



# Equality, Diversity and Inclusion

## Legal frameworks and bias



Hello and welcome to this session on EDI legal frameworks and unconscious bias

A woman with blonde hair, wearing a white button-down shirt and a light green cardigan, is smiling and looking towards the camera. She is standing in what appears to be a laboratory or office setting. The image is partially overlaid by a purple graphic on the right side. This graphic contains a white circular icon with four human figures in the top right corner, a white speaker icon in the bottom right corner, and a large white text block in the center. The text reads: "We need an accessible innovation ecosystem that provides solutions for all". There are also decorative green arrow patterns on the left and bottom-left of the purple area.

**We need an accessible innovation ecosystem that provides solutions for all**

At Innovate UK, we want to support an innovation ecosystem that is diverse and inclusive. There are various legal frameworks and strategies that we can use to create change.



## Legal frameworks surrounding EDI

- In Britain, the Equality Act 2010 is a legal framework to protect the rights of individuals and advance equality of opportunity for all. It protects individuals from unfair treatment due to a protected characteristic and promotes a fair and more equal society
- In Northern Ireland, equality and anti-discrimination law is a series of acts
- The differences between equality law in Britain and Northern Ireland mean that the levels of protection are different between people in the two entities



Within the UK, legislation exists to protect people from discrimination, harassment and victimisation



## Public Sector Equality Duty



The Public Sector Equality Duty is a duty on public authorities and those carrying out public functions to take due consideration to:

- **Eliminate discrimination:** Remove or minimise disadvantages suffered by people due to their protected characteristics
- **Advance equality of opportunity:** Take steps to meet the needs of people from protected groups where these are different from the needs of other people
- **Foster good relations between people:** Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low



As a non-departmental government body, Innovate UK must also comply with the PSED, which sets out a duty to go further than the equality act and that rather than just prevent discrimination, we should take action to minimise disadvantage...

Section 75 of the Northern Ireland Act 1998

- Public bodies must ensure 'equality of opportunity and good relations are central to policy-making and service delivery' and have 'due regard for the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without;
- persons with dependants and persons without.'



# Equality characteristics



## Protected characteristics (Britain; Equality Act 2010)

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

## Equality Areas (Northern Ireland)

- Age
- Disability
- Gender/sex (including trans)
- Race
- Religious belief/political opinion
- Sexual orientation



You'll notice that the I have referred to 'protected characteristics'. Under the equality act, we cannot be treated unfairly due to these characteristics  
In Britain...

In NI...

So, for example, someone could claim discrimination on the grounds of their race, or exclusion due to being disabled.

Therefore, Innovate UK uses these laws to **protect the rights of individuals and advance equality of opportunity for all.**

As part of this work, we have recently updated the equality diversity and inclusion survey for applicants, assessors and monitoring officers.

These data will help us to monitor any actions we take and ensure that we are meeting our duties



## Equality characteristics



**While not covered by a specific equality law, Innovate UK is also taking action to support:**

- Caring responsibilities
- Educational background
- Socio-economic background
- Regional location
- Company size



Innovate UK recognises that unfair treatment can occur due to other characteristics that people might possess. While not legally required to, we make an effort to ensure fair opportunity for people with:

...

For example, Innovate UK takes a portfolio approach for some competitions, to ensure we are supporting organisations that are based across the UK.

We also run competitions for companies of specific sizes.



## Positive action



- Some groups of people with characteristics protected under the Equality Act may require **differential treatment from others**.
- This is due to: disadvantage, under-representation, or different needs from the population as a whole.
- Taking action to address these is defined as **positive action** in the Equality Act 2010.
- Northern Ireland has similar legislation, termed **affirmative action**
- Careful consideration of the issues, with evidence, is needed to make the case for a positive action, with the intervention being appropriate and proportionate.



Another element of Britain's equality law is Positive action.

What the equality act seeks to prevent unfair treatment, there are instances where some groups of people with protected characteristics may require differential treatment from others to achieve greater equality.

