific duties. These duties are described in more detail in Appendix Two.
- 12 As part of their specific duties, HEIs are required to publish a Gender Equality Scheme (GES) every three years including an Action Plan which sets out their gender equality objectives. Progress is to be reported annually. In order to inform the development of these objectives, HEIs must consult staff, students and other relevant people and must gather and use information and data on how their policies and practices affect gender equality. In particular, they are required to consider the need to include objectives to address any gender pay gap. The specific duties require HEIs to assess the impact of all their policies and procedures in order to actively promote gender equality (see Section 4 on Gender Equality Impact Assessment).
- 13 The GED specifically requires public authorities to have due regard to the need to eliminate unlawful discrimination and harassment in both employment and education against transsexual people and those undergoing gender reassignment: this is further described in Appendix Two.

Gender equality priorities

- 14 In order to establish its priorities for gender equality and inform its action plan, the Conservatoire must consider a number of critical issues, some of which are outlined below:
 - What are significant gender equality issues and how should these be prioritised?

- What information do we need to collect to inform our decision-making, in terms of baseline data about the composition of the Conservatoire and also qualitative information about the views of staff, students and other stakeholders?
 - Where have individual schools developed good practice and what can others learn from this?
 - How can we engage our staff and students in gender equality in a creative way which reflects the aspirations and values of the Conservatoire and affiliate schools, rather than simply making this a legal obligation?
- 15 Deciding on the significant areas in order to establish our priorities is essential to our scheme, but for the most part they will not in themselves be sufficient to have an impact on gender equality outcomes for staff and students. Rather they will give us the information we need to set clear and achievable outcomes for the next stage. It is these outcomes which should make a real difference to gender equality in the Conservatoire schools.

Single equality scheme

- 16 In December 2006, the Conservatoire published its Disability Equality Scheme. This included a description of our long term intention to combine our equality objectives for race, disability and gender (and any forthcoming duties on age, religion and sexuality) in a single equalities scheme. However, at this stage of our work, we acknowledge the concern of both the Disability Rights Commission and the Equal Opportunities Commission that single equality schemes may fail to address the distinctive legal requirements and specific objectives for each duty and it is for this reason that our gender equality objectives are set out in this separate scheme.

TWO: GENDER EQUALITY ISSUES FOR STUDENTS IN THE CONSERVATOIRE

Introduction

- 17 For students who wish to train for a career as a dancer, actor or circus artist there are likely to be some gender equality issues that may not be significant for students on other HE courses. Dance schools often have there is a tradition of specific selection criteria for male and female applicants and in classical ballet training, male and female students are often taught in separate classes in order to develop the different techniques required. Casting for roles in acting courses also has implications for the selection and performance opportunities available to male and female students. The tradition of these disciplines and the need to provide training at the highest artistic standards, together with the requirement to provide graduates who can gain employment in their chosen profession are all essential to our work. However, in order to take account of our new legal duty to ensure gender equality for all, many affiliate schools have reviewed or are currently reviewing the selection and training of female and male students and others will need to do this work.
- 18 The Gender Equality Duty's Code of Practice for England and Wales contains guidance on the legal position on positive discrimination and positive action and on single-sex training. There is currently little guidance that is specifically relevant, but Appendix 3 gives a summary of this guidance with some examples of how this legislation might apply to recruitment, selection and teaching in affiliate schools.
- 19 As with other areas of equality and diversity, how we select students is the starting point for considering gender issues. Following this, we need to look at how students progress through their education and assess any gender impact in relation to student achievement.

Gender equality issues in selection

- 20 Selection, admission and teaching students is the responsibility of each affiliate. Conservatoire schools endeavour to ensure fair and open access to its courses by auditioning all applicants who meet the individual school's criteria for dance, acting and circus performance courses and interviewing all applicants for technical courses. The combination of intensive training and strong student support has led to excellent retention rates and outstanding employment rates. Competition for places is very high, sometimes with over 70 applicants for each place.
- 21 The Conservatoire and its schools are keen to take talented students from a variety of backgrounds. All the schools engage in a number of activities to try to identify talent from all sections of the community. Further information about widening participation activity can be found on the Conservatoire's website: www.cdd.ac.uk .
- 22 The facts and figures show that for all disciplines taught within the Conservatoire schools (as is also the case with other, similar schools) there are usually more female than male applicants. This is consistent with the findings across the sector

from dance data provided by the Council for Dance Education (www.cdet.org.uk) and Training and drama data from the National Council for Drama Training (www.ncdt.co.uk) both of which accredit courses in dance and drama. The Conservatoire is not responsible for any inaccuracies in these data.

