# EDU note on positive action for inclusion in CDP call, MT21

Sara Smith, 12 October 2021

# AHRC Collaborative Doctoral Programme: Positive Action

The University of Oxford and GLAM encourage the use of lawful positive action measures to help address the disproportionately low participation of UK Black, Asian and minority ethnic people studying and working within the Arts and Humanities and the cultural and heritage sectors.

The Equality and Human Rights Commission has set out the framework within which education providers can take positive action when they *reasonably think* – based on reliable evidence – that people sharing a protected characteristic:

1. Suffer a disadvantage connected to that characteristic;
2. Have needs that are different from the needs of others; or
3. Have disproportionately low participation in an activity.

The measures taken must be a proportionate means of achieving the identified aims, time-limited and subject to regular review. To ensure a sound basis for action and avoid unlawful discrimination, providers should analyse and outline:

* Evidence of the disadvantage, particular needs and/or disproportionately low participation, with an analysis of the causes;
* Specific outcomes which they are aiming to achieve;
* Identification of possible steps to achieve those outcomes;
* Assessment of the proportionality of the possible steps;
* The steps they have decided to take to achieve the aims/outcomes; and
* Measurable indicators of progress towards the aims, set against a timetable.

The EHRC says that the results of this assessment should be documented in writing and retained to demonstrate compliance with the Act.

The test of ‘proportionality’ means that the positive action measures must be appropriate and reasonably necessary. Usually this will mean that consideration should be given to less discriminatory measures before moving to measures which confer a more substantial benefit on a particular group. Some measures are inherently too discriminatory (i.e. they confer too substantial a benefit on one group) and so would never meet this test.

Under the University’s [Equality Policy](https://edu.admin.ox.ac.uk/equality-policy), admissions decisions must be assessed purely on academic merit and potential without regard to other factors, including protected characteristics such as ‘race’ (the term used in the Equality Act) or ethnicity. Decisions on admission must therefore be made *prior to* the award of targeted positive action studentships and bursaries. This means we will not permit CDP places to be ring-fenced for applicants from particular ethnic groups, *unless* the provider can guarantee that all applicants considered for the studentships will receive an offer of admission (funded or unfunded) regardless of whether they are successful in the CDP competition.

Reference: EHRC (2014) [Equality Act 2010 Technical Guidance for Further and Higher Education](http://www.equalityhumanrights.com/en/publication-download/equality-act-2010-technical-guidance-further-and-higher-education), chapter 13