

Equitable admissions for underrepresented groups



Equality Challenge Unit



Supporting Professionalism
in Admissions

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1 Introduction and overview

A number of guidance documents have previously sought to outline steps to make admissions into higher education a fair and equitable process.

The Schwartz (2004) report, written after an extensive review of higher education admissions practice, provided the sector with five principles of fair admissions (ibid pp7–8).

- = Be transparent
- = Enable institutions to select students who are able to complete the course as judged by their achievements and potential
- = Strive to use assessment methods that are reliable and valid
- = Seek to minimise barriers to applicants
- = Be professional in every respect and underpinned by appropriate institutional structures and processes

However, the enactment of the Equality Act 2010 has introduced new legal considerations for higher education institutions (HEIs), in regard to admissions. This project was conceived following a number of queries to Equality Challenge Unit (ECU) on the implications of the Act on admissions practice, in particular how it applies to disabled applicants. While ECU responded and provided input to Supporting Professionalism in Admissions (SPA) guidance on this specific point (2011b), such enquiries demonstrated a need for further work around the Act and admissions into higher education.

This project was further prompted by the minister for universities and science's guidance to the director of fair access, outlining which groups of students might be considered underrepresented in higher education and the importance of equitable and fair access:

'Underrepresented groups across higher education include students from less advantaged backgrounds, students with disabilities, students from some minority ethnic groups, and care leavers. The government also wants to support those wishing to study part-time in higher education, and mature students. We would like institutions to consider such students within their overall approach to access, and would like you to take account of their efforts in considering their access agreements.'

(Department for Business Innovation and Skills (BIS), 2011: para 1.5)

In addition, recent changes to the higher education sector – such as changes to student number controls, tuition fee increases, and the core and margin model will affect application patterns and choices for different groups of students.

The combination of the above factors led ECU to run a short-term project with this guidance as the key output. To enable this process, ECU had meetings with seven HEIs and one further education college (with higher education provision) to discuss admissions policy and practice, identify good practice and also identify any areas where inadvertent discrimination was taking place.

1.1 Findings and recommendations

From the research, it is clear that every institution has a different approach and method.

- = Some institutions have a centralised admissions system where all applications are handled, while others operate on a devolved model where individual schools are responsible for setting entry requirements, determining the appropriate assessment tools, and making admissions decisions.
- = At the pre-application stage, institutions may choose to focus on school leavers in socially deprived areas in their widening participation and access activities or target a number of underrepresented groups, such as mature people, certain ethnic groups or the unemployed. The scope can vary from the local to national.
- = Information, advice, and guidance for potential applicants may come in the form of indirect communication, such as a website or prospectus, or direct correspondence and interaction with potential applicants, such as taster sessions, a telephone query service and open days.

Similarly, the criteria against which an applicant is assessed differ greatly among institutions, schools and courses.

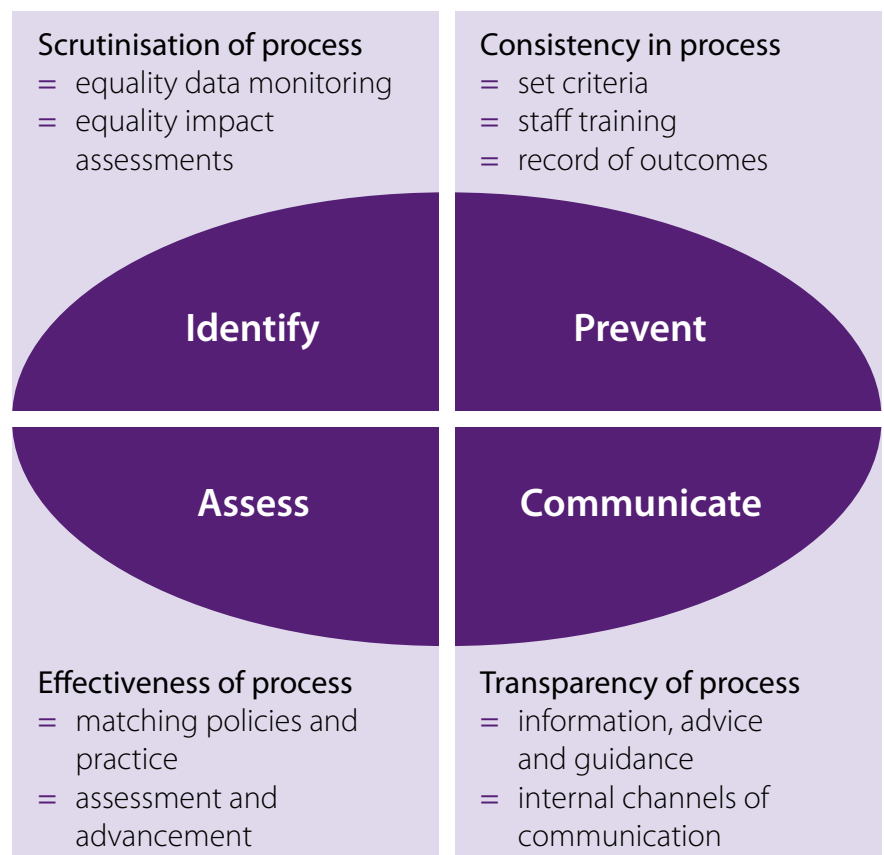
- = Some institutions primarily rely on an applicant's academic performance and qualifications to assess their potential, while others consider additional information, such as work and life experience, contextual data and references. The point at which

this information is considered also varies. Some institutions use sources of additional information as standard. Others will only do so if the applicant does not meet the entry requirements.

- = Interviews could take place one-to-one, with several interviewers, a group of applicants, in multiple mini sessions – or not at all.

The project identified four recommendations for HEIs to achieve fair and equitable admissions:

- = identify areas where discrimination could potentially occur
- = establish mechanisms to ensure the admissions process is consistent and non-discriminatory
- = provide effective channels of communication to internal and external audiences
- = regularly undertake reviews to assess and advance effectiveness of policy and practice



Identify areas where discrimination could potentially occur

While recognising that admissions policies and practice must be tailored to each course, school and institution, institutions are encouraged to take steps to ensure these are transparent and consistent and, ultimately, fair and equitable for all applicants. This is particularly relevant for areas within the admissions process that are subjective in assessment, such as the use of contextual data, contextual information (including personal statements, references and consideration of mitigating circumstances), and applicant interviews.

In order to ensure fair and equitable admissions, institutions need to routinely scrutinise their processes and identify where the potential for discrimination could occur.

By collecting, monitoring and analysing equality data institutions can determine whether any group may be underrepresented or disproportionately affected by a certain policy. This can also help in evaluating whether a practice or activity is successful (eg a widening-participation activity) and to benchmark institutional performance against other comparators.

Institutions may also wish to use equality impact assessments to identify where a policy or practice has the potential to, or is currently, discriminating against certain equality groups.

Establish mechanisms to ensure the admissions process is consistent and non-discriminatory

Institutions can mitigate inadvertent discrimination by putting mechanisms in place to ensure their admissions process is conducted in a fair and consistent manner. These may include:

= set criteria, protocols and guidance

Where possible, admissions staff should follow set criteria, protocols and guidance to ensure that they assess applicants in a consistent manner. In developing criteria, institutions should carefully consider whether any part of these criteria could inadvertently benefit some groups over others. They should also ensure all involved have the skills and knowledge to appropriately apply the criteria when assessing applicants.

-
- = **equality training and development for all relevant staff**
There is a risk that without an understanding of equality, staff could inadvertently make decisions that could result in claims against the institution for unlawful discrimination. Such claims are time consuming, costly and stressful, and carry reputational issues for institutions. Implementing training which explores the interplay between admission policy and practice and equality will help mitigate the risk of discrimination.
 - = **a record of outcomes**
Where possible, admissions staff should record reasons for decisions. This will not only help staff maintain transparency but also demonstrate adherence to policy should a decision be reviewed, queried or appealed.

Provide effective channels of communication to internal and external audiences

- Have admissions policies and practice that are transparent to both applicants and admissions staff. Institutions should seek to:
- = **provide appropriate information, advice and guidance**
It is vital that institutions provide sufficient and accurate information, advice and guidance to applicants throughout the application process to enable them to make informed choices, include the necessary information in their application, and prepare fully for any assessments they may have to take. Institutions should clearly outline their admissions process externally, detailing the criteria on which applicants will be assessed. They should also regularly let applicants know the status of their application and any further steps for which they will need to prepare.
 - = **maintain good internal channels of communication**
Institutions should seek to establish good channels of internal communications so that staff are kept informed of procedures, strategies and lines of responsibility, updated of any changes, and have the opportunity to exchange knowledge and practice. This is particularly important for institutions that operate on a devolved model, as each department will have its own mode of working and will need to ensure that its practices accurately reflect the principles within the central policy (and vice versa).

Regularly undertake reviews to assess and advance effectiveness of policy and practice

Institutions should view policies as living documents that require regular assessment to evaluate whether they can be updated or improved. It is recommended that institutions take steps to:

= examine whether policy and practice match

Policies should be regularly reviewed to ensure that they accurately describe practices by which admissions staff assess applications. For instance, an institution might have a policy which states that it will take into account an applicant's work and life experience and any mitigating circumstances that may have affected their attainment; however, actual admissions decisions focus exclusively on applicants' academic achievement, with few opportunities for additional factors or non-traditional qualifications or experiences to be considered.