- 23 CDET data show that there were some 4,848 applicants for places at 13 dance schools offering vocational training. Of these 12% of the applicants were male and 82% female. The progress through the application process to taking up a place shows that as a rule, within the sector, a male student is more likely to be offered a place than a female student (46% of male applicants were offered a place compared to 27% of female students). In the final cohort for 2005-06, 21% were male and 79% female. Data from NCDT show that approximately 67% of applications to drama schools were female and 23% male.
- 24 Within the Conservatoire's affiliate **dance schools** there has long been awareness of the need to attract more male students to balance the composition of the year group. Numbers will vary from year to year but at present average at around 70% female and 30% male. Some schools offer pre-vocational courses aimed at attracting younger boys to dance and providing them with a level of training which will enable them to go on to conservatoire-level courses. Information provided by affiliate dance schools shows that some may have taken male students with lower levels of preparatory training in the past, but this is now changing. It is hoped that national initiatives, such as the Music and Dance Scheme's Centres for Advanced Training (LCDS and NSCD both have such centres) will address this imbalance at the application stage. There are issues around the retention of male students especially those who arrive with less preparatory training. There are also some gender-specific selection criteria at some schools (for example height), although this is usually identified as a 'desirable' rather than an 'essential' attribute.
- 25 Applications for the 2/3 year **acting courses** at Conservatoire **drama schools** are similarly weighted towards female applicants. In 2005-06 (applying to start in academic year 06-07) the average across the three drama schools was 64% female applicants to 36% male. This does not necessarily translate into enrolment figures and these vary between schools, from 66% male to 33% female in one school and 50%:50% male to female in another. Schools approach selection in different ways, in one case positively choosing to balance the student cohort, despite the potential limitations this may make on plays chosen for performance, in others creating a cohort with more male students. The need to recruit a suitable 'ensemble' is a common feature of acting training and the lengthy recruitment process is designed to balance the demands of the training with an approach which selects a mixed group of talented students with the potential to develop into professional actors. Cross-casting of students (ie female in male roles or vice versa) does happen but not usually in productions for public performance. An interesting observation is that RADA notes that although its applications for the age range 18-25 are absolutely in line with the 2:1 female to male ratio identified above, this is not the case with the over-25 age group where there is minimal difference

(50.9% female and 49.1% male in 2005-06).

- 26 Applications and enrolment figures from **Circus** students are fairly evenly balanced, although the small numbers make it difficult to discern specific trends. In 2005 for example the enrolment figures were 55% female to 45% male, In 2005-6, applications received were 58% female and 47% male and this corresponded exactly to the proportion of male to female students enrolled in the following year, 2006-07. There is a tendency in traditional circus performance towards stereotyping of gender roles but the school tries not to make assumptions in terms of gender. Instead, decisions about selection are taken with regard to a student's potential to develop as a performer in any of the specialist areas of circus skills and the need to create an 'ensemble' similar to that in acting courses.
- 27 In **stage management and technical theatre** courses, the sector average for applications is 65% female and 35% male. These figures translate into offers and acceptances with approximately 66% of students on NCDT-accredited stage management and technical theatre courses being female. At the Conservatoire, the averages are slightly different for our exemplar year (2005-06) where the number of women on SM/TT courses averages 75% and men 25%. Some specialist courses (for example set design) do attract more male applicants. Both male and female graduates have little difficulty in obtaining employment.

Gender equality issues in vocational training

- 28 As noted in paragraph 17 above, some aspects of teaching and learning in Conservatoire schools may need to be reviewed in order to ensure that unintentional discrimination (either to favour one gender or to subject a detriment to another) does not take place.
- 29 We have noted that in circus, The Circus Space consciously tries to avoid stereotyping students when they choose particular pathways through their degree programmes and encourages students to pursue skills which will suit their abilities and body type. It is still the case that certain skills are more popular with one group: juggling for example tends to attract more men than women and aerial disciplines tend to attract more women.
- 30 On acting courses at drama schools, gender specific issues arise in casting and the allocation of parts but other classes such as movement, singing, voice etc are not taught in single sex classes.
- 31 Dance training still incorporates single sex teaching, notably in ballet. At LCDS there is a tradition of elective 'boys ballet' classes with slower music to meet the needs of taller students with greater jumps, but recently these classes have also been open to female students. CSB students are taught in single sex classes for ballet because male and female dancers need to work on different vocabulary and style in order for them to be trained appropriately for the profession. This is particularly the case for first and second year work where it is important to

establish a strong foundation for the training. Teachers employed by the school have the skill and expertise to teach both male and female students, although since teachers draw on their own experience, it may be that they are better qualified to teach the particular technical and stylistic qualities that are required by the profession to one gender or the other. In all other classes (apart from music) classes at CSB are taught in mixed gender groups. The legal implications of single sex teaching are explored further in Appendix 2.

Action plan priorities for students

- 32 The key action points for the first year of the scheme are:
- executive level discussions to review current policy and practice on recruitment, selection and training of male and female students;
 - data collection and analysis;
 - establishing a process for staff training on impact assessments;
 - setting up pilot project to establish gender equality issues for students.

