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Leading learning and skills

# Equality and Diversity in Self- assessment

## Guidance for Colleges and Providers

### October 2009

Of interest to colleges and other providers funded  
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## Foreword

The further education (FE) sector has a good story to tell in relation to the promotion of equality and diversity. When hundreds of colleges and providers came together as part of the Single Equality Scheme Support Programme, we were struck by their enthusiasm for the opportunity to share their good practice. We saw countless examples of providers taking action in ways that make a real difference to learners, from a private provider finding innovative ways to engage young parents, to a voluntary provider influencing employers to take on disabled apprentices, and a college taking a whole-organisation approach to equality and diversity. This guidance is intended both to draw attention to minimum requirements in this area and to support the sharing of best practice through effective self-assessment.

When the Learning and Skills Council (LSC) and the Learning and Skills Improvement Service (LSIS) produced updated guidance on self-assessment in 2008 (see paragraph 1) there was a positive response from colleges and providers. That guidance reflected the significant changes in policy and practice that have occurred in the FE system.

Equality and diversity legislation, policy and practice are developing quickly, and this guidance is a response to these developments. The information and suggested actions included here are wide-ranging. While legal and regulatory requirements apply to the whole sector, individual providers are encouraged to gather evidence to decide for themselves those aspects of practice most relevant to their own circumstances and the needs of their learners.

Within this guidance the LSC and LSIS describe how good practice may be developed through effective leadership and continuing professional development. The LSC and LSIS recognise the importance of promoting equality and diversity as a policy goal of benefit to learners. Effective leadership, management and promotion of equality and diversity are important aspects of quality. They should be taken into account by providers as part of their broader self-assessment reporting.

# Executive Summary

This guidance is provided by the LSC and LSIS to assist all types of provider within the FE sector in developing self-assessment of equality and diversity. It builds on previous, generic guidance on self-assessment, which is recognised as a key element of quality assurance in the sector.

Recent changes in policy and regulation regarding equality and diversity are noted, including the proposed new single equality duty which would extend current duties in relation to race, disability and gender to cover sexual orientation, gender identity, age and religion or belief. Educational and social inclusion are addressed in the FE context. The increasing policy emphasis on community cohesion is recognised. Developments in inspection and performance assessment are taken into account, through publications such as Ofsted's *Handbook for the inspection of further education and skills from September 2009*, and recent policy guidance on the Framework for Excellence.

Following the Introduction, this guidance is structured as follows.

- Consideration is given in Section 2 to the use of the terms equality and diversity, in particular within FE. The section goes on to present a position statement on current policy and regulation, with supporting evidence from sources such as the Equality and Human Rights Commission and Ofsted.
- Section 3 summarises the current requirements of Ofsted, and how equality and diversity are taken into account as part of inspection.
- Section 4 describes the Framework for Excellence and relates it to equality and diversity.
- Section 5 looks at constructive ways of consulting and engaging learners in promoting equality and diversity in FE settings.
- Section 6 is an up-to-date account of workforce development, with specific references to equality and diversity in recruiting, developing and supporting staff.
- Section 7 identifies sources of support for the sector in improving practice in this field.
- Section 8 specifically describes the role and work of LSIS as it assists the sector in developing practice.
- Section 9 summarises the expectations of funding bodies in ensuring that equality and diversity are central to providers' planning and delivery.
- Section 10 suggests some next steps for providers and the sector as a whole.

Each main section includes 'Action points and considerations', suggesting ways in which providers could apply the topic under discussion to their own context.

Finally, the annexes include:

- a summary of relevant legislation;
- an example of provider practice;
- examples of the evidence that could be used by providers in their dialogue with funding bodies to demonstrate that equality and diversity are promoted, monitored and assessed; and
- a full list of the 'Action points and considerations' from throughout the document.