There may be various reasons why policy and practice do not match. For example, it may be that the policy simply does not reflect what can be realistically done, the current educational landscape, or time and resource capacity. Conversely, a mismatch may be due to a lack of staff training or awareness of the policy. Instigating review panels on a sample of applications received and processed across a particular course or courses may help to identify whether any inconsistencies from the central (or devolved) policy have occurred.

= assess and advance effectiveness of policy and practice

Institutions should regularly assess their policy and practice to determine whether they are fair, equitable and effective. Considering the interplay between different policies can help make each more effective. For example, establishing a joined-up strategy between admissions teams and widening participation or access activities will help advance equality and help achieve widening participation targets. The use of equality monitoring data is particularly useful in this process.

1.2 Who is this guidance for?

This guidance aims to familiarise admissions and related staff with the equality principles that are most relevant for admissions work. It provides information on essential equality concepts and, through the reflective questions at the end of each section, a framework to enable admissions staff to reflect on their current practice and identify areas that may be discriminatory in favour of or against particular groups, and may therefore require review.

The guidance should be particularly useful to:

- = academic registrars
- = heads of admissions services (or equivalents)
- = admissions tutors
- = admissions officers
- = academic staff responsible for setting entry requirements, conducting interviews and making admissions decisions
- = heads of student services (or equivalents)
- = heads of widening participation
- = heads of marketing and recruitment
- = equality and diversity practitioners

1.3 Methodology

Areas of focus for this project were agreed following consultation with key admissions stakeholders. ECU then called on institutions to participate in a review of their admissions policies and practices to identify any areas of policy and practice where assistance in developing equitable admissions practices would be helpful. From these submissions, seven HEIs and one further education college (with higher education provision) were selected to discuss admissions policy and practice and identify good practice and any areas where inadvertent discrimination was taking place.

Using the information from the submissions to provide a framework, ECU and colleagues from SPA conducted in-depth interviews with key staff from each institution to discuss the policies and practices in place within each stage of the admissions process, as well as the measures taken to ensure transparency, consistency and equality. These interviews have informed the examples of good practice contained in the guidance, as well as the reflective questions provided at the end of each section.

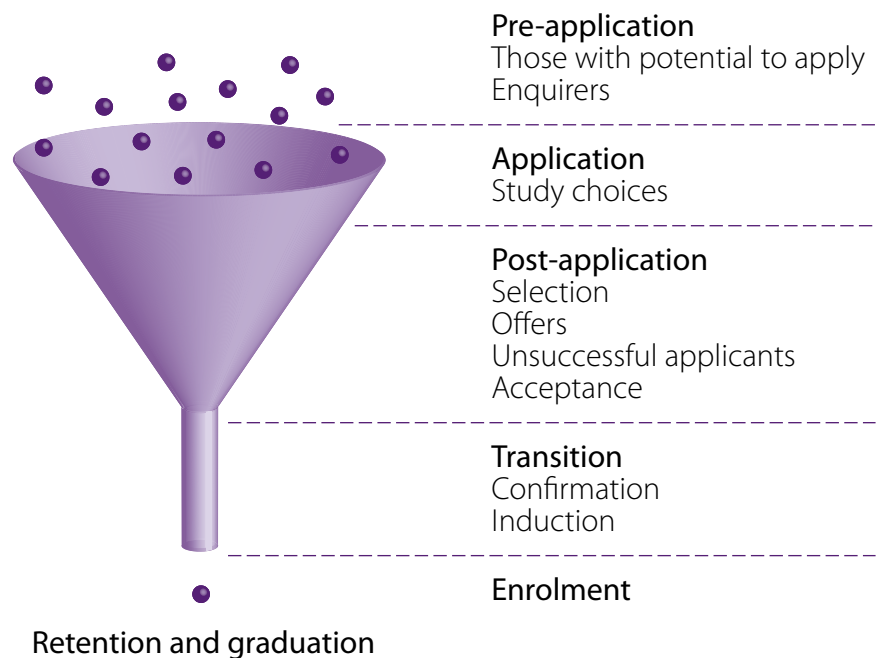
1.4 The application process

The applicant experience encompasses:

'...all the opportunities or points of interaction between higher education and a potential student. Such experience affects whether or not an individual becomes a higher education student, and indeed whether or not an individual chooses to apply to higher education in the first place.'

(SPA, 2009a)

A traditional admissions funnel



Reproduced from SPA (2009a)

2 Making the case for equality in admissions

Drivers that HEIs may consider to initiate a review of admissions processes and practices.

This section is relevant for HEIs that already have systems in place to ensure their processes are transparent, consistent and non-discriminatory, as well as institutions that acknowledge that their policies and practice could benefit from a review with an equality perspective.

2.1 Compliance with equality law

While this guidance is written for admissions and related staff at institutions throughout the UK, its focus is on the application of the Equality Act 2010, which applies only in England, Wales and Scotland. For Northern Ireland, the Disability Discrimination Act 1995 (as amended) and Northern Ireland Act 1998 are still in force. However, principles of good admissions practice and the reflective questions are broadly transferable to Northern Ireland.

The Equality Act 2010 consolidated equality legislation and introduced a public sector equality duty requiring an institution, in its role as a public sector body, to demonstrate due regard in:

- = eliminating unlawful discrimination, harassment and victimisation
- = advancing equality of opportunity between people of different groups
- = fostering good relations between protected characteristics

The Act makes it unlawful for HEIs to discriminate against or victimise students during the admissions cycle. It specifies that discrimination and victimisation are unlawful in relation to:

- = **the arrangements an HEI makes for deciding who is offered admission as a student**
Everything an institution does to decide who is admitted must be non-discriminatory. This includes course design, entry requirements, course marketing (open days, campus tours, summer schools, taster courses, mentoring schemes, recruitment fairs and activities), information about the institution and the course, and the application and admissions process (application forms, interviews and tests).
- = **the terms on which an HEI offers to admit a person as a student**
Terms of admission should not discriminate against a person with a protected characteristic. Terms which indirectly discriminate

against people with a protected characteristic will be unlawful unless it can be shown that they are a proportionate means of achieving a legitimate aim.

= **by not admitting a person as a student**

It is unlawful to reject applicants on the grounds of a protected characteristic unless, in relation to direct age discrimination, an institution can show its actions were a proportionate means of achieving a legitimate aim.

The Act also makes it unlawful to harass a person who has applied for admission as a student. An applicant who believes an institution has carried out an unlawful act may bring civil proceedings against the institution in the civil courts.

Throughout this guidance, there are examples from the Equality and Human Rights Commission guidance on further and higher education providers (EHRC, 2012). Some examples have been adapted.

2.2 Benefits of equitable admissions procedures

While the legal framework is an important driver in the development of equitable admissions policies and practices, there are additional core benefits:

= **advancing institutional values and mission statements**

Institutions can highlight core institutional values through their admissions work. Actively reviewing, refining, marketing and implementing equitable admissions practice and policies will help to demonstrate that the institution is ethical, open, respectful and responsive to a diverse student body.

= **business case**

Equitable admissions processes can increase (and maintain) student numbers by building a good reputation as an institution that is actively working towards providing opportunities and access to a broad range of students.

= **student satisfaction**

Having a diverse student body that brings with it a range of skills and experience adds to the learning experience and may improve student satisfaction. The results of student satisfaction surveys have been increasingly used by prospective applicants especially as the data is now published in the key information sets.

3 Pre-application and application

3.1 Widening participation and access

Much work is being undertaken across the sector to encourage underrepresented primary and secondary school children into higher education, widening participation and access into higher education. However, this activity tends to focus on underrepresented groups defined by their socioeconomic status and school postcode rather than the broader range of protected characteristics covered by the Equality Act 2010, or those identified in the minister's letter to the Office for Fair Access who are from 'less advantaged backgrounds, students with disabilities, and students from some minority ethnic groups' (BIS, 2011: para 1.5).

More work can be done to actively engage with disabled people, mature learners, some ethnic groups and others from disadvantaged groups.

There are significant crossovers between widening participation agendas and equality and diversity work. Establishing institutional links between admissions and widening participation teams can create a cohesive, joined-up strategy where widening participation work could be harnessed to advance equality and, at the same time, admissions could help achieve widening participation targets for relevant groups.

Reflective questions

- = What links are in place between admissions and widening participation staff to encourage a joined-up approach to equality and diversity in admissions?
- = How can admissions staff work with widening participation and recruitment staff to target groups that have been identified as being underrepresented on particular courses?

3.2 Marketing and recruitment

During development or review of marketing and recruitment activities, institutions should actively seek to consider how such activities can embed and promote equality.

All forms of marketing should be reviewed to avoid inadvertently discriminating against any protected characteristic. This includes emails, direct mail, noticeboards, websites, newspapers and TV advertisements. Institutions should avoid stereotyping in their course marketing material so that certain groups are not put off from applying. For example, by using a diverse group of students in marketing material for a course, an institution can present the course as one that is inclusive and welcoming of people of all backgrounds.

Events to attract applicants, such as recruitment fairs, open days, mentoring schemes with local schools, campus tours, taster courses and summer schools, should take care not to inadvertently exclude people with particular characteristics. For example, arranging events only at times that coincide with a religious holiday might prevent people from a religious group from attending. This could result in unlawful indirect discrimination unless it could be shown to be a proportionate way of meeting a legitimate aim. The EHRC (2012) cites the following example in its guidance.

A large university arranges all its open days on Saturdays. The practice of holding all open days on a Saturday instead of on a variety of different days places practicing Jews at a disadvantage and therefore could lead to a successful complaint of unlawful indirect religion or belief discrimination.

However, a smaller institution running only a single event, for example, might find after consideration that a Saturday was the only day which was suitable for the great majority of potential applicants, and was therefore objectively justified.