THREE: GENDER EQUALITY ISSUES FOR STAFF

Conservatoire context

- 33 Across the Conservatoire and its schools, approximately 500 people are employed on a regular basis, some on full-time permanent contracts but many more on short-term or freelance bases.
- 34 The Conservatoire's equality and diversity policies cover all staff. It is important to note that the Conservatoire itself employs a small team of nine people. All other staff engaged in teaching, administration and other support activities are employed directly by the Conservatoire schools. All teaching staff across the Conservatoire are employed by the individual schools. The Conservatoire must, therefore, pass on its responsibilities for gender equality, and other equality areas, to its schools to ensure that its legal obligations are met. This is covered in the operating agreement which governs the relationship between the Conservatoire and the affiliate school.
- 35 In more conventional higher education institutions, responsibility for gender equality will sit within the Human Resources department. Across the Conservatoire this is a devolved arrangement. Some schools have individuals responsible for HR, or share services with their larger organisations (for example LCDS's HR activity is covered by The Place). There is, at present, no single HR function covering the whole Conservatoire. However, we do not believe that locating responsibility for gender equality outside of a single HR function will impede its implementation. Schools have identified senior staff members who lead on equality and diversity matters and this can be reported on through the Equality and Diversity Working Group and the Principals' Management Group.
- 36 In its attitude and culture, the Conservatoire and affiliate schools strive to achieve good employment practice. Two out of the eight principals are women and there is good balance of male to female staff in the senior management teams in all schools and in many governing bodies. All schools are aware of the need to promote and manage flexible working conditions for parents and those with other caring responsibilities and for staff requiring flexible working conditions or a period of absence from work and it is recognised that this applies to both male and female staff members.
- 37 Freelance and specialist short term work is an important area of employment in all affiliate schools. Schools bring in specialists with a history of excellence in their own profession and this adds immeasurably to both the artist's own profile and the experience of the students. Procurement of freelance and short term staff is a particular concern of the gender equality duty and the pilot project at TCS will review gender equality issues in procurement of staff in order to set realistic actions with achievable outcomes (see Appendix 3).

The sector context

- 38 The Conservatoire sits within both the worlds of higher education and the creative industries. Affiliate schools need to take account of the market for which they are training whilst providing an education to their students which is commensurate with the ethos of the public sector. For staff, therefore, the context of these two worlds is important.
- 39 In HE, the Higher Education Statistics Agency (HESA) recently reported that its data collection on staff in 2005-06 showed that there is a narrowing of the pay gap between men and women. There is still a difference, with women earning on average 89p for each pound earned by men, but this is a considerable improvement on the DTI's averages where women earn 72p for every male pound. There also remains a gap in women reaching senior posts, where 30.8% of full-time staff are female and 15% of professors are women. HESA also identified disparity in the award of performance-related pay, where men are 1.5 times more likely to receive discretionary awards of this nature than women (but these awards are also more likely to be given to senior staff, who are already more likely to be male).
- 40 However, the higher education world seems to be better at closing the pay gap than the arts world. In a recent *Arts Professional* magazine survey of 2,448 people working in the arts (Issue 132, October 2006) women earned on average 80p to the male pound. Furthermore, only 17% of women earn over £30,000 a year, compared to 44% of men.

Gender equality priorities for staff

- 41 To establish priorities for the first year of this scheme, a selection of male and female staff across the Conservatoire were asked about their views on gender equality. First staff were asked to identify three things which the school did well. Responses included:
- tutors were employed on the basis of experience in their discipline and this made an even mix of male and female teachers;
 - a good balance of women and men in senior management and decision making roles, including one of the very few female Principals/VCs in HE;
 - reasonably balanced Board of Governors;
 - maternity and paternity leave offered to staff and flexible working and arrangements for male and female staff with young children;
 - opportunities to work on a free lance basis or on short course teaching.
- 42 Second, staff were asked about areas for improvement. These were:
- opportunities for staff development, particularly for research and publishing;

- family friendly working arrangements and consideration given to work/life balance;
- progression routes and career paths for both male and female staff;
- developing an internal promotion structure;
- proactively identifying a training structure for staff at different levels and in different departments;
- more transparency in pay structure;
- more men in administrative roles and women in technical posts;
- acknowledging that staff salaries in certain areas reflect a largely female workforce and may be higher if it was largely male;
- better maternity leave package;
- having a permanent crèche;
- better lavatory facilities and gender specific changing rooms.

43 The outcome of these questionnaires led to the generation of a project at The Circus Space which will consider current working issues for male and female staff, establish priorities for change and improvement and report back on these findings to the Conservatoire. Further information about the project is included in Appendix 3.

Action plan priorities for staff

44 In the first year these are:

- identify and implement change as a result of The Circus Space project and sharing practice with other schools;
- progress on job evaluation schemes at individual affiliates within the agreed timetable;
- data collection and analysis;
- developing policy on supporting trans-gendered staff.