This is because some groups are disadvantaged, under-represented, or have different needs from the population as a whole, due to past or present discrimination or exclusion, or particular

experiences.

Northern Ireland has similar legislation, termed 'affirmative action'

Examples of positive action include the Women in Innovation and Young Innovators awards, where under-representation in IUK competitions was identified, and action taken to address this.

It is important to note that a decision to take positive action needs to be evidenced and any intervention take should be proportionate to the need, and stopped when the need has been addressed, or alternative solutions are identified



## The Equality Act 2010 for businesses

Companies Innovate UK funds are bound by the Equality Act in respect of their own employees and in respect of any goods and services they provide to the public or a section of the public. This includes the use of positive action

Running an advertising campaign for 60+ year olds as the company currently only reaches people <60 years old

Developing a healthcare product for Black people, as similar products available on the market do not suitably cater for their needs

Recruiting a woman ahead of a man (who scored equally well in interview), as women are under-represented in their organisation

Providing sports activities specifically for trans people as they have previously experienced disadvantage and under-representation



[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85008/business-quickstart.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85008/business-quickstart.pdf)



Applicants may choose to use Positive Action both in their role as an employer and as a service provider, so you may see examples of positive action in applications, although it may not be explicitly described as positive action.

Examples include

...

Note that it is illegal to discriminate between people based on protected characteristics unless there is an evidenced need and a proportionate response. If you do receive an application that you think is taking positive action in the provision of goods, facilities or services, and that you have questions about, do not hesitate to get in touch.

As mentioned, positive action is taken due to past or present discrimination or exclusion, or particular experiences, and so it is important that we recognise bias that can result in discrimination and

negative experiences for people.

This is particularly important during the assessment process, and is the subject of the coming slides.

Positive Action is set out in specific provisions in the Equality Act (2010) which may be used to promote equality, diversity and inclusion. UKRI may choose to use these provisions both in its role as an employer and as a service provider.

Positive Action is a proportionate intervention to help overcome instances where people who share a protected characteristic:

- i) suffer a disadvantage connected to that characteristic or
- ii) have different needs compared with people who do not share that characteristic or
- iii) whose participation in an activity is disproportionately low.

- Note: it is legal to treat someone more favourably because of their disability, as compared with a non-disabled person. For example, it is lawful to have a policy of interviewing all disabled candidates who meet the minimum selection criteria



## Recognising bias



- We all have biases; it's not wrong in itself to have biases.
- Unconscious bias is far more prevalent than conscious prejudice and often incompatible with conscious values
- We often have bias blind spots where we are unaware of our biases
- Unconscious bias can lead to subtle behaviours that ultimately result in discrimination and exclusion
- It is important to take action to manage any bias



As mentioned, the equality act is in place to prevent discrimination, and so it is important that we recognise bias that can result in discrimination and negative experiences for people.

This is particularly important during the assessment process, and is the subject of the coming slides.

Biases are patterns, assumptions and perceptions that we have.

They come from a cognitive shortcut in decision making

We all have biases; they are involuntarily and unintentional and far more common than conscious prejudice.

Often we are unaware of our biases, and this can lead to subtle behaviours, such as microaggressions, which can build over time and lead to discrimination and exclusion of individuals or groups of people

Therefore it is important to be aware of potential bias and consciously take action to challenge any bias.



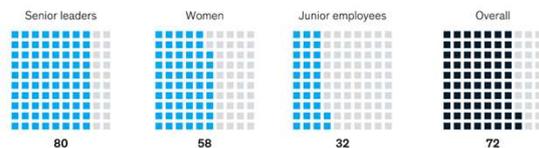
# The prevalence of bias and discrimination



<https://www.mckinsey.com/business-functions/people-and-organizational-performance/our-insights/lgbtq-plus-voices-learning-from-lived-experiences>

Coming out at work is more challenging for women and junior employees.