If an institution is unsure whether current practice may be inadvertently discriminating against some groups, ECU recommends undertaking an equality impact assessment of current marketing and recruitment practice to identify any areas that may require revision (see **section 6**).

By providing a number of alternative dates and formats to open days and tours, institutions can minimise the number of prospective students who may not be able to easily attend certain days or times due to, for example, caring or work responsibilities. This helps to remove potential disadvantage.

University College Birmingham runs open days on weekdays and Saturdays during the daytime and evenings. The university also offers individual visits by appointment for prospective students.

De Montfort University offers a virtual campus tour in addition to offering tours on evenings and weekends.

Reflective question

- = How will you ensure marketing and recruitment practices do not inadvertently discriminate against any equality groups?

3.3 Positive action

The Equality Act 2010 allows institutions to put in place positive action measures to alleviate disadvantage experienced by people with a protected characteristic, reduce underrepresentation or meet their particular requirements. It is therefore lawful (although not compulsory) for institutions to run short courses or outreach activities for people with specific protected characteristics and target advertising and marketing accordingly.

The Equality Act 2010 specifically enables institutions to treat disabled people more favourably than non-disabled people. This means an institution will not be acting unlawfully to provide disabled people with an enhanced experience.

For example, an admissions open day starts an hour earlier for disabled people and their carers. This is more favourable treatment of disabled people within the Act as it allows access to admissions and related staff before non-disabled people.

An institution can lawfully advertise a course that is open only to disabled people as it is not unlawful to treat disabled people more favourably than non-disabled people.

Reflective questions

- = Has the marketing and recruitment team considered whether any positive action measures would be appropriate?
- = What measures are in place to identify whether there are any courses that may require positive action measures to encourage particular protected groups to apply?

3.4 Setting course entry requirements

Institutions need to ensure that entry criteria, and the way that they are applied do not result in some protected groups being inadvertently discriminated against. Criteria that directly exclude people with a particular protected characteristic will result in discrimination unless, in relation to age, such criteria can be objectively justified as being a proportionate means of achieving a legitimate aim. The EHRC (2012) cites the following example in its guidance.

A university refuses admission to a 16-year-old applicant for a teaching course on the grounds that he would be unable to undertake the teaching practice elements of the course. This would be a proportionate means of achieving a legitimate aim and therefore lawful age discrimination.

Course entry requirements should be regularly reviewed to ensure they are not indirectly discriminating against people with a particular protected characteristic. An equality impact assessment (or an equivalent process) is a useful tool to determine this.

Considerations for disabled applicants

The Equality Act 2010 requires institutions to have procedures in place to meet requirements of disabled people and to ensure that disabled people are not discriminated against. The potential for disability discrimination can be particularly pertinent in relation to setting medical or health-related requirements for certain courses. Unless an institution is satisfied it can demonstrate that such requirements are a proportionate means of achieving a legitimate aim, it may result in disability discrimination. In limited circumstances it may be justified, for example, where there are criteria set by a qualifications body (eg fitness-to-practice requirements) or a genuine competency standard. However, if in doubt, institutions should seek advice.

Institutions need to consider the requirements of disabled applicants and have measures in place to make appropriate reasonable adjustments. This includes having measures to make adjustments to enable applicants to demonstrate their ability to meet course requirements (eg attendance at interviews or entry tests). However, institutions need to be careful to avoid having blanket policies. There should always be the built-in flexibility to consider disabled people's requirements on a case-by-case basis (and outside the offer process).

Reflective questions

- = What measures do you have in place to review course requirements for inadvertent discrimination?
- = How do you review current practice to identify protected groups who are disproportionately offered or refused a place? Do the findings require additional consideration, ie do they indicate good practice which would be useful to implement across the institution or discriminatory practice which requires review?
- = What arrangements do you have in place to consider reasonable adjustments for disabled applicants in order for them to demonstrate their ability to meet course requirements?
- = Are you satisfied that there are valid and genuine reasons for the competency standards in place and they are not discriminatory?

3.5 Admissions policies: centralised and devolved models

Institutions that use a devolved system generally have an umbrella institutional admissions policy in place, even where departments (or their equivalents) are given authority to set entry criteria and assessments.

ECU's research identified that some HEIs experience difficulty in managing a centralised policy when it is applied at a departmental level. It can be difficult to monitor and ensure that the policy intention is translated into practice on the ground.

To aid transparency, institutions need to ensure both central and devolved policies (and the interplay between them, as appropriate) are available and easily accessible to potential applicants. These policies should be up to date, clearly written and free from internal terminology.

Schwartz's (2004) report and Quality Assurance Agency (QAA) *Code of practice* (2006) identify key areas admissions policies should cover, including:

- = the admissions process for full- and part-time undergraduate and postgraduate students
- = the criteria for admissions to courses and an indication of the weight given to prior academic achievement and potential demonstrated by other means
- = how the diverse background, experience and age of applicants and different modes of study available can be appropriately reflected in policies and procedures
- = the procedures for complaints and appeals
- = how applications from prospective UK and international students, from within and outside the EU, are appropriately accommodated in the recruitment and admission process
- = who has responsibility for each part of the admissions process
- = information about the responsibilities and obligations of applicants and students within the admissions process, such as how an institution will respond to applications that include fraudulent or false information

The **University of Manchester's** central admissions policy is a public-facing document that clearly details vital information for applicants, including the various outreach and alternative progression programmes and applicant routes available, and on what basis applications will be assessed. Links to further information, such as the key principles behind the use of contextual data and the methodology in which this data will be used, are provided throughout the policy.

SPA's website has good practice guidance on admissions policy which covers the recommendations of Schwartz's report and the QAA *Code of practice*.

www.spa.ac.uk/good-practice/admissions-policies.html

Reflective questions

- = How do devolved areas feed into and influence the central admissions policy?
- = What mechanisms are in place to identify whether elements of policy and practice discriminate against certain groups?
- = What measures are in place to ensure that centralised policies are put into practice at a local level?
- = Do you ensure that departments review actual practice against both central policies and their own departmental policy to identify any inconsistency or equality training needs? Is there scope to convene a panel to review a range of recent decisions within and across departments?
- = Does staff training cover the equality considerations for admissions work at both a central and devolved level?
- = Do you have an admissions policy that is externally available, easy to find and understand, and up-to-date?

3.6 The application process: UCAS and direct entry

While the application process (either through the Universities and Colleges Admissions Service (UCAS) or direct entry) may vary depending on the type of course and institution, HEIs must ensure that each applicant is not discriminated against and reasonable adjustments are made for disabled applicants.

Institutions need to ensure that admissions information and application forms are available in accessible formats to ensure compliance with the duty to make reasonable adjustments for disabled people. The following example is adapted from EHRC (2012) guidance.

A person with a visual impairment wishes to apply for a mathematics degree. He orders the department prospectus but finds it impossible to read. He is told that the prospectus is only available in one format and that while he can talk to course tutors once he has decided which course he wants to apply for there is no one who can talk to him about the range of different courses available. This is likely to be an unlawful failure to make a reasonable adjustment.

Reflective questions

- = Have you reviewed your application process to identify any potential for discrimination?
- = What procedures are in place to comply with the duty to make reasonable adjustments for disabled people? Are these policies transparent and consistently applied to disabled applicants?

3.7 Information, advice and guidance to applicants

The application process generates a range of opportunities for potential applicants to receive advice and information from the institution. Institutions may directly engage potential applicants through activities such as open days, summer schools and tours or they may indirectly engage by publishing generic information such as prospectuses or webpages, which applicants can access.

Potential applicants will have varying degrees of knowledge and support for the admissions process. For example, school leavers may have advisers to help them research courses, put together applications and develop personal statements, while mature applicants may not have access to this kind of support.

Multiple methods to engage applicants, disseminate information and provide advice will help reach the widest group of potential applicants. Regardless of the mode, the information, advice and guidance provided by institutions should be transparent, consistent, accessible and available in a range of formats.

Providing training on the application process for staff who engage (or may engage) with prospective applicants will aid consistency in advice. Staff will also be more confident that they are adequately equipped to provide consistent and accurate advice and are aware of the appropriate avenues to refer applicants to when a query falls outside their knowledge or level of responsibility.

In order to facilitate good information, advice and guidance, institutions may wish to establish a working group drawn from across the institution to identify what and how advice is provided, seek examples of good practice to implement across all departments and identify any training needs where practice appears not to follow institutional policy.

De Montfort University provides support to help prospective students put together an application. For example, mature applicants are encouraged to submit their CV prior to applying so that advisers can refer them to the appropriate courses available and suggest how best to highlight their life and work experience in their personal statements.

Reflective questions

- = What methods of engagement does your institution use to provide information, advice and guidance to applicants?
- = Is the information, advice and guidance provided transparent and accessible to all applicants? Please consider the needs of different groups, such as disabled, mature and international applicants.
- = Are there certain groups of applicants who may be disadvantaged in accessing this information, advice and guidance? How can you broaden the opportunities available so that applicants from a wide range of backgrounds are able to access this information?

4 Post-application and transition

4.1 Using additional information

Information beyond an applicant's academic performance and qualifications can be useful for admissions staff to assess their potential, motivation, and commitment to succeed. Considering additional sources of information, such as personal statements, references and contextual data, where possible, can aid informed admissions decisions. These may highlight, for example, an applicant's life and work experience, any mitigating circumstances they may have, or relevant personal details that may not have been included in the application form.