# 1: Introduction

**1** This document is intended for all providers of publicly-funded FE and training in England. It is designed to support providers in taking forward their work on self-assessment into the area of equality and diversity. This guidance complements ***Self-assessment: Updated Guidance for the Further Education System***, which was published in September 2008 by the LSC and LSIS and built on *Quality Improvement and Self-Assessment* (LSC, May 2005). The 2008 publication highlighted the significant changes in policy and practice that have occurred in the FE system since 2005. Ofsted worked in partnership with the LSC and LSIS to develop the new guidance, which was indicative of a shared commitment to drive forward standards in self-assessment. The new guidance represented self-assessment as being pivotal for quality improvement. It drew attention to a number of key provider performance objectives, including:

- ensuring excellence in provision;
- actively tackling poor performance;
- raising standards and skills;
- increasing efficiency; and
- being closer to learners and employers.

**2** Equality and diversity are central to the achievement of each of these objectives for the sector.

**3** Subsequently, the LSC published guidance on ***Self-assessment of health, safety and welfare*** in March 2009. Aspects of this guidance have particular relevance to equality and diversity, for example assessments of provision for learners with learning difficulties and/or disabilities.

**4** In the ***Handbook for the inspection of further education and skills from September 2009***

Ofsted confirms that the annual self-assessment report will continue to provide inspectors with crucial evidence to support judgements about the common inspection framework's main aspects, including the separate grades for equality and diversity and safeguarding.

**5** This guidance is targeted at governors, boards, senior managers and those with strategic performance-management roles in organisations across the FE system. The equality and diversity requirements of policy-makers and regulatory and inspection bodies are diverse; this guidance aims to bring together the most important requirements in a single document, for reference when planning and implementing self-assessment.

**6** This guidance is not intended to work as a detailed handbook of practice; LSIS has produced a separate ***User guide to self-assessment and improvement planning***. Equally, it is not a comprehensive guide to the complex and fast-changing world of equality legislation. Instead, sources of information on legislation are provided in Section 2.

**7** Major changes are proposed for the strategic co-ordination of funding and planning for the FE sector through the Machinery of Government changes detailed in the current **Apprenticeships, Skills, Children and Learning Bill**. These changes include the abolition of the LSC and its replacement by the Young People's Learning Agency and the Skills Funding Agency on 1 April 2010. These new agencies will be subject to the public equality duties, and are expected to build on the LSC's successful equality and diversity legacy. The new agencies will communicate what their approaches to equality and diversity mean for providers, as they develop.

## 2: Equality and Diversity

**8** This section defines how the terms 'equality' and 'diversity' will be used throughout this document, how they differ, and what they mean in a learning and skills context. The remainder of Section 2 (from paragraph 22) gives a flavour of some specific considerations relating to individual equality strands.

### Using the terms

**9** In its Equality Measurement Framework (see paragraph 105), the Equality and Human Rights Commission (EHRC) defines an equal society as one which:

'protects and promotes the central and valuable freedoms and real opportunities of each person, securing human rights for all and ensuring that no-one is unfairly disadvantaged. In an equal society, central and valuable freedoms and real opportunities are not unconstrained but are limited by the need to guarantee the same freedoms and opportunities for all. In an equal society, institutions and individuals respect the diversity of people and their goals, address their different needs and situations, and remove the barriers that limit what people can do and can be.'

**10** The EHRC defines three aspects of equality:

- equality of outcomes;
- equality of process (fair treatment, or being treated with dignity and respect); and
- equality of autonomy (empowerment, or the degree of choice and control).

**11** The FE system is an important driver of all three of these aspects. A think-piece produced as part of the Foster Review of Further Education Colleges (*The Role of Further Education in relation to equality, diversity and social inclusion*, April 2005) argued that FE should take a whole-systems approach to promoting equality, acting in areas including:

- outcomes, strategy and support, including dialogue with learners, potential learners and community groups to establish outcomes which meet their needs and aspirations;

- performance management, including sharing knowledge about what works;
- human resource management, including staff diversity; and
- governance, including effective processes for community engagement.