LGBTQ+ employees who are broadly out at work,<sup>1</sup> %



<sup>1</sup>Overall sample size = 159. For senior leaders (senior vice president, C-suite executive/president), n = 68; for women, n = 41; for junior employees (entry-level employee, associate, or manager), n = 14. While these sample sizes are small, the results are statistically significant. Of the 2,030 survey respondents, 159 people identified as LGBTQ+. Since only 7 respondents identified as trans or nonbinary, our survey did not yield significant data on the percentage who are out at work.

McKinsey  
& Company

## Brits feel uncomfortable with disabled people

8 May 2014

New research: Majority of Brits uncomfortable talking to disabled people

A staggering two-thirds of the British public (67%) admit that they feel uncomfortable talking to disabled people.

A fear of seeming patronising or saying the wrong thing is why most people feel awkward, according to disability charity Scope's new report, Current attitudes towards disabled people.

<https://www.scope.org.uk/media/press-releases/brits-feel-uncomfortable-with-disabled-people>



There are many examples of bias and discrimination, which can have significant negative impact on people.

For example, 67% of the British public say that they feel uncomfortable talking to disabled people.

Concern about bias can result in people not bringing their full selves to work. For example, LGBTQ+ employees who are junior are less likely to be out at work, due to fear of discrimination.



# The prevalence of bias and discrimination



## Nepotism and sexism in peer-review

In the first-ever analysis of peer-review scores for postdoctoral fellowship applications, the system is revealed as being riddled with prejudice. The policy of secrecy in evaluation must be abandoned.

Christine Wennerås and Agnes Wold

## White Sounding Names Get More Interview Requests

A 2003 study by UChicago and MIT tested the difference a name had on job interview opportunities. The researchers submitted 5000 identical resumes to jobs in the Chicago and Boston area. They used random names that were stereotypically white or African American. The applicants with the white-sounding names received an astounding 50% more job interview requests.

<https://www.iqpartners.com/blog/4-hiring-bias-study-statistics-that-may-shock-you/>

[https://www.researchgate.net/publication/286750719\\_Nepotism\\_and\\_Sexism\\_in\\_Peer-Review/](https://www.researchgate.net/publication/286750719_Nepotism_and_Sexism_in_Peer-Review/)



Research showed that women had to be 2.5 times as productive as their male counterparts to be rated as equivalently competent in fellowship awards. There is also substantial research that shows that people with white sounding names are more likely to be invited to job interviews. I am sure you can think of many examples, and even perhaps examples that have happened to you.



## Sources of bias



Think about previous applications you have reviewed:

The spelling and grammar in an application was poor  
**What were your initial thoughts?**

The applicant had a regional accent on the video  
**What were your initial thoughts?**

The innovation could improve the quality of life of your sibling  
**How would that make you feel?**

The lead applicant disclosed personal information  
**Did your opinion of the project change?**

The project summary exceptional  
**Did this impact your assessment of the project?**

You used to work on the same technology.  
**How did this affect your attention to the application?**

You score several applications at the same time  
**Did you compare before scoring?**

The Lead applicant is a well-known successful person  
**Does this influence your scoring?**



As mentioned, **We all have biases; they are involuntarily and unintentional**  
Therefore it is important to be aware of potential bias and consciously take action to challenge any bias.  
This is particularly important when assessing applications, where you

may unconsciously favour some applications over others.

Here are some example situations that you may have come across.

...

Being able to take the time to challenge any assumptions is an important step in reducing bias.