FOUR: IMPACT ASSESSMENT

- 45 The specific duties require us to assess the impact of our policies and practices, both existing and future, formal and informal, on gender equality for men, women and trans-gender (transsexual) people. The purpose of a gender impact assessment is to:
- ensure that neither sex is disadvantaged by our decisions and activities
 - identify where we can promote equality of opportunity between men and women.
- 46 Not all policies and practices will impact on gender equality. However, some policies and practices that seem neutral can have a significantly different effect on women and on men. There is a growing recognition that women can be disadvantaged by policies and practices that do not recognise their greater caring responsibilities, the different pattern of their working lives and their more limited access to resources. Men are also disadvantaged by workplace cultures that do not acknowledge and support their family or childcare responsibilities. It is therefore important to screen all policies for gender equality relevance before going on to consider whether or not a full and detailed impact assessment is required.
- 47 Gender equality impact assessment is not an end in itself. If there is a negative impact or a missed opportunity to promote equality, then we must consider whether and how we can modify that policy or practice.

Action plan priorities

- 48 Our year one priorities are:
- determine how we will conduct gender equality impact assessments;
 - determine which staff at schools will do this work;
 - provide training;
 - investigate an integrated equality impact assessment process that covers all equality strands rather than conducting separate impact assessments for gender, race and disability.

FIVE: GENDER EQUALITY OBJECTIVES - ACTION PLAN

49 The actions described below have been identified as significant areas to be considered in the first year of the Conservatoire's gender equality scheme. For the most part these objectives will not in themselves be sufficient to have an impact on gender equality outcomes for staff, students and other users. Rather, through consultation, research, data and other information collection, they will give us the information we need in order to set clear and achievable objectives for years two and three of our scheme.

Objectives: Year One, 2007-08

Objective	Outcome	Timescale	Responsibility
1	Conduct a pilot project at the Circus Space on gender and other equality issues for staff.	Pilot project completed and report written Outcomes inform future gender equality objectives in Y 2 & 3 for the Conservatoire and other affiliates	2007-8 Chief Executive TCS E&D Manager Principals' Management Group (PMG)
2	Conduct executive level discussion on current policy and practice in relation to the selection, retention, training and professional career paths of male and female students.	Identification and understanding of the gender equality issues for students, particularly in relation to selection and training Identification of areas for policy development and objectives for Y 2 & 3 of GES	Stage 1: Sept-Dec 2007 Stage 2: 2008-9 PMG
3	Review of the gender balance of the Conservatoire's Board of Governors.	Determine strategies to address any under-representation found.	2007-8 Principals and Governing Bodies in each affiliate. Principal responsible for E&D to report.
4	Progress on job evaluation schemes across the Conservatoire in line with HR strategy,	Completed job evaluation and reporting back on equal pay reviews.	2007-8 2008/9 Affiliate principals PMG

	to include equal pay reviews.			Director of Finance and Operations
5	Collection of data on application, audition and take up of places across the Conservatoire by programme and monitoring of those data.	Analysis of recruitment patterns from academic year 2006-07 for entry 07-08	2007/8 2008/9	Administrative Director and supporting staff.
6	Individual affiliate meetings to discuss implementation of actions.	Meetings conducted at all affiliates; Raised awareness and understanding of GES activities and objectives at senior level in all affiliates; Mechanisms are put in place at each affiliate to implement the GES year 1 action plan objectives.	September 07 to July 08	Principal E&D Manager
7	Develop process for conducting impact assessments. Conduct pilot impact assessments in accordance with principles agreed.	Training/trainer identified. Training delivered. Process and timetable identified Impact assessments in process.	Sept –Dec 2007 Jan – July 08	E&D Manager E&D Working Group
8	Identify an affiliate school to lead a project which will collect information on the important gender equality issues for students	Identify an affiliate school for the pilot project Project proposal developed and agreed with senior management team at the affiliate school Where appropriate, work with the student reps.	2008	E&D Manager Affiliate Principal Affiliate student reps.

9	Work with other similar HEIs to research equality issues for trans-gendered men and women (students and staff) in order to establish policy that reflects good practice and the requirements of the new legislation.	Research conducted equality issues in relation to trans-gendered men and women established. Policy approved by PMG and in each affiliate school	2007/8	E&D Manager E&D Working Group PMG
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Objectives: Years 2 and 3 (2008-09 and 2009-10)

50 The objectives for years 2 and 3 below are indicative as these will be determined in greater detail as a result of the work in Year One. Revised objectives will be published in the annual reports.