However, assessment of this information is subjective and appropriate training is required to ensure that staff understand, interpret and use these sources in combination with other factors to arrive at a holistic and fair assessment of an applicant's potential. Regular monitoring of additional information should be an integral part of the admissions process to make sure that it is being used in a consistent and fair manner.

To aid transparency, institutions should clearly state where applicants can provide further detail about themselves as well as how other sources of information, such as contextual data, will be used.

SPA's website includes in-depth guidance on contextual data www.spa.ac.uk/contextual-data/index.html

St. George's, University of London considers the academic performance of applicants in relation to the peer group within which they studied when assessing applications for healthcare-related programmes. This scheme allows admissions tutors to consider the applicant's performance in context and in relation to their peer group, rather than the national average using a formula. Where an applicant has predicted A-level grades below the standard offer of 'AAAb', but above 'BBCb' and 60 per cent higher than the average performance of his or her school, the applicant is guaranteed an interview. Following successful interview, a lower A-level grade offer (to a minimum of BBCb) will be considered for candidates meeting the criteria of the adjusted grades scheme. In common with all applicants, candidates are required to achieve the required GSCE and UK CAT minimum requirements, successfully pass at interview and achieve their predicted A-level grades.

To gain a full and rounded view of applicants' achievement and potential, the **University of Manchester** considers additional contextual data when assessing applicants. A combination of factors is considered to avoid over-reliance on any one indicator. Applicants with a contextual data flag are recommended for further consideration by admissions tutors.

Reflective questions

- = What information in addition to academic performance might demonstrate that an applicant has the potential, motivation and commitment to succeed at your institution?
- = What sources of additional information do admissions staff use (if any) to inform their admissions decisions, and how is this communicated to applicants? Is there clear policy on its use to ensure consistency?
- = How is equality considered in working groups and committees that have admissions as a focus?

4.2 Additional assessment methods

Some course types are more likely than others to use a range of additional assessment methods such as tests, interviews and written applications. Regardless of the selection process used, institutions need to ensure applicants are not discriminated against and reasonable adjustments for disabled students are made.

If an institution uses additional assessment methods for particular courses, these should apply to all applicants and not just those with particular protected characteristics. This will ensure the institution is not vulnerable to claims of discrimination and that the assessments process is transparent and consistent. The following examples have been adapted from EHRC online guidance.

An applicant with multiple sclerosis is invited to an assessment day for a university course. She contacts the university and explains that her impairment means that she gets tired very quickly and asks if she can have rest breaks between the different stages of the day or have her assessment spread over several days. The university replies that she must be assessed in exactly the same circumstances as all other applicants and makes no adjustments for her. This is likely to be an unlawful failure to make reasonable adjustments.

A university interviews all women applying for a degree in engineering to ascertain if they are serious about a career in engineering. Men who apply for the engineering degree are not interviewed. This would be unlawful direct sex discrimination.

An admissions tutor for a car maintenance course interviews a transsexual woman and decides that she would not be suitable for the course as she would not fit in with the other students on the course. This would be unlawful direct gender reassignment discrimination.

Interviews

Popular and selective courses often require interviews as standard practice. Interviewing can be particularly open to discriminatory practice.

A research project undertaken by the National Arts Learning Network (NALN, 2009), which looked at art and design admissions practices in the context of widening-participation policy, highlighted a range of concerns around non-equitable and anti-discriminatory practices in art and design admissions. Some medical and other science-related courses have introduced multiple mini interviews, in order to respond to research that indicates they can test for a broad range of skills as well as having the potential to widen participation (Steele, 2011).

ECU's research uncovered some practices that inadvertently had the effect or the potential to discriminate. In light of this, ECU recommends that institutions:

- = ensure all staff involved in interviewing have equality and diversity training, which may include an understanding of unconscious bias
- = ensure no interviews are conducted by admissions tutors alone
- = agree on standard interview questions and scoring criteria for all applicants
- = record interview scores and outcomes – this also allows for a cross-departmental review of the process

- = provide feedback to applicants who ask for it
- = ensure that applicants are informed of the structure and expectations of the interview in advance. This should allow disabled students to identify whether they may require reasonable adjustments

See SPA's good practice guidance on interviewing
www.spa.ac.uk/good-practice/interviews.html

Interviews at the **University of Nottingham's** medical school build in a number of checks to ensure that the process is consistent. For example, having two interviewers present at each interview and providing them with a set list of questions and criteria on which to score the applicant.

St. George's, University of London uses multiple mini interviews. Applicants undertake seven separate 'stations', each with a different interviewer, to assess set competencies. Some test the applicant's knowledge and skill, while others assess their life and work experience, enthusiasm and motivation. Interviewers are under strict instruction not to deviate from the questions on the assessment sheet to maintain a consistent experience. Each interviewer marks each candidate independently and is not allowed to confer on any of the answers with other panel members to remove the risk of bias.

Reflective questions

- = What measures are in place to review interview policies and practice for any potential discriminatory practice?
- = Have the staff involved in conducting interviews received recent training on unconscious bias and equality issues?
- = Are interviews across the institution conducted by a minimum of two staff?
- = Are interviewers required to follow set criteria and complete an interview form, which could be reviewed by a panel for consistency and to identify appropriate training needs?

4.3 Recording decisions, applicant feedback and appeals procedures

Some institutions use their own feedback forms while others use the UCAS procedure. However, the level of detail and procedure by which a decision is recorded can vary greatly by course or by level of study. Institutions that utilise the UCAS procedure, for example, may not have a recording mechanism in place for direct applicants. Others have standardised feedback forms for some, but not all, courses. It is therefore often unclear what information is available to applicants, even though an institution might informally provide feedback when asked.

It is advisable to consider how admissions decisions are recorded, both to ensure that there is a clear decision trail (should any appeal or request for feedback be made) and to allow for a process of continual review.

At the **University of Nottingham**, interview outcomes are recorded on an interview score sheet and then checked and uploaded on to a database. Applicants who are unsuccessful after interview are sent personalised feedback in an email.

At **University College Birmingham**, all applications are reviewed by multiple staff to make the appropriate decision on an application and to mitigate against inconsistency or inadvertent discrimination in the process.

Reflective questions

- = What feedback is available to applicants? How is its availability communicated to applicants?
- = How are admissions decisions recorded? Is there sufficient detail collected in the event that an applicant appeals the decision or accuses the institution of discrimination?
- = Does the admissions policy set out the appeal process for applicants, and is it transparent?

4.4 Supporting applicants during transition

While admissions is the focus of this guidance, the importance of continuing to embed equality considerations into policy and practice for the transition from applicant to student cannot be understated. For further detail, SPA offers a number of resources on this area, including guidance on transitions (SPA, 2011c).

Reflective questions

- = Are there particular equality groups who are less likely to enrol (despite having accepted a place)? Does this indicate the need for collaborative and proactive work between admissions teams and student services, students' union staff or elected officers?
- = How do you ensure that appropriate support arrangements for particular groups are put in place well ahead of time? For example, housing for disabled applicants, reasonable adjustments and access to disabled students' allowance for those eligible, and specialist orientation events for mature, disabled and international student groups.
- = How do you ensure that equality principles are built into considerations around transition, including clearing?

5 Disability disclosure in admissions

According to 2010/11 statistics from the Higher Education Statistics Agency (HESA), 8.0 per cent of students in higher education declared a disability (ECU, forthcoming). A specific learning difficulty (eg dyslexia) is the most common impairment disclosed (accounting for 47.7 per cent of student disclosures).

At course level, the highest rate of students who declared a disability is among those studying creative arts and design courses (14.7 per cent). The lowest is from business and administration studies students (4.6 per cent) (ECU, forthcoming).

However, these statistics are only part of the picture.

5.1 Possible reasons for non-disclosure

There are a range of reasons why applicants may choose not to disclose an impairment, for example:

- = **some non-domestic applicants' national laws do not recognise disability or the national definition excludes their impairment**
Where this is the case, an applicant may not realise that they meet the definition of disabled. In addition, cultural norms can mean that international applicants prefer not to disclose. Including the UK definition of disability in pre-application material targeted at international students along with information about how disclosure will help institutions to provide support will help mitigate this.
www.ukcisa.org.uk/about/disability.php
- = **some disabled applicants actively choose not to define themselves as disabled**
- = **some students may have experience of disability discrimination and a corresponding fear of the effects of disclosure**

It is recommended that admissions materials actively encourage the benefits of early disclosure (eg access to disability resources). See ECU (2012a) for further detail.

5.2 Current approaches to managing disclosure in admissions

ECU's research found that institutions take one of two approaches when responding to applicants who disclose a disability:

- = requiring an applicant to speak to disability support staff before making an offer
- = making an offer at the same time for all applicants

Requiring an applicant to speak to disability support staff before making an offer

This approach is likely to be a breach of section 91 of the Equality Act 2010, which requires HEIs not to discriminate in the arrangements it makes to admit students. Putting the admissions process on hold until the outcome of a meeting with disability support staff discriminates against disabled students compared with their non-disabled peers whose offer is not delayed. As not all disabled students disclose during the application process, those that do are particularly disadvantaged by such a policy.

Institutions' rationale for adopting this approach may result from a range of assumptions that doing so allows the institution to:

- = **mitigate against offers being made to applicants whose impairment could prevent them from completing the course**
HEIs must be mindful of not making assumptions about how an impairment may impact on a person's ability to undertake a course.
- = **consider issues related to competency standards and fitness to practise (where externally regulated courses are concerned) in advance of making an offer**
Institutions need to ensure that competency standards are genuinely applied to ensure they are not at risk of being discriminatory.
- = **ensure there are sufficient resources in place to meet any requests an applicant may make for reasonable adjustments**
Not admitting a potential student because of any resource implications relating to reasonable adjustments is likely to be discriminatory.