**12** The term 'diversity' is defined by the **Chartered Institute of Personnel and Development (CIPD)** in 'Diversity: an overview' (2008) as follows:

'Diversity consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work-style in addition to characteristics that are protected under discrimination legislation in terms of race, disability, gender, religion and belief, sexual orientation and age. Harnessing these differences will create a productive environment in which everyone feels valued, their talents are fully utilised and organisational goals are met.'

### ACTION POINTS AND CONSIDERATIONS:

- Do all the people in your organisation know what equality and diversity mean for their learners and for themselves?
- Does your organisation take a whole-systems approach to equality, as described above?
- How do you ensure that the benefits of diversity are harnessed to help meet organisational goals?

## Policy and legislation

**13** There have been many significant developments in equality law, policy and practice in recent years. At the time of writing, a new Equality Bill is passing through Parliament and is expected to receive royal assent in 2010. The Bill aims to:

- 'streamline' the mass of equalities legislation developed over the last 40 years;
- strengthen the law; and
- bring forward new measures to fight discrimination.

**14** Among other changes, the Bill will introduce a new equality duty for public bodies. This would extend the existing duties to promote equality and prevent discrimination by gender, race and disability to cover:

- age;
- sexual orientation;
- religion or belief;
- pregnancy and maternity; and
- gender reassignment.

**15** The general equality duty proposed in the Bill would require public bodies to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Bill, to advance equality of opportunity and to foster good relations across all these protected characteristics.

**16** Legislation, with explanatory notes and regulations, may be checked through the website of the **Office of Public Sector Information**, among other bodies. A non-comprehensive summary of legislation and statutory codes of practice is included in Annex A.

**17** The **EHRC** is responsible for promoting equality and for enforcing the law. Along with its predecessor commissions, the EHRC has produced extensive advice, guidance and statutory codes of practice for education and training providers in both the public and private sectors. The statutory codes of practice for disability, race and gender set out what the duties and responsibilities are and how they should be implemented. The EHRC also plans to develop statutory codes of practice and non-statutory guidance relating to the new Equality Bill as it progresses.

**18** The Government has set the public sector a number of stretching goals relating to equality in education and skills. For example, Public Service Agreement (PSA) Delivery Agreement 2 aims to 'Improve the skills of the population, on the way to ensuring a world-class skills base by 2020' and notes that:

'The education and skills acquired by each person help determine their life chances – whether they will be economically, socially and geographically mobile, or whether they will be trapped in poverty and low aspiration. The ambition is to create an economy in which every person has the opportunity to realise individual potential, overcome disadvantage and achieve economic well-being.'

**19** In relation to young people, PSA Delivery Agreement 11 aims to 'Narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers'. It sets out a delivery strategy and explains what it means for colleges, providers, local authorities and other partners.

**20** All providers of education and training funded by the LSC (and in future by the LSC's successor bodies) are expected to operate to the highest standards in promoting equality and diversity, as well as ensuring compliance with the law. The Education and Training Funding Agreement (the contract for services between the LSC and the provider) states that a contracted provider:

'shall ensure that equality of opportunity is built into all aspects of provision; the business planning process; the self-assessment process; and that its strategic plan identifies SMART [specific, measurable, achievable, relevant and timebound] priorities in this area' (schedule 3 to version 9, 2009/10).

**21** These priorities should take account of all the education and training for which the provider is responsible, including sub-contracted provision. The contract also requires compliance with the principles set out in the LSC's Single Equality Scheme, published in 2007. Although much of the legislation cited earlier in this section places particular duties on public bodies, all funded providers including private and third sector organisations are expected to follow the same principles. The LSC's scheme was reviewed and evaluated in 2009, and an action plan is being developed to update it. Further details about funding body equality and diversity expectations of providers can be found in Section 10.