#### **Sources of Bias**

#### **Example**

**Anchoring Bias** - relying too heavily on your first impression.

*She interviewed superbly. It will be hard not to award her project funding.*

**Attribution errors** - explaining away someone's positive or negative performance on external factors

*He may have some excellent publications but he is lucky enough to be working with some very talented scientists.*

**Cognitive Load** - Trying to process too much information in too short a time period. *A good example of this would be attending to emails during the panel meeting.*

**Confirmation Bias** - The tendency to search for

or interpret information in a way that confirms one's preconceptions. *I've always thought she was very sharp, is that other people's experience as well.*

**Contrast Effect** - where proposals are directly compared against each other in order to arrive at an overall rating. *They've done quite well but difficult to score at the moment until we have heard about the others.*

**Groupthink** - a social pressure for consensus.

*Often identifiable by decisions for some proposals being taken very quickly and without challenge.*

**Halo/Horns Effect** - Where only positive or negative evidence is discussed for each person.

*Some discussions take on an overly positive or negative tone.*



## Microaggressions



- Microaggressions are defined as the everyday, subtle interactions or behaviours
- Microaggressions are often well intentioned, although they communicate some sort of bias toward underrepresented communities

**“The applicant uses clear English despite it evidently not being their first language”**

**“The applicant is articulate” when referring to a Black applicant**

**“They have been successful given their age”**

**“It’s inspiring how the applicant has overcome their challenges” when referring to a disabled applicant**



Bias can be apparent in both the scoring and the feedback of assessments. One example is in the form of microaggressions. Microaggressions are everyday, subtle interactions that, while often being well intentioned, they communicate some form of bias.

The “everyday” part of the definition is important, because microaggressions aren’t the same as overt bias and discrimination. They aren’t intended to cause harm and the person perpetuating them probably has no idea they just said something offensive. What makes microaggressions offensive isn’t the exact words or actions but instead the underlying meaning that reveals bias.

For example...

While microaggressions are often used as compliments and are not intended to be mean or show bias, they reinforce assumptions of people based on a

characteristic, such as their ethnicity, age or disability. Therefore they are still harmful to the people who experience them – especially when someone experiences them regularly.

While microaggressions are rooted in biases we may not at first be aware of, it is possible to prevent ourselves from feeding those biases.



## Minimising bias and microaggressions

- Increase awareness of your biases
- Give yourself sufficient time to complete assessments, avoiding distractions
- Pay attention to the detail in the application to avoid assumptions
- Question your initial reactions and judgements, to avoid jumping to decisions
- Take time to reflect on your scores and assess their fairness
- Focus on being fair and maintaining consistency
- Follow the scoring criteria
- Take time to reflect on the language being used in your feedback and the potential impact on the applicant



There are a number of ways to reduce bias by creating an environment which research shows limits the impact of bias, and reduces the likelihood of microaggressions.

As already discussed, this includes increasing awareness of your biases.

And also

It is important to not assume that your decisions will be objective and you should make conscious effort to mitigate any potential bias

Do not assume that your decisions will be objective. Reflect on the vulnerability to bias that all humans have.

**2. Challenge Yourself.** Give yourself the instruction to 'be fair' and remind the panel of the importance of being fair in the meeting. Consciously focussing on fairness makes us less vulnerable to unconscious biases.

**3. Evidence Based.** Ensure the panel members provide the rationale for the decisions they make and encourage challenge in the meeting. Scores should be justifiable against the provide rating scales.

**4. Challenge Others.** Be aware of the example of bias above. Challenge your colleagues where you see evidence of these.

**5. Follow the process.** Following objective decision making processes reduces the impact of bias. Ensure you have a clear understanding of the process, competencies and scoring process.



## Summary

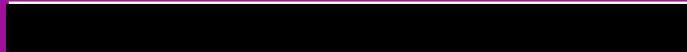


- Innovate UK operates under UK legal frameworks to ensure we provide equality of opportunity for all
- The equality legal frameworks are important considerations for businesses
- It is important to recognise that bias is prevalent in individuals and across society
- Bias has the potential to impact the assessment process
- It is important for assessors to make an effort to mitigate the potential for bias and microaggressions across the assessment process



To summarise

**For more  
information:**



I hope that was a helpful overview of the UK legal framework and also unconscious bias.  
Thank you for listening