Making an offer at the same time for all applicants

This approach is non-discriminatory as disabled applicants are treated in the same way as non-disabled applicants. It also puts disabled applicants on the same footing as disabled students who may not disclose at application, but do so once they have secured a place.

To avoid the potential for discrimination, discussions about what reasonable adjustments applicants might require and the impact of their impairment on their ability to study should only be held after an offer is made. The only exception to this would be when an applicant is being invited to an assessment as part of the admissions process, and therefore a discussion about reasonable adjustments would be required.

There may be instances that an institution has to withdraw an offer on the basis of a determination that there are genuinely no steps that would be reasonable for it to take to overcome the disadvantage that an applicant may face. Such situations are extremely rare. The assessment of reasonableness is an objective one (and should always be on a case-by-case basis) and ultimately one for the courts to consider.

Reflective questions

- = What measures are in place to separate an applicant's disability disclosure from the admissions decision-making process?
- = Are you satisfied that applicants who disclose a disability are not discriminated against, in comparison with non-disabled peers? For example, are referrals to disability support (or equivalent) only made following an offer?
- = Are international applicants signposted to information about the definition of disability and how they can seek additional support?

6 Considerations for international applicants

ECU's discussions with admissions practitioners revealed that additional advice on international applicants would be beneficial. For the purposes of this guidance international applicants means any non-domestic applicants.

6.1 Applicant photographs

Some international applicants may be asked to provide certain documents, such as passport copies or English language certificates, alongside their application to meet UK Border Agency regulations, process student visas or to meet institutional requirements. It is important that admissions staff do not view these documents while making an admissions decision, as they may contain identifying information, such as photographs, which could result in unconscious bias and inadvertent discrimination.

Institutions should ensure that documents not directly relevant to the selection process are either considered by a member of staff who is not involved in the decision-making process and/or after an offer has been made.

6.2 Ethnicity disclosure by international students

There is a perception that some international students do not wish to disclose their ethnicity, possibly due to:

- = not understanding why this information is collected
- = fear of discrimination

International students are covered by the Equality Act 2010 and, in this context, the definition of race refers to colour, nationality (including citizenship) and ethnic or national origins. To encourage disclosure, institutions should provide international applicants with the rationale for why monitoring information is requested and why it is useful.

Reflective questions

- = During the selection process, do admissions staff view any documentation that is not relevant to decision making? Could inadvertent discrimination or bias take place as a result?
- = What mechanisms are in place to ensure admissions staff only access information relevant to the specific stage they are at in the selection process?
- = Are there differences in disclosure rates of equality information between domestic and international applicants? If so, what can be done to improve disclosure rates of international applicants?
- = Are definitions and rationales for collecting equality information made clear, particularly to international applicants?

7 Using equality monitoring data in admissions

Most institutions utilise UCAS to administer full-time undergraduate and higher national diploma courses and will have access to the data UCAS collects as standard. However, postgraduate and part-time applicants generally apply directly to the institution. As institutions decide how equality data on applicants who apply outside of UCAS is collected, the depth and quality of this information varies greatly.

Similarly, the degree to which the equality data is monitored and analysed to inform the admissions cycle varies by institution. Some institutions have regular processes to consider the composition of their applicant pool and student body and use this information to assess the effectiveness of the admissions policies and practice in place. However, these processes may vary by schools or courses, particularly within institutions operating on a devolved admissions model. Other institutions use data to inform admissions on an ad hoc basis, or sometimes not at all.

7.1 Availability of data on applicants and accepted applicants

UCAS collects applicant data on full-time undergraduate and higher national diploma courses on:

- = sex (mandatory)
- = age (mandatory)
- = ethnicity (mandatory)
- = socioeconomic group (mandatory)
- = disability (optional)
- = nationality – includes dual nationality (optional)
- = parental education (optional)

Information regarding the applicant's gender, age, disability and nationality are all provided alongside the initial application. A full set of data is made available to institutions after the selection process via weblink. UCAS also provides a range of data online.

UCAS data can be analysed alongside the HESA student record data through HESA's web-based information database and data management tool (heidi), which allows HEIs to access a broad range of national quantitative data about their student body, and to compare these results with those of other institutions.

However, it is important for institutions to recognise that UCAS data is limited to only those applicants who apply through that system.

It will be useful to collect and monitor the equality data of applicants who apply directly, where possible. In doing so, it is important that institutions take steps to make applicants aware of the purpose for asking for this information and how that data will be used. This may include specifying:

- = when it is voluntary to disclose the information
- = whether or not the information will be seen or used by admissions staff in making selection decisions – and if it is (eg in the case of disability status), who will have access to this information and for what reason
- = why the institution is asking for the information – for example, to better understand the composition of applicants/student body, to identify and remove any barriers in policies and practices, to meet the obligations of the Equality Act 2010, and to further promote equality in admissions
- = that the information is confidential to the institution and will be kept in compliance with the Data Protection Act

7.2 Benefits of using equality data

Collecting equality data at the application stage will help institutions:

- = meet the requirements of the Equality Act 2010
- = assess whether policies and practices are equitable and fair and do not disproportionately impact on equality groups progressing through to higher education
- = establish an evidence base for activities, policies and practice
- = benchmark to identify gaps in performance, seek new approaches for improvements, and adopt good practices

Meeting the requirements of the Equality Act 2010

The specific duties of the Equality Act 2010 include requirements for institutions to publish information about how its functions affect staff and students, and to set measurable equality objectives (or outcomes, in the case of Scotland) to meet the duty. In Wales and Scotland, institutions are also required to develop an evidence base of equality information to help assess the equality impacts of policies and practices and to inform the development of equality objectives (or outcomes).

While there are slightly different requirements regarding data collection and publishing of data between the nations, ECU encourages that where possible, equality data is collected on all the protected characteristics and this information is analysed at key stages of the higher education life cycle, including the admissions process. In doing so, institutions can identify where work may be required to eliminate the potential for unlawful discrimination, harassment and victimisation, advance equality of opportunity between people from different groups and foster good relations – the three aims of the Equality Act 2010.

Alongside UCAS information, **Cleveland College of Art and Design**, gathers equality data using information supplied by applicants on a specific form to capture data relating to the protected characteristics set out in the Equality Act 2010. If an applicant has not returned the form another will be issued at interview, and students are also made aware that they can provide the college with additional information at any time.

Assessing whether policies and practices are equitable and fair

Data monitoring can provide valuable insight into the admissions process to assess whether each stage of the admissions decision-making process provides applicants with equality of opportunity to achieve an offer. When possible, monitoring applicants and analysing trends through the various stages of the admissions process will help institutions to:

- = gain a better understanding of who their applicants and accepted applicants are through access to quantifiable information about who participates in each stage of the process
- = evaluate the success of the selection methods within the admissions process
- = identify whether particular stages of the application process may disproportionately affect certain equality groups and their ability to progress to the next stage, for example, failing to make reasonable adjustments for disabled applicants during interviews

While institutions may not hold or have access to information on each stage of the admissions cycle (particularly the pre-applicant stages), where data is available it may help institutions to identify hidden inequalities and unequal outcomes and take action accordingly.

For example, where an equality group has been historically underrepresented in the applicant pool for a particular course an institution may wish to review current recruitment and marketing practices and assess whether these might be inadvertently off-putting to certain groups. On the basis of this the institution may then decide to modify current practices or create additional marketing materials and events targeted at that particular group.

Institutions may also find that an equality group, while well represented in the initial applicant pool, is not as successful in gaining offers as other groups despite equal levels of academic achievement. In this instance an institution may wish to examine their admissions processes to determine whether any discrimination or differential treatment might be taking place.

Staffordshire University undertook a review of its interview policies and practices. Analysis of data around the composition of those who were interviewed, made an offer or submitted a complaint, formed an important part. The university found that alongside good practices within the interview process, varying historical practices had evolved and become embedded over a period of time.

Improvements to policies and practices to reduce the likelihood of discrimination and allow for consistency and transparency included:

- = delivering workshops for staff who undertake interviews, covering the purpose and assessment of interviews, the appropriate make-up of panels, note-taking, perception and communication, and the requirements of the Equality Act 2010
- = introducing a list of dos and don'ts for interviews
- = streamlining communication to applicants so that information provided is relevant, appropriate and consistent across all courses and helps to ensure applicants are well prepared for the interview
- = providing feedback to unsuccessful applicants and moving queries relating to feedback or complaints to the central admissions team
- = increasing the use of information technology so that applicants are advised of decisions in a more timely fashion and are better informed to make decisions on applications

Staffordshire University continues to review and develop processes and is planning to introduce a consistent grading system for selection and interview outcomes and an e-portfolio function as a means of selection.

Establishing an evidence base for activities

Monitoring data can provide institutions with an evidence base for its activities and demonstrate that its admissions practices and policies are effective.

This is particularly relevant for English institutions, as all publicly funded higher education providers in England charging over the basic level of fees are required to outline the measures they intend to take to ensure access of underrepresented groups through access agreements with the Office for Fair Access. These institutions are also required to report annually on their progress to the Higher Education Funding Council for England.

Beginning in 2013/14, Welsh institutions who wish to charge above the basic fee rate are also required to detail the additional investment they will make in support of equality of opportunity and the promotion of higher education, and the objectives they will set to secure these outcomes. Tracking the progress of potential applicants through the admissions process may be particularly useful for widening participation activities to ensure that they meet the aims they set out to achieve.