Objective		Outcome	Timescale & priority	Responsibility
10	Implement outcome of project within The Circus Space. Report findings to Conservatoire and affiliates.	Improved policy, practice and visibility of this work.	2008/9	CEO, The Circus Space
11	Dissemination of findings of TCS project across the Conservatoire.	Report on findings. Discussion at strategic committees, notably: PMG E&D WG HESA WG	2008 –9	E&D Manager Administrative Director PMG
12	Conduct a project in an affiliate school in order to establish important gender equality issues for students and report back.	Pilot project conducted Gender equality issues for students are identified Outcomes of pilot reported to Conservatoire and affiliates Outcomes of pilot used to develop further objectives (in Y 3).	2008-9	Principal and E&D Working Group member in relevant affiliate E&D Manager

13	Develop a policy on supporting trans-gendered staff and students.	Policy developed and adopted Information and training delivered to implement.	2008-9	E&D Manager E& D Working Group PMG
14	Affiliates to review composition of governing bodies	Composition of governing bodies reflects an appropriate gender balance	2008	Affiliate governing bodies
15	Determine objectives in line with information gathered in Year 1.	Objectives set for second half of Y2 and for Y3 Ensure compliance with equalities legislation and maintain the highest artistic standards in selection and training.	2008-10	E&D Working Group PMG
16	Completion of job evaluation and equal pay policy across the Conservatoire	Policy in place. Report on activity	2009	PMG Director of Finance and Operations
17	Implement gender impact assessments.	Impact assessments conducted. Modifications to policy.	2008-9	E&D Manager E&D Working Group PMG
18	Develop gender equality objectives for Y3 of the GES	Gender equality objectives for Y3 of the GES are developed and in place Objectives for Y 3 are published in the GES annual report		E&D Working Group

SIX: IMPLEMENTATION, MONITORING AND REVIEW

Responsibility for implementation

- 66 The Conservatoire's Board of Governors is ultimately responsible for ensuring compliance with equality and diversity legislation.
- 67 The Administrative Director is the senior staff member responsible for overseeing the implementation of the Gender Equality Scheme. She reports to the Joint Principals and the Principals' Management Group. In accordance with Conservatoire practice, the Equality and Diversity Working Group is chaired by a principal, who works with Conservatoire staff and leads on equality and diversity matters across the Conservatoire. He reports to the Principals' Management Group on progress.
- 68 Day-to-day operational responsibility is given to the Equality and Diversity Manager who will be responsible for implementing, monitoring and reviewing the Gender Equality Scheme and its action plan. She reports to the Administrative Director and will liaise closely with the Chair of the E&DWG. She will also support activity across the Conservatoire and advise affiliates on implementation.

Gathering information

- 69 The E&D Manager will collect necessary information to inform policy development. She will liaise with the Administrative Director and the Academic Registrar in the collation and analysis of data relevant to gender equality.

Measuring success

- 70 The Conservatoire already has structures in place to monitor, critically review and make changes to its policies and provision for disabled staff and students. We will build on this experience to deliver the objectives set out in our action plan in order to improve on equality and diversity for all women and men who study and work in the Conservatoire.

Annual reporting

- 71 The E&D Manager will co-ordinate the writing and publishing of an annual report on the progress of this and the Conservatoire's other equality schemes. The report will cover the steps we have taken to meet our legal obligations, progress against our targets, the outcome of any research or information gathering and revisions to our targets for the coming year. The report will be circulated to all relevant committees, boards and working groups within the Conservatoire and its affiliates and will be available in printed form (in alternative formats on request) and to download from the Conservatoire's website.

APPENDIX ONE: GENDER EQUALITY LEGISLATION AND GUIDANCE

The Equality Act (2006) amended the Sex Discrimination Act (1975) to introduce new Gender Equality Duties (GED) for public authorities. The GED comprises both general and specific duties. A Code of Practice¹ has been published by the Equal Opportunities Commission (EOC), which gives practical guidance to public authorities on how to meet their legal obligations. The Code of Practice is a 'statutory' code, which means that it is admissible as evidence in any legal proceedings. In the following summary, the relevant paragraphs of the GED Code of Practice are given in square brackets.

The general duty requires public authorities to have due regard to the need to;

- eliminate unlawful sex discrimination and harassment
- promote equality between men and women [1.9]

Sex discrimination also includes discrimination on the grounds of gender reassignment in employment and for students in post-16 education [2.65]. This applies to transsexual people and to those who are undergoing or intend to undergo gender reassignment [2.66].

Certain key public authorities, including Higher Education Institutions (HEIs) must also meet a series of specific duties, which set out the steps they must take to deliver their general duties [3.4]. These require HEIs to:

- 1 **Prepare and publish a gender equality scheme (GES)**, showing how it intends to fulfill its general and specific duties and setting out its gender equality objectives. In preparing a scheme:
 - Consult employees, service users, students, and others including trade unions
 - Take into account any information it has gathered or considers relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services
 - Consider the need to include objectives to address any gender pay gap when determining gender equality objectives.