**ACTION POINTS AND CONSIDERATIONS:**

- Does your organisation meet all the equality requirements set out in legislation, funding agreements and relevant joint agreements?
- When meeting equality requirements do you set and assess appropriate standards for any sub-contracted provision for which you are responsible?
- Do you have equality policies and implementation plans covering all strands of equality, either within a single equality scheme or separately?
- How do you use data to monitor the impact of equality activity and make continuous improvements?
- Do you consult learners, governors/board and staff about equality policies and their impact? How do you act on the findings of consultations?
- Do you assess or consider the positive or negative impact that any new policies or initiatives may have on your learners?
- How do your equality and diversity policies inform the curriculum and the tutorial programme?
- Does your learner body, and staff and management profile reflect the diversity of the local community?
- How do you tackle the underperformance of different groups?

**Age equality**

**22** In 2000, the Cabinet Office report *Winning the Generation Game* found that older people face particular barriers to getting appropriate support and guidance to acquire the skills they need, and that employers can be reluctant to fund training for older staff because of shorter payback times and perceptions about older workers' ability to acquire skills. It also found evidence that older people prefer to learn outside the classroom.

**23** The report *Learning Through Life: Inquiry into the Future of Lifelong Learning* was published in September 2009. It is the outcome of a two-year independent inquiry sponsored by the **National Institute of Adult Continuing Education (NIACE)**. The report starts from the premise that the opportunity to learn throughout life is a human right, and offers a vision of a society in which learning plays its full role in personal growth and emancipation, prosperity, solidarity and local and global responsibility. The report recommends how the sector should respond to an ageing society and changing patterns of paid and unpaid activity. It argues for a rebalancing of educational opportunities and entitlements for people at different stages of life, in particular an enhancement of the opportunities available for those over 50, and a more appropriate approach to the curriculum offer for those over 75.

**24** Further resources on age equality and lifelong learning are available from **The Age and Employment Network**.

**ACTION POINT:**

- How does your organisation act to address inequalities arising from age discrimination?

**Disability equality**

**25** *Learning for Living and Work* (October 2006) is the LSC's strategy for the planning and funding of provision for learners with learning difficulties and/or disabilities. It aims to enable all learners to achieve their goals and progress to the maximum possible level of independence and activity in their communities and in employment. The strategy underlines the importance of:

- rigorous self-assessment, as part of planned and continuous improvement; and
- partnership working and the sharing of expertise, for example between specialist and mainstream providers.

**26** The LSC has also recently refreshed its **National Mental Health Strategy** (March 2009), which notes that:

- quality improvement should be based on the notion of inclusive learning, ensuring that learners who experience mental health difficulties have equal access to the range and diversity of provision across the FE system; and
- providers should adopt a whole-organisation approach to supporting teaching and learning for people who experience mental health difficulties.

#### ACTION POINTS AND CONSIDERATIONS:

- Does your organisation have appropriate processes in place for encouraging learners and staff to disclose learning difficulties and/or disabilities?
- Does your organisation share expertise on disabilities and learning difficulties with other providers?
- Do you monitor the needs and performance of learners with learning difficulties and/or disabilities to assist improvements?

## Gender equality

**27** The Government established the Women and Work Commission in 2004. It published a major report in 2006 and reviewed progress in **Shaping a Fairer Future** in July 2009. The review noted evidence of 'a lot of good work to help women to re-train and gain new skills', although it also highlighted widespread gender segregation in vocational training. It also noted that a 'lack of flexible training is one of the key barriers women face to entering the labour market and progressing in it'.

#### ACTION POINTS AND CONSIDERATIONS:

- How does your organisation tackle gender segregation, and how is success measured?
- How is training made flexible and accessible for both men and women, for example for those with caring responsibilities?
- How do you work with partners, local communities and others to tackle gender discrimination and to encourage and promote good practice?

## Gender identity equality

**28** The Forum for Sexual Orientation and Gender Identity Equality in Post-School Education brings together post-school education sector partners to share and promote good practice. The Forum has published **Guidance on trans equality in post-school education** and '**Twelve Steps**' for tackling discrimination and promoting equality for lesbian, gay, bisexual and transgender staff and students, relating to policy, practice and institutional improvement.

#### ACTION POINT:

- Are you aware of the Forum's *Guidance* and have you implemented the 'Twelve Steps'?