St. George's, University of London is currently undertaking a spring and summer school evaluation project, contacting participants from the last ten years to explore the value and impact of these events, and track their subsequent education and career progression.

The **University of Glasgow** has made collecting and monitoring data a key part in determining whether its widening participation interventions are effective in positively influencing participants' conversion, continuation and retention rates. Through the analysis of data, the university has found that participants in its top-up programme perform to a higher standard and are less likely to withdraw than other pupils from those schools, as well as pupils from comparator higher progression schools within the same local authorities.

	% not progressing		
	Top-up	No top-up	Control
2001	19.4	25.8	26.3
2002	17.4	19.4	16.8
2003	13.6	26.7	18.7
2004	11.1	32.9	18.1
2005	26.4	18.9	19.3
2006	22.4	26.7	17.5
2007	27.6	21.7	13.8
2008	13.8	22.6	16.1
2009	14.4	17.3	15.3
2010	12.4	9.8	13.5
2001–2010	17.4	22.7	18.1

Benchmarking performance

In addition to assessing policies and practices within an institution, equality data can be useful for external benchmarking. By understanding its performance in relation to others, an institution can better assess whether any issues, such as underrepresentation of an equality group, are particular to its own context or a wider concern for the sector, and so better identify how such issues might be addressed.

Benchmarking can help institutions to:

- = better understand their data by providing meaningful comparators and context. For example, to assess whether the proportion of a certain equality group within the applicant and accepted applicant pool is low, normal or high, relative to appropriate comparators

- = assess performance through measurement and comparison. For example, to ascertain whether there is an underrepresentation of an equality group in a particular area and identify why that might be the case
- = identify barriers to good performance and actions for improving performance. For example, to assess whether a particular policy or practice might be improved by identifying good practice used elsewhere and consider how these might be adapted

Appropriate comparators to benchmark against will vary by institution and goal. Some institutions may wish to compare courses or schools within the institution; others may want to benchmark against other institutions.

Generally, institutions should look for comparators that operate in a similar environment to its own. For example, shared characteristics that may be useful to benchmark against include: size, region, mission, research focus, courses or reputation. However, it is important to note that while two institutions may be similar to one another in one respect, they may differ significantly in another aspect which should be considered to avoid making inaccurate correlations or conclusions.

Alternatively, institutions may wish to benchmark their practices across a number of comparators. For example, comparator institutions within a mission group may provide information about access and admissions practice, while regional comparisons will provide another perspective.

Ultimately, the goal of benchmarking is to inform what improvements might be made by better understanding what could be achieved, what other techniques are available and what techniques are most adaptable.

HESA is leading an initiative to build capacity and capability within the UK higher education sector to undertake and gain business benefits from benchmarking activities. The project seeks to draw together and enhance information on benchmarking activities, techniques, benefits and networks.
www.benchmarking.hesa.ac.uk

For a list of available data sources see **section 10**.

ECU (2008) *Mapping equality data in the higher education sector*.

www.ecu.ac.uk/publications/mapping-equality-data-he

SPA (online resource) Data and statistics.

www.spa.ac.uk/data-statistics/index.html

Reflective questions

Pre-application stage

- = What equality data do you collect on potential applicants that participate in pre-application activities such as open days, taster sessions and widening participation programmes? If none, what scope is there to build data collection into these activities?
- = What processes are in place to monitor and use this data to inform pre-application activities and the admissions process more generally?
- = From this data, can you identify where any equality groups might be underrepresented in these activities? How might you be able to encourage higher numbers of these equality groups to participate in these activities?
- = What percentage of potential applicants who participate in pre-application activities go on to submit an application to your institution? Have you analysed this data by equality group? If so, does the analysis highlight any equality groups who are less likely than others to do so?
- = What steps can you take to ensure institutional pre-application activities are accessible to all potential applicants? What action are you going to take where you have identified potential discrimination?

Application stage

- = Do you collect equality data on applicants in all application routes, levels and modes of study? If not, is there scope to build data collection into the application process?
- = What processes are in place to use this data to inform application activities and the admissions process more generally?

- = From this data, are there any equality groups that appear to be underrepresented in your applicant pool, both generally and by course, mode and level of study? How might you encourage higher numbers of these equality groups to apply to your institution or to specific courses?
- = What steps can you take to ensure the application process is accessible to all potential applicants?

Post-application stage

- = What processes are in place to monitor the composition of applicants who progress through each stage of your admissions process?
- = Are there any stages within your admissions process where equality groups are less likely to progress than others?
- = What steps can you take to determine whether any discrimination or differential treatment might be taking place? How might you modify your policies and practice to ensure that this does not continue to occur?

Unconditional offers, conditional offers and no offers

- = What processes are in place to monitor the equality data of applicants who are given unconditional or conditional offers (or no offer)?
- = Are there any equality groups that are more or less likely to be given unconditional or conditional offers than other groups? Are there any equality groups more or less likely to not be given an offer than other groups?
- = If so, what steps can you take to examine why this might be the case? Where you identify potential discrimination, what action are you going to take to remedy it?

Complaints and appeals

- = What processes are in place to monitor the equality data of applicants who make a complaint or appeal?
- = Are any equality groups more likely to submit a complaint or appeal than others?
- = If so, what steps can you take to examine why this might be the case?

What equality data do you collect, and at which points in the admissions process?

	Not collected	Collected at point of		
		application	acceptance	enrolment
Age				
Disability				
Sex				
Gender identity				
Pregnancy/ maternity				
Race				
Religion or belief				
Sexual orientation				

8 Glossary of terms

Competence standard

An academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability. HEIs must have genuine competence standards in place to ensure all candidates are able to demonstrate their ability in a particular area. HEIs may need to review entry, course and examination criteria to ensure they are not discriminatory and that appropriate anticipatory reasonable adjustments are in place.

Direct discrimination

Where two students are treated differently and the reason for the difference in treatment is a protected characteristic. For example, an admissions decision not offering a student a place because they are from a certain minority ethnic group (this would be direct discrimination on the grounds of race).

Direct discrimination is always unlawful, except in limited circumstances. For example in relation to age, where it can be justified if there is a genuine reason for having concerns about the age of people on a course and imposing a particular age requirement is appropriate and necessary as a result.

Disabled students

'Disabled students' is used within this guidance, rather than 'students with disabilities', as it is often the terminology preferred by disabled people. This is based on the social model of disability, which views environmental, physical, structural and attitudinal barriers as disadvantaging – or disabling – for people with impairments.

Discrimination arising from a disability

Treating a disabled person unfavourably because of something arising from their impairment. In limited circumstances it can be justified if the institution can show the treatment was a 'proportionate means of achieving a legitimate aim'.

Fitness to practise

Professional bodies may set 'fitness-to-practise' professional standards that students must demonstrate to enter that profession. Disabled students are entitled to reasonable adjustments to the process of demonstrating that they meet the standard, but not to the standard itself.

Harassment	Unwanted conduct related to a person's protected characteristics which has the purpose or effect either of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
Indirect discrimination	Where a practice, policy or action is applied in the same way to all students or to a particular student group, but doing so has the effect of putting students sharing a protected characteristic within the general student group at a particular disadvantage. For example, a practice of only holding open days on Saturdays places practising Jewish applicants at a disadvantage and could lead to a successful complaint of unlawful indirect religion or belief discrimination. In some cases an institution may be able to objectively justify their policy or practice.
Positive action	Lawful action taken by an HEI to overcome disadvantage for some protected groups who have been identified as not accessing the institution (for reasons relating to a protected characteristic). For example, this may involve running a summer programme for a particular group (eg certain ethnic groups) to encourage their entry on to a course.
Proportionate means of achieving a legitimate aim	<p>The Equality Act 2010 allows, in limited circumstances, justification of indirect discrimination, but only where an institution can demonstrate that there is a genuine reason for having concerns about an individual or group with a protected characteristic and imposing a particular requirement is appropriate and necessary as a result.</p> <p>'Legitimate aims' may include maintaining academic or other standards for ensuring the health and safety and welfare of students. The means of achieving the aim must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean it is the only possible way of achieving the legitimate aim. The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.</p> <p>In a case involving disability, if an institution has not complied with its duty to make reasonable adjustments it will be difficult to show that the treatment was proportionate.</p>

Protected characteristic

The term used to cover nine characteristics referred to in the Equality Act 2010 (see section 2.1) against whom discrimination is unlawful: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Discrimination relating to marriage and civil partnership is only protected in employment and does not apply to admissions.

Reasonable adjustments

The legal requirement for HEIs to take steps to ensure disabled staff, students or visitors do not experience substantial disadvantage in comparison to non-disabled people.

HEIs have a duty to make reasonable adjustments to provisions, criteria or practices, physical features and auxiliary aids. There is also an anticipatory duty to provide reasonable adjustments for students, which means service providers must plan ahead and take a strategic approach to addressing the barriers that potentially hinder disabled students. This will involve institutions putting in place systems that can be activated as appropriate for disabled students, staff and/or visitors. Alongside this, disabled students and staff are entitled to individual reasonable adjustments for specific requirements. For further information on reasonable adjustments in higher education, please see *Managing reasonable adjustments in higher education* (ECU, 2010b).

Victimisation

Treating a student unfavourably because they have taken (or might be taking) action under the Equality Act 2010 or supporting somebody who is doing so.