In the preparation of their schemes, an HEI is expected to develop an understanding of the major gender equality issues in relation to its staff and students. Its scheme and objectives should reflect the priorities that the HEI has established in its consultation and information/ data collecting activities [3.7]. The EOC has produced a range of guidance on the preparation on gender equality schemes².

¹ "Gender equality duty: Code of Practice for England and Wales"
<http://www.eoc.org.uk/Default.aspx?page=19689>

² EOC general guidance publications on the GED <http://www.eoc.org.uk/Default.aspx?page=19952>

2 **Ensure that the scheme sets out the actions the authority has taken or intends to take to:**

- Gather and use information on the effect of its policies and practices on men and women, in employment, services and performance of its functions.
- Use the information to review the implementation of the scheme objectives
- Assess the impact of its current and future policies and practices on gender equality
- Consult relevant employees, service users and others
- Ensure implementation of scheme objectives:

The specific duties require an HEI to gather information on the effect of its policies and practices on men and women, and in particular:

- The extent to which they promote equality between male and female staff
- The extent to which the services it provides [eg the education and training of its students] and the functions it performs take account of the needs of men and women [3.13]

Policies and practices are very broad terms, and cover every aspect of an HEI's activities and functions [3.14], not just formally written policies.

Information and data collection, analysis and subsequent use are important features of the specific duties. In order to fulfil these duties, HEIs may need to set up new systems to collect information and to disaggregate existing information collection [3.16]. It is also recommended that HEIs ensure that their systems allow them to cross-reference information by ethnicity, disability, age and other relevant categories, so that there is evidence of any issues for different groups of men and women [3.18]. This will enable them to set objectives that reflect their own priorities and also to develop 'indicators' that will assist with monitoring their objectives and reviewing progress [3.23]. The EOC has also produced guidance on gathering and using information³.

Consultation

The specific duties also require HEIs to consult staff and students and other relevant stakeholders. The scheme must include a description of the actions that the HEI intends to take or has taken in order to consult [3.25]. The Code gives advice on ways in which consultation can be effective to enable full participation by both men and women [3.26 – 3.33]. The EOC has produced guidance on consulting stakeholders on gender equality⁴. The Equality Challenge Unit (ECU) has published guidance on setting equality objectives in relation to students, which

³ EOC "General guidance: gathering and using information"
<http://www.eoc.org.uk/Default.aspx?page=19957>

⁴ EOC "General Guidance: consulting stakeholders on gender equality"
<http://www.eoc.org.uk/Default.aspx?page=19958>

could be used when consulting students⁵.

Setting objectives

The scheme must set out the objectives it has identified for meeting its general and specific duties [3.35]. These should focus on achieving outcomes rather than processes [3.34] and should be sufficiently resourced [3.37]. Because the general duty includes a requirement to eliminate discrimination under the Equal Pay Act (1970), schemes should also 'consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex' [3.40]. HEIs should therefore undertake a process of determining whether their policies and practices are contributing to the causes of any gender pay gap [3.41]. The gender pay gap is determined by calculating women's overall pay as a percentage of men's [3.42]. The first step for an HEI would be to gather information to ascertain whether there is a pay gap in its workforce and then to identify the main causes of that gap so that appropriate objectives can be set [3.43]. Failure to do this would mean that the HEI would risk non-compliance with the duty and subsequent enforcement action [3.44]. Similarly, public authorities must be able to demonstrate, through their scheme, that they have considered the need to take action on pay discrimination [3.46]. The Code of Practice suggests that this could be achieved through equal pay reviews [3.47-3.50]⁶. Through their schemes, HEIs should also collect evidence and consider objectives in relation to the caring responsibilities of their employees [3.53].

Gender impact assessment

The scheme must set out the actions that an HEI intends to take, or has taken, to assess the impact of its policies and practices (both existing and future), or their likely impact, on gender equality [3.57, 3.60]. The purpose of a gender impact assessment is to:

- Ensure that neither sex is disadvantaged by the HEI's decisions and activities
- Identify where the HEI can promote equality of opportunity between men and women [3.58]

Where there is a negative impact or a missed opportunity to promote equality, then the HEI should consider modifying that policy or practice [3.59]. It is recommended that public authorities should set a timetable for gender impact assessment of their principal activities over the first three-year scheme [3.60]. Because not all policies and practices will be equally relevant to gender equality, the Code recommends a two-stage process: an initial screening for relevance, followed by a more detailed impact assessment where the relevance is high [3.63]. The Code provides fuller guidance on the process of gender impact assessment [3.65 – 3.74].

⁵ ECU "Setting Equality Objectives – Students"

http://www.ecu.ac.uk/guidance/womenandmen/assets/Student_Equality_objectives.doc

⁶ EOC "Equal pay review kit" <http://www.eoc.org.uk/Default.aspx?page=15383>

- 3 **Implement the scheme** and their action for gathering and using information within three years of publication of the scheme, unless it is unreasonable or impracticable to do so.