## Race equality

**29** **Race equality in further education: a report by HMI** was published by Ofsted in November 2005, detailing the findings of a survey of a wide range of colleges and inspection reports carried out by Ofsted and the then Adult Learning Inspectorate between May 2004 and June 2005. The main purpose of the survey was to evaluate progress and good practice in response to the Race Relations (Amendment) Act 2000. Race equality policies and plans were evaluated along with colleges' approaches to tackling racism, quality assurance, employment, staff development and positive action. The report includes key findings in leadership and management, achievement and standards, quality of education and training, governance, employment and learners' views, and contains many examples of good practice found in colleges.

#### ACTION POINTS AND CONSIDERATIONS:

- How do you promote race equality across your organisation?
- How do you ensure that race equality is promoted in your programmes of education and training?
- Are there particular minority ethnic groups whose recruitment to programmes and/or success rates require specific actions for improvement? What steps are you taking to make progress in meeting their needs?

## Religion or belief equality

**30** The **fbfe**, the National Council for Faiths and Beliefs in FE, is a national independent charity working with the learning and skills sector, communities and faith and belief groups. It supports the FE system with information, advice, curriculum and multi-faith/belief resources, for example support for setting up multi-faith chaplaincies and for developing links between faith and belief and the community cohesion agenda. In 2007 fbfe published ***Making space for faith***, a national report into opportunities for spiritual and moral development in FE, with recommendations for providers and stakeholder organisations across the FE sector. Fbfe is currently working with LSIS to develop non-statutory guidance for spiritual, moral, social and cultural provision.

**31** The Association of Colleges and joint trade unions' 'Joint Agreement on Guidance for Religion or Belief Equality in Employment in Further Education Colleges' notes that:

'the right to freedom of thought is absolute, but the right to manifest beliefs is qualified by the need to protect the rights and freedoms of others ... atheists and agnostics have as much right to employment protection and respect for their beliefs as do adherents of religions ... Colleges and providers should provide space, if available, for learners and staff who wish to meet to share religious experience during break times as long as no attempt is made to convert or recruit others at work, or to pressure other employees to join in.'

**32** In 2007, the LSC commissioned research into the perspectives of young Muslim learners, to find out how these differ from the attitudes of non-Muslim learners. Among other findings, *Engaging Young Muslims in Learning* found that faith makes a difference irrespective of ethnicity, and that there is a need for serious consideration of how the FE sector can encourage learners to raise issues and difficulties in an environment in which they feel safe. Partly in response to these findings, the LSC commissioned a series of **case studies** of successful Muslim role models. These case studies (published on the LSC's website) are designed to help the sector understand the (often positive) influence of faith on individual learners, the issues faced by Muslim learners, and how they have been successfully supported to achieve in FE.

**33** The *Handbook for the inspection of further education and skills from September 2009* notes that inspectors will evaluate the extent to which learners develop social skills including, as appropriate, spiritual, moral and cultural aspects, when making judgements on outcomes for learners. The judgements will take into account learners' progress, progress on enrichment activities and/or extended services including work experience.

### ACTION POINTS AND CONSIDERATIONS:

- Has your organisation made use of the resources and support available from the fbfe?
- Do learners and staff of all faiths and none have opportunities to raise issues and debate differences in a safe, supportive environment?
- Where appropriate and proportionate, is space available for learners and staff to meet and share religious experiences?

## Sexual orientation equality

**34** The report *Equality and sexual orientation: the leadership challenge for further education* (Centre for Excellence in Leadership, 2007) notes that sexual orientation equality remains an underdeveloped policy area. For example, it found a low level of understanding of policy and legislation, and a dearth of recognised good practice.

**35** The **Forum for Sexual Orientation and Gender Identity Equality in Post-School Education** brings together post-school education sector partners to share and promote good practice. As noted above, the Forum has published '**Twelve Steps**' for tackling discrimination and promoting equality for lesbian, gay, bisexual and transgender staff and students, relating to policy, practice and institutional improvement.