9 Reflective questions

9.1 Pre-application and application

Admissions area	Reflective question	Guidance section
Widening participation and access	What links are in place between admissions and widening-participation staff to encourage a joined-up approach to equality and diversity in admissions?	3.1
	How can admissions staff work with widening-participation and recruitment staff to target groups that have been identified as being underrepresented on particular courses?	3.1
Marketing and recruitment	How will you ensure marketing and recruitment practices do not inadvertently discriminate against any equality groups?	3.2
Positive action	Has the marketing and recruitment team considered whether any positive action measures would be appropriate?	3.3
	What measures are in place to identify whether there are any courses that may require positive action measures to encourage particular protected groups to apply?	3.3
Pre-application activities: equality monitoring	What equality data do you collect on potential applicants that participate in pre-application activities such as open days, taster sessions and widening-participation programmes? If none, what scope is there to build data collection into these activities?	7.1, 7.2
	What processes are in place to monitor and use this data to inform pre-application activities and the admissions process more generally?	7.1, 7.2
	From this data, can you identify where any equality groups might be underrepresented in these activities? How might you be able to encourage higher numbers of these equality groups to participate in these activities?	7.1, 7.2
	What percentage of potential applicants who participate in pre-application activities go on to submit an application to your institution? Have you analysed this data by equality group? If so, does the analysis highlight any equality groups who are less likely than others to do so?	7.1, 7.2
	What steps can you take to ensure institutional pre-application activities are accessible to all potential applicants? What action are you going to take where you have identified potential discrimination?	7.1, 7.2

Admissions area	Reflective question	Guidance section
Setting course entry requirements	What measures do you have in place to review course requirements for inadvertent discrimination?	3.4
	How do you review current practice to identify protected groups who are disproportionately offered or refused a place? Do the findings require additional consideration, ie do they indicate good practice which would be useful to implement across the institution or discriminatory practice which requires review?	3.4
	What arrangements do you have in place to consider reasonable adjustments for disabled applicants in order for them to demonstrate their ability to meet course requirements?	3.4
	Are you satisfied that there are valid and genuine reasons for the competency standards in place and they are not discriminatory?	3.4
Admissions policies: centralised and devolved models	How do devolved areas feed into and influence the central admissions policy?	3.5
	What mechanisms are in place to identify whether elements of policy and practice discriminate against certain groups?	3.5
	What measures are in place to ensure that centralised policies are put into practice at a local level?	3.5
	Do you ensure that departments review actual practice against both central policies and their own departmental policy to identify any inconsistency or equality training needs? Is there scope to convene a panel to review a range of recent decisions within and across departments?	3.5
	Does staff training cover the equality considerations for admissions work at both a central and devolved level?	3.5
	Do you have an admissions policy that is externally available, easy to find and understand, and up to date?	3.5

Admissions area	Reflective question	Guidance section
The application process: UCAS and direct entry	Have you reviewed your application process to identify any potential for discrimination?	3.6
	What procedures are in place to comply with the duty to make reasonable adjustments for disabled people? Are these policies transparent and consistently applied to disabled applicants?	3.6
Information, advice and guidance to applicants	What methods of engagement does your institution use to provide information, advice and guidance to applicants?	3.7
	Is the information, advice and guidance provided transparent and accessible to all applicants? Please consider the needs of different groups, such as disabled, mature and international applicants.	3.7
	Are there certain groups of applicants who may be disadvantaged in accessing this information, advice and guidance? How can you broaden the opportunities available so that applicants from a wide range of backgrounds are able to access this information?	3.7
Application: equality monitoring	Do you collect equality data on applicants in all application routes, levels and modes of study? If not, is there scope to build data collection into the application process?	7.1, 7.2
	What processes are in place to use this data to inform application activities and the admissions process more generally?	7.1, 7.2
	From this data, are there any equality groups that appear to be underrepresented in your applicant pool, both generally and by course, mode and level of study? How might you encourage higher numbers of these equality groups to apply to your institution or to specific courses?	7.1, 7.2
	What steps can you take to ensure the application process is accessible to all potential applicants?	7.1, 7.2

9.2 Post-application and transition

Admissions area	Reflective question	Guidance section
Using additional information	What information in addition to academic performance might demonstrate that an applicant has the potential, motivation and commitment to succeed at your institution?	4.1
	What sources of additional information do admissions staff use (if any) to inform their admissions decisions, and how is this communicated to applicants? Is there clear policy on its use to ensure consistency?	4.1
	How is equality considered in working groups and committees that have admissions as a focus?	4.1
Additional assessment methods	What measures are in place to review interview policies and practice for any potential discriminatory practice?	4.2
	Have the staff involved in conducting interviews received recent training on unconscious bias and equality issues?	4.2
	Are interviews across the institution conducted by a minimum of two staff?	4.2
	Are interviewers required to follow set criteria and complete an interview form, which could be reviewed by a panel for consistency and to identify appropriate training needs?	4.2
Recording decisions, applicant feedback and appeals procedures	What feedback is available to applicants? How is its availability communicated to applicants?	4.3
	How are admissions decisions recorded? Is there sufficient detail collected in the event that an applicant appeals the decision or accuses the institution of discrimination?	4.3
	Does the admissions policy set out the appeal process for applicants, and is it transparent?	4.3
Supporting applicants during transition	Are there particular equality groups who are less likely to enrol (despite having accepted a place)? Does this indicate the need for collaborative and proactive work between admissions teams and student services, students' union staff or elected officers?	4.4

Admissions area	Reflective question	Guidance section
Supporting applicants during transition (continued)	How do you ensure that appropriate support arrangements for particular groups are put in place well ahead of time? For example, housing for disabled applicants, reasonable adjustments and access to disabled students' allowance for those eligible, and specialist orientation events for mature, disabled and international student groups.	4.4
	How do you ensure that equality principles are built into considerations around transition, including clearing?	4.4
Post-application: equality monitoring	What processes are in place to monitor the composition of applicants who progress through each stage of your admissions process?	7.1, 7.2
	Are there any stages within your admissions process where equality groups are less likely to progress than others?	7.1, 7.2
	What steps can you take to determine whether any discrimination or differential treatment might be taking place? How might you modify your policies and practice to ensure that this does not continue to occur?	7.1, 7.2
Unconditional offers, conditional offers and no offers: equality monitoring	What processes are in place to monitor the equality data of applicants who are given unconditional or conditional offers (or no offer)?	7.1, 7.2
	Are there any equality groups that are more or less likely to be given unconditional or conditional offers than other groups? Are there any equality groups more or less likely to not be given an offer than other groups?	7.1, 7.2
	If so, what steps can you take to examine why this might be the case? Where you identify potential discrimination, what action are you going to take to remedy it?	7.1, 7.2
Complaints and appeals: equality monitoring	What processes are in place to monitor the equality data of applicants who make a complaint or appeal?	7.1, 7.2
	Are any equality groups more likely to submit a complaint or appeal than others?	7.1, 7.2
	If so, what steps can you take to examine why this might be the case?	7.1, 7.2

9.3 Additional considerations

Admissions area	Reflective question	Guidance section
Disability disclosure in admissions	What measures are in place to separate an applicant's disability disclosure from the admissions decision-making process?	5.1, 5.2
	Are you satisfied that applicants who disclose a disability are not discriminated against, in comparison with non-disabled peers? For example, are referrals to disability support (or equivalent) only made following an offer?	5.1, 5.2
	Are international applicants signposted to information about the definition of disability and how they can seek additional support?	5.1, 5.2
Considerations for international applicants	During the selection process, do admissions staff view any documentation that is not relevant to decision making? Could inadvertent discrimination or bias take place as a result?	6.1, 6.2
	What mechanisms are in place to ensure admissions staff only access information relevant to the specific stage they are at in the selection process?	6.1, 6.2
	Are there differences in disclosure rates of equality information between domestic and international applicants? If so, what can be done to improve disclosure rates of international applicants?	6.1, 6.2
	Are definitions and rationales for collecting equality information made clear, particularly to international applicants?	6.1, 6.2

10 Data sources

10.1 UK-wide

Higher Education Statistical Agency (HESA)

HESA is the official agency for the collection, analysis and dissemination of quantitative information about higher education. HESA provides a range of data resources, including:

- = **online statistics**
Data tables covering information about students, staff, finances, estates management and destination.
- = **performance indicators**
Comparative data on the performance of institutions in widening participation/access, student retention, learning and teaching outcomes, research output and employment of graduates.
- = **HE planning plus**
A CD that contains data on students, staff and finance of HEIs and allows users to generate bespoke tabulations and to generate their own peer groups of HEIs if desired.
- = **information provision service**
A customised data enquiry service to make available information that may not be offered in existing HESA publications.

www.hesa.ac.uk

Higher education information database for institutions (heidi)

HESA also runs 'heidi,' a web-based management information service for HEIs and approved higher education stakeholder organisations. It aims to provide easy access to a wide range of national quantitative data about higher education, and provides functionality for analysis, presentation and comparison of the data with other institutions. Data available from the service covers the main HESA collections, student, destinations of graduates, staff, finance, as well as a range of non-HESA data sources such as UCAS, estates management statistics, funders forum metrics, national student survey/teaching quality information and Research Assessment Exercise (RAE) 2001 and 2008.

<https://heidi.hesa.ac.uk>

Universities and Colleges Admissions Service (UCAS)

UCAS is an admissions service that processes applications to full-time undergraduate courses.

All UCAS member institutions can access their institution-specific applicant data via UCAS weblink. This online facility enables users to view and download applicant data, statistical data and reports relevant to their institution and to a particular application scheme (UCAS, GTTR, CUKAS, and UKPASS). Access to the weblink is administered within each institution and many give read-only access to academic staff and to other support staff.