HEIs are expected, within the three-year period of their scheme, to implement:

- Their actions for gathering and using information
- The objectives of their scheme [3.75].

- 4 **Review and revise the scheme at least every three years**

- 5 **Report on progress annually**

During the lifetime of the scheme, an annual report must be published which summarises the actions that have been taken to implement the scheme. The gender equality scheme must be reviewed and revised every three years [3.80]

From April 2008, HEFCE will be capturing annual monitoring statements from English institutions asking them if they are meeting the objectives of their respective gender equality schemes.

The first scheme must be published by 30 April 2007. In the context of HEIs, ‘service users’ would include students.

Monitoring and enforcement

From late 2007 the Commission for Equality and Human Rights (CEHR) will have the power to conduct formal assessments and issue compliance notices in connection with a breach of the general duty, which will be enforceable by the courts. It will also have the power to issue compliance notices in respect of the specific duties.

Accountability and leadership

The governing body of an HEI is legally responsible for ensuring that the HEI has implemented the gender equality duty [2.35].

The Code of Practice recommends that a senior member of staff should be given responsibility for ensuring that the duty is implemented and that person should be supported by designated key staff across the HEI. Equality staff or individuals cannot be expected to bear all of the responsibility for developing or implementing the GED [2.43].

The governing body and senior staff have important leadership roles in relation to the GED and it is recommended that they should be briefed on their responsibilities under the duty and given regular reports on progress [2.36]. Senior managers are responsible for ensuring that the necessary resources and expertise to meet the duty are made available within their institution [2.37]. The identification of clear gender equality objectives in the organisational business plan and reporting against them in the annual report could improve staff ownership, transparency, and accountability to stakeholders

APPENDIX TWO: THE LEGAL POSITION ON POSITIVE ACTION AND POSITIVE DISCRIMINATION ⁷

Positive Action and Positive Discrimination

The Gender Equality Duty (GDA) and the Sex Discrimination Act (SDA) does allow positive action but it does not allow positive discrimination.

Positive action in Conservatoire schools could include encouraging people from under-represented groups to improve their performing arts skills (for example, encouraging boys who are under-represented in dance schools through work done in youth groups, work in schools or outreach projects) in order to be able to develop the skills necessary to successfully apply for a place on a performing arts course. Positive action for staff could be done by encouraging an under-represented group to apply for jobs, training or promotion. These are lawful in the UK although care must be taken that applicants for employment are chosen on merit and no positive discrimination is taking place at the short listing stage.

Positive discrimination is unlawful in the UK. Positive discrimination for students could, for example, mean offering places to applicants from one gender with less talent or ability because they are of a specific gender. For staff it could mean only short-listing people from an under-represented group. This is not allowed under the GED or the SDA.

The Gender Equality Duty Codes of Practice reminds us that while section 48 of the Sex Discrimination Act allows employers to encourage one sex to apply for certain jobs (for example to encourage women to apply for jobs as technicians) it does not allow anyone to discriminate by sex when it comes to selecting who will be recruited or promoted (Appendix F, CoP)

Student recruitment, selection and training

The Codes of Practice state that it is unlawful for colleges and universities to discriminate on grounds of sex in the carrying out of their functions under the Education Acts. It is unlawful for an educational establishment to discriminate against a woman (or man) in the terms upon which it offers admission as a student; by refusing or deliberately omitting to accept an application for her admission; or in the way it affords access to any benefits, facilities or services or omitting to afford access to them, or by excluding her from the establishment or subjecting her (or him) to any other detriment. (S22 SDA, margin note, S23, S23A, S23BA and S23D SDA (margin note)

⁷ The information in this appendix is summarized from information in Chapter 6 and Appendix F of the Gender Equality Duty Codes of Practice, England and Wales (CoP). This section also contains some examples of how this legal position might be relevant to staff and student issues in the Conservatoire for Dance and Drama. The references are both to the relevant sections in the Gender Equality Duty 2006 and the Sex Discrimination Act 1975

Single sex classes in mixed educational institutions:

The Code of Practice makes it clear that public authorities must satisfy themselves that any approach to single-sex activities complies with the Sex Discrimination Act 1975. It is unlawful for schools, colleges, universities or any other educational establishments to discriminate, either directly or indirectly, in the way they treat or admit students. This means, for example, that in colleges that admit male and female students, it is unlawful to provide classes for only one sex where this would amount to less favourable treatment of the other sex. (S22 and S26 SDA CoP 6.2)

Sex segregation is not expressly prohibited by the SDA and it is therefore potentially lawful to provide separate lessons in single-sex groups for boys and girls provided that there is no question of one sex receiving 'less favourable treatment'. Denying girls the same opportunities as boys, and vice versa, will usually amount to less favourable treatment, even if the motive behind the idea is well intentioned. Therefore any facilities, benefits, or services provided must ordinarily be available to both sexes and provide equal opportunities. Provided that this test is met, it would be legally possible to provide segregated classes. (CoP 6.4, 6.5)