**36** In partnership with Forum members, LSIS has produced *Visible and Valued*, a DVD training resource to help FE providers develop practical approaches to delivering sexual orientation equality. The LSC funds LSIS to deliver a series of master classes to FE providers on using the DVD.

**37** The Association of Colleges and joint trade unions' 'Joint Agreement on Guidance for Sexual Orientation Equality in Employment in Further Education Colleges' notes that:

'monitoring individual employees for sexual orientation is a sensitive issue (and there is no legal obligation to do so) ... If it is agreed to undertake such monitoring it will be explained to employees that there is no legal obligation to answer the question, that the results will be used to combat discrimination, and that the information is entirely confidential.'

#### ACTION POINTS AND CONSIDERATIONS:

- Is your organisation aware of the 'Twelve Steps' towards sexual orientation and gender identity equality? Have you implemented them?
- Has your organisation taken advantage of the training resources and events available from LSIS?

### Educational and social inclusion

**38** According to the Department for Business, Innovation and Skills:

'A high quality and responsive further education sector is essential if we are to realise our ambitions of strengthening UK economic performance and transforming the life chances of millions of people. Further education is unique in operating across society, having a real impact on businesses, young people and adults, including those from disadvantaged and minority communities.'

**39** This dual focus on economic performance and improving life chances is seen as offering opportunities to individuals, through learning and skills, which can benefit wider society. The LSC has set priorities for both young people and adults in its **Statement of Priorities** which affirm a commitment to improving opportunities for disadvantaged learners. In 2009 these include a significant focus on young people not in education, employment or training (NEET); Apprenticeships; skills for underqualified adults; and employment. Its response to the economic downturn helps to keep people at risk of redundancy and unemployment connected to work and career skills.

**40** The FE sector has had a major role to play in addressing educational and social exclusion from its origins. In recent times both the seminal Kennedy Report, *Learning Works* (1997) and the Foster Review of FE (2005) emphasised the importance of this role. Foster noted that the sector delivers 'a rich diversity of provision which meets a wide range of individual and community needs' but also commented on the significant proportion of young people not in education, employment or training, and the millions of adults with low levels of skills and qualifications. The sector also contributes to widening participation and skills through, for example, Skills for Life programmes, wider access to Apprenticeships and informal learning.

### Equality and disadvantage

**41** The needs of particular groups are often highlighted in reviews of education. **The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08** comments on pockets of poor performance, particularly affecting disadvantaged children. The previous year's report noted that 'the relationship between poverty and outcomes for young people is stark', and this problem persists. Moreover, the educational attainment of looked after children and their levels of participation in post-16 education, training and employment remain unacceptably poor. Some narrowing of the gap in GCSE achievement was found between black, Pakistani, Bangladeshi and white pupils, but for some groups the combination of gender, ethnic group and socio-economic background is associated with the very lowest levels of economic achievement. For example, national data suggest that the impact of poverty is greater on secondary pupils of white British and black Caribbean background than on other groups. The report comments that the attainment of white British boys from poor homes remains particularly low, 'blighting their opportunities to participate in higher education, seen by many as the key to social mobility'.

**42** *The Annual Report of HMCI* (cited at paragraph 41) notes a number of areas of FE provision requiring improvement, including some offender learning provision and some provision of English as an additional language. It also observed inconsistency in the degree to which individual learning needs were met for learners with learning difficulties and/or disabilities. Provision for adults with learning difficulties and/or disabilities was seen as among the least effective aspects of adult and community learning. And in custodial settings, the welfare of young people and adults in this group gave cause for concern. Ofsted's evidence also showed that programmes designed to help adults in deprived areas move into work had too low a success rate. HMCI commented that: 'In short, if you are poor, you are more likely to receive poor services: disadvantage compounds disadvantage.'