A wide range of data, statistics and reports are freely available from UCAS which cover the application schemes UCAS, GTTR and CUKAS. UCAS also provides:

= **a statistical enquiry tool**

This allows users to access UK data for all full-time applicants to UCAS member institutions since 1996 and define the parameters as needed. The statistical enquiry tool allows users to specify the academic year and country of interest (or alternatively, UK-wide data) and access data tables on a range of variables. These variables include age, ethnic group, ethnic origin, gender, domicile, region, educational sector, subject area and POLAR2 score, as well as institution code, name and region. Users can further specify whether they wish to view the data for applicants, accepted applicants, degree accepts and HND accepts – or a combination of these groups.

= **an applications digest**

This provides a comparative snapshot of applications received by each institution in January, March and June, compared with previous cycle figures.

= **static and user-defined datasets**

These can be viewed on the UCAS website or downloaded into a spreadsheet for user analysis.

= **annual datasets**

These can be broken down by country, institution, subject, age, domicile, international, qualifications and ethnicity.

UCAS also provides a bespoke analysis service and other data products on a commercial basis (at an extra cost). An example of this is Application Tracker, AppTrack, from UCAS Data Insight. This is an interactive web-based service providing weekly application figures and analysis by institution, benchmarked against previous application cycles. This enables HEI colleagues to compare their current status at national, institutional and competitor level. Decision Tracker allows institutions to compare current performance against previous application cycles, your competitors' and your own benchmarks.

www.ucas.com/about_us/stat_services

UKPASS

The UK Postgraduate Application and Statistical Service, an admissions service for postgraduate students.

Statistics on postgraduate applications made through UKPASS are available on a quarterly basis, and include data on the number of applicants, the subjects applied for, applicants' gender and details of origin by domicile, region and country.

The UKPASS website also provides personalised reports to institutions using the service through weblink, and an application tracker service.

www.ukpass.ac.uk/hestaff/statistics

Graduate Teacher Training Registry (GTTR)

The GTTR is an admissions service that processes applications for full-time and part-time postgraduate teacher training courses in England, Wales, and Scotland.

The GTTR website provides access to statistics on postgraduate teacher training applications. Applicant statistics makes available on a weekly basis the most recent statistics for applications for postgraduate teacher training courses. The data covers subjects applied for broken down by country, gender and teaching age range and a breakdown of the teaching age range figures by country and compared with the previous year's figures. Applicant acceptance figures are produced on the same basis at points throughout the application cycle. An annual statistical report is also available from 2000 and onwards.

www.gttr.ac.uk/providers/statistics

Conservatoires UK Admissions (CUKAS)

CUKAS is a specialised online admissions service which processes applications to undergraduate, postgraduate and other music and some dance and drama programmes at UK conservatoires. It also includes some foundation year courses at pre-undergraduate level and a limited number of research programmes, as well as a number of specialised study programmes. The CUKAS website publishes data in their annual reports.

www.cukas.ac.uk

Data.gov.uk

Data.gov.uk is the UK government's official open data portal. The site provides a central 'way into the wealth of government data' and aims to make that data 'easy to find; easy to license; and easy to re-use'. Nearly 500 datasets related to education are available on the website.

www.data.gov.uk

10.2 England

Higher Education Funding Council for England (HEFCE)

HEFCE produces a wide range of publications including guides, reports, consultation documents, research findings, good practice guidance and statistics.

www.hefce.ac.uk

HEFCE extranet

HEFCE makes a range of derived statistics available on the higher education data extranet. The data sets are intended to inform both widening participation allocation for the year and for monitoring and allocation of funding.

<https://extranet.hedata.ac.uk/auth/login.aspx>

HEFCE POLAR data

Participation of Local Areas (POLAR) uses maps to illustrate the broad pattern of young participation i.e. not mature students in higher education geographically and the relative likelihood and inclination to enter higher education. POLAR is intended as a web-based resource to aid those involved in widening participation activities in targeting and measuring success. POLAR3 is an updated classification of participation rates.

www.hefce.ac.uk/whatwedo/wp/ourresearch/polar/polar3

**Department for Business
Innovation and Skills (BIS)**

BIS produces various reports and publications covering workforce skills, employment opportunities, and challenges to and innovations for change in higher education.

www.bis.gov.uk/publications

Department for Education

The DfE website provides a number of data tables, including information on the achievement and attainment of students of sixth-form age in local secondary schools and further education colleges. The school and college achievement and attainment tables (formerly performance tables) also show how these results compare with other schools and colleges in the area and in England as a whole.

www.education.gov.uk/performancetables

10.3 Northern Ireland**Department for Education
Northern Ireland (DENI)**

The DENI website provides a number of resources, including statistics, research and analysis, relating to schools, pupils and teachers. The main data collection exercises include the annual school census exercise, the summary of annual examination results, the school leavers' survey, and annual returns on school meals, suspensions and school workforce.

www.deni.gov.uk/index/facts-and-figures-new/education-statistics.htm

**The Northern Ireland
Statistics and Research
Agency (NISRA)**

NISRA is the principal source of official statistics and social research on Northern Ireland's population and socio-economic conditions. NISRA provides a range of education and training statistics including participation rates and pupil: teacher ratios.

www.nisra.gov.uk/index.html

**Department for Employment
and Learning Northern
Ireland (DELNI)**

DELNI publishes a diverse range of information on the higher education sector in Northern Ireland. It draws together data from a variety of sources in order to analyse student trends through HE. Statistics are available for all stages of higher education from the application process via UCAS through to students' destinations after graduating. In addition, statistics are available on Northern Ireland-domiciled students who leave Northern Ireland to study higher education courses in the rest of the UK.

www.delni.gov.uk/higher-education-stats

10.4 Scotland

**Scottish Funding Council
(SFC)**

The SFC produces a variety of publications, research reports and statistics which can be accessed online. The statistical information relates to both further and higher education in Scotland. The infact database of students and courses at Scotland's colleges can also be accessed via the SFC website.

www.sfc.ac.uk/statistics/statistics.aspx

Scottish Government

The Scottish Government website provides a searchable database giving information on every school in Scotland, including independent schools, examination results for years 4, 5 and 6, retention rates, attendance and absence, free school meals, leaver destinations, inspection reports and contact information. They also show how these results compare with other schools and colleges in the area and in Scotland as a whole over time.

www.educationscotland.gov.uk/scottishschoolsonline

10.5 Wales

Higher Education Funding Council for Wales (HEFCW)

HEFCW and the Welsh Assembly Government (WAG) produce a variety of data which can be accessed online, including information on post-16 educational and training qualifications, performance indicators and cross-border flows of students.

www.statswales.wales.gov.uk/ReportFolders/ReportFolders.aspx

Welsh Assembly Government (WAG)

The WAG website includes a dedicated statistics page, which provides a wide range of data on schools, teachers and post-16 education and training.

<http://wales.gov.uk/topics/statistics/?lang=en>

11 Further resources

Action on Access (2011) *Social mobility through higher education: aligning widening participation and equality*. Action on Access, Leicester.

www.actiononaccess.org/resources/briefings

BIS (2011) *Guidance to the director of fair access*. Department for Business, Innovation and Skills, London.

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ECU (2010b) *Managing reasonable adjustments in higher education*. Equality Challenge Unit, London.

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Schwartz, S (2004) *Fair admissions to higher education: recommendations for good practice*. Admissions to Higher Education Review. www.admissions-review.org.uk/consultation.html

SPA. Good practice: admissions policy, the Schwartz report and the QAA code of practice. Online resource. www.spa.ac.uk/good-practice/qaa-schwartz.html

SPA (2009a) *Defining the applicant experience*. Supporting Professionalism in Admissions, Cheltenham. www.spa.ac.uk/documents/applicant_experience/SPA_applicant_experience_definition.pdf

SPA (2009b) *The applicant experience: pre-application (and recommendations)*. Supporting Professionalism in Admissions, Cheltenham. [www.spa.ac.uk/documents/applicant_experience/Applicant_experience_\(pre-application\).pdf](http://www.spa.ac.uk/documents/applicant_experience/Applicant_experience_(pre-application).pdf)
Recommendations
www.spa.ac.uk/documents/applicant_experience/SPA_Pre-application_recommendations.pdf

SPA (2010a) *Principles of the use of contextual data in admissions*. Supporting Professionalism in Admissions, Cheltenham. www.spa.ac.uk/contextual-data/principles-contextual-data.html

SPA (2010b) *The applicant experience strategy: application (and recommendations)*. Supporting Professionalism in Admissions, Cheltenham. [www.spa.ac.uk/documents/applicant_experience/Applicant_experience_\(application\).pdf](http://www.spa.ac.uk/documents/applicant_experience/Applicant_experience_(application).pdf)
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SPA (2011b) *Recommendations on good practice in the consideration of support needs within the admissions process to higher education for applicants with disabilities*. Supporting Professionalism in Admissions, Cheltenham. www.spa.ac.uk/documents/Timing_of_disability_considerations_within_admissions_processes.pdf

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Equality Challenge Unit

ECU works to further and support equality and diversity for staff and students in higher education across all four nations of the UK, and in colleges in Scotland.

ECU works closely with colleges and universities to seek to ensure that staff and students are not unfairly excluded, marginalised or disadvantaged because of age, disability, gender identity, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation, or through any combination of these characteristics or other unfair treatment.

Providing a central source of expertise, research, advice and leadership, we support institutions in building a culture that provides equality of both opportunity and outcome, promotes good relations, values the benefits of diversity and provides a model of equality for the wider UK society.



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