In the Conservatoire this might mean, for example, that additional, remedial technique classes for under-performing boys alone would not be lawful, unless the same help or opportunity is being given to any girls who are also under performing. Participation in remedial classes to address underperformance would have to be based on objective criteria unrelated to sex, such as the previous test results of participants. If a school wished to run two sets of classes segregated by sex, however, one for under-performing boys, and one for under-performing girls, this would be permissible provided they were of like quality, in like manner and on like terms (CoP 6.5). It is likely, however, that where there are training needs that are specific to male and female students, the Conservatoire may choose to separate their training provided that neither is treated less favourably.

The overriding consideration in all cases must be to ensure that female and male students are not disadvantaged because of their sex and that they are provided with equal opportunities. Where public authorities are unclear on the legality of their proposed approach,⁸ the Code of Practice recommends that public authorities seek legal advice. (CoP 6.8)

The Gender Equality Duty CoP does not refer specifically to the legal position of providing single sex training in performing arts schools.⁹ The only direct reference to a situation where single sex training can be justified is in the field of competitive sports: '*Competitive sporting activities can be restricted to one sex, where the average woman's*

⁸ For example, by recruiting more male than female students in order to redress a number imbalance or because the school takes the view that it needs to have more male than female students in a course or vice versa. In such cases, this may be viewed as preferential treatment or positive discrimination which is not allowed under the SDA, S47 or the GED

⁹ For example, to help clarify the position where there a tradition of teaching male and female ballet dancers in separate classes.

physical strength puts her at a disadvantage to the average man. This is intended to allow separate sporting events where the physical differences between women and men render competition unfair (CoP 6.16). This will not apply where the individual student is not a competitor in events which are confined to competitors of one sex.

Positive action and positive discrimination in employment

In certain circumstances the SDA allows employers to afford only their female employees access to facilities for training, to help fit them for particular work with that employer. Also employers may *encourage* job applications from women for particular jobs which *are open to both sexes*. Employers may only take these steps, however, where the number of women doing that particular work was comparatively small at any time in the previous twelve months. This provision applies equally to men where they are under-represented in particular work. This is a form of 'positive action' used to counteract the effects of past discrimination. S48 SDA (margin note)

Before placing a 'positive action' advertisement to encourage one sex to apply for a job where that sex is under-represented, employers need to be sure exactly what the balance of the sexes is among their employees who are doing the particular kind of job to be advertised.

The employment implications of single-sex provision for students: If a public authority makes a judgement that there is a legal case for providing services (or classes) to one sex only or providing services to each sex on a separate basis, it does not automatically follow that those services should be supplied only by staff of the same sex as the users. In certain cases, the SDA does allow the employment of staff of one sex only as a Genuine Occupational Qualification (GOQ), but cases decided by the courts have concluded, however, that those instances should be extremely limited. The most common reason for restricting a job to one sex only is to preserve decency or privacy because the job is likely to involve physical contact or where men are in a state of undress or using sanitary facilities and might reasonably object to the job being carried out by a woman (or vice versa). It can also apply where the holder of the job provides individuals with personal services promoting welfare, education or similar personal services and those services can most effectively be provided by a man (or woman, as the case may be). (CoP 6.28, 29, S7 SDA (margin note))

APPENDIX THREE: THE CIRCUS SPACE PROJECT

Establishing gender (and other) equality issues for staff

Project aims

- to learn more about how female and male members of staff at The Circus Space see their current working life and their priorities for change or improvement;
- to understand whether there is a different and negative impact of current policies and practice on women and men (ie impact assessment);
- to set useful and realistic gender equality objectives for improving working conditions for its male and female staff;
- to develop procedures and policies to improve this;

The project will also consider equality issues for disabled staff and those from British and other minority ethnic groups.

Relevance for the Conservatoire and other affiliate schools

This project will act as a pilot study which will provide useful research and information for other affiliates about the priorities for female and male employees in performing arts schools. Where areas for improvement have been identified at the TCS, we will be able to provide some practical and realistic examples of how the culture of a school and its policies can be changed for the better. Some examples of this might be:

- looking at the take up of flexible working times;
- investigating the possibility of providing or buying into a local crèche (possibly shared by other local affiliates); and
- providing better opportunities for career development.

Reporting on findings

At the end of the year, the project will report to the following groups:

- the Conservatoire's Principals' Management Group;
- Equality and Diversity Working Group;
- the Conservatoire and The Circus Space's Academic Boards;
- The Circus Space's Remunerations and Nominations Committee (which oversees, among other things, personnel and diversity issues).

Start and End Date for Project

Academic Year 2007/8 (Sept 2007 to June 2008)