**43** The complexity of this picture underlines the importance of the sophisticated use of context-specific data and analysis. The Runnymede Trust report *Who Cares about the White Working Class?* (January 2009) argues that 'a great deal of the public debate [about the poor performance of white working-class learners] has been shaped by ill-informed and inaccurate assumptions'. Moreover, 'statistics reveal that most groups in poverty achieve relatively poor results regardless of ethnic background', although 'race inequality ... remains a key characteristic of the English education system and affects students of both genders'. Ethnicity, gender, class and other factors thus interact in complex ways, and we should be cautious about media generalisations regarding which groups do well or badly in learning.

**44** In commenting on how services improve, *The Annual Report of HMCI* notes that, typically, the provision that really makes a difference is ambitious. Learners are put first and treated as individuals; they are supported and expected to make progress and achieve well. Aspirations are high. They are engaged in their own development and learning, so helping them to take advantage of the opportunities available to them. Success is the result of careful planning, monitoring and review. Such provision involves a relentless search for ways to generate further improvement. And, crucially, in the words of the report:

'it rests on the outstanding commitment, skills and dogged perseverance of the staff involved. The importance of learners experiencing consistently high quality teaching cannot be overemphasised.'

#### ACTION POINTS AND CONSIDERATIONS:

- How do you ensure that all learners can participate, including those who are disadvantaged or have learning difficulties and/or disabilities?
- How well are learners prepared for living and working in a diverse, multicultural society, and how well is their knowledge and understanding of equality and diversity reinforced through their programmes, in tutorials and reviews?
- How well are learners involved in the planning, reviewing and evaluation of provision to meet their support needs?
- Do all learners have opportunities to give their views on provision?

#### *Staying On*

**45** A recent EHRC report, *Staying On* (June 2009), included findings from a survey of the education and career aspirations of 14- to 18-year-olds. Most young people were keen to succeed and were hopeful and optimistic. However, their ability to engage effectively with opportunities was significantly limited by their socio-economic background, gender, race or disability. Among the main findings were that gender and social class were factors in whether young people worried about success at school, with girls from lower socio-economic groups much more likely to do so than middle-class boys. The report found that the fear of failure could be the result of the overwhelming focus on academic achievement, with options such as vocational training and Apprenticeships not sufficiently promoted as alternatives.

**46** The EHRC report also found that girls' attitudes to career choice remain traditional despite moves towards gender equality in wider society. Regardless of socio-economic background, the top three jobs girls believed they would be working in were teaching, childcare and beauty. Four times more boys than girls believed they would go into engineering, with similar percentages of boys over girls choosing building, architecture, trade and IT careers. Poor career and subject advice was also highlighted as a major problem, with information provided to young people often reinforcing class, gender, ethnic and disability stereotypes. The report noted that 94 per cent of young people said they needed better subject and career information and support.

**47** The role of FE in widening opportunity is not confined to lower-level qualifications. A recent report on **'Students and Universities'** by the House of Commons Innovation, Universities, Science and Skills Committee emphasised the importance of higher education provided by FE colleges. Collaborative partnerships between Higher Education institutions, colleges and schools to widen participation were welcomed by the committee and one recommendation was to encourage more of them. The report noted the importance of access to Level 3 qualifications through FE as a route to university and received evidence on, among other topics, the role of Apprenticeships in engineering as a route to chartered engineer status. The committee cited evidence from the National Audit Office that identified socio-economic background as a strong determinant of higher education participation, adding that, while participation of young, full-time students from lower socio-economic backgrounds had improved slightly over the previous five years, people from lower socio-economic backgrounds made up around one-half of the population of England, but represented 29 per cent of young, full-time, first-time entrants to higher education.

#### ACTION POINTS AND CONSIDERATIONS:

- How do you ensure that your learners receive the career and subject advice they need prior to recruitment on programmes both while they are in learning and when they are planning their progression?
- How do you address stereotyping in career choices?

#### Socio-economic duty

**48** The current Equality Bill includes a clause requiring 'specified public authorities [with strategic functions], when making strategic decisions such as deciding priorities and setting objectives, to consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage'. This is unlikely, therefore, to apply directly to colleges or providers, although it may cause commissioning bodies to introduce new priorities.

#### ACTION POINT:

- How does your organisation act to reduce inequalities associated with socio-economic background, either singly or in partnership with other providers of education and training?

## 3: Ofsted and Inspection

**49** The principles of equality are woven into the fabric of Ofsted's ***Common inspection framework for further education and skills 2009***.

The new framework states that there will be a single judgement on equality and diversity, which will include social and educational inclusion. The *Ofsted Handbook for the inspection of further education and skills from September 2009* provides guidance on inspection for inspectors. It covers:

- education and training for young people aged 16–18 and adults;
- work-based learning;
- adult and community learning;
- provision funded by the Department for Work and Pensions;
- learning provision in the judicial services; and
- nextstep provision.

**50** A common grading scale will continue to be used in making judgements for organisational inspections: Grade 1, outstanding; Grade 2, good; Grade 3, satisfactory; Grade 4, inadequate. Any limiting grades are considered before the overall effectiveness judgement is made. Limiting grades relate to safeguarding and equality and diversity, as these are considered to be essential in assuring the quality of the development and well-being of young people and adults. The grades for these two aspects may therefore limit other grades, including the grade for overall effectiveness.

**51** The judgements for each of the five questions based on the ***Every Child Matters*** outcomes will contribute to the overall grade for outcomes for learners. Inspectors will consider the main purpose of each type of provision when prioritising the impact each of these questions should have on the overall grade.

**52** In judgements for equality and diversity, the key question inspectors address is: 'How effectively does the provider actively promote equality and diversity, tackle discrimination and narrow the achievement gap?'

**53** To make their judgements, inspectors will evaluate the extent to which the provider:

- manages equality and diversity, particularly disability, gender and race, and actively promotes equality and diversity among staff, learners, employers, parents and other partners;
- assesses the impact of its work in relation to equality and diversity and takes appropriate action in response to its findings;
- makes sure training in equality and diversity is effective so that leaders, managers, governors or supervisory bodies, staff and learners understand their roles and responsibilities in relation to equality and diversity;
- makes sure that all learners and staff are protected from harassment, bullying and discrimination, including those based with employers and at other sites external to the providers;
- manages incidents and complaints specifically about disability, gender and race equality;
- sets challenging targets and uses data to monitor, analyse and improve engagement and performance by different groups of learners; and
- takes action to reduce any significant variation in outcomes between different groups of learners, to maximise their potential.

**54** In making judgements on learners' attainment, among other considerations inspectors will evaluate the extent to which there are any significant variations in the attainment of different groups of learners.

### ACTION POINTS AND CONSIDERATIONS:

- Do your improvement targets include specific targets to improve the attainment of underachieving groups of learners?
- Do teachers effectively use materials and teaching methods that are sensitive to, and promote, equality of opportunity and community cohesion?

**55** In certain circumstances, concerns relating to learner health and safety could have equality implications. Among the considerations inspectors will take into account is the extent to which learners feel that the learning environment is safe and welcoming, and that all individuals are respected equally. 'Feeling safe' is likely to be inadequate if, among the findings, one or more of the following apply:

- learners do not feel safe in the learning environment;
- learners do not demonstrate good health and safety practices;
- there is bullying or learners report other unsafe, unfair or abusive practices which have not been addressed by the provider; and
- learners do not know what action to take to combat this.

#### **ACTION POINTS AND CONSIDERATIONS:**

- Do you have strategies in place to safeguard learners – such as apprentices – who are based with employers, from harassment, bullying and discrimination?
- Do you consider equality and diversity as part of health and safety risk assessments, in particular for vulnerable learners?

**56** Inspectors take into account, where relevant, how well governors and supervisory bodies ensure that legislative requirements are fulfilled, such as those for disability, safeguarding, and health and safety.

**57** The equality and diversity grade will contribute to and may limit the grade for overall effectiveness in the following ways.

- Where a judgement of inadequate is awarded for equality and diversity, it is most unlikely that the overall effectiveness of the provider will be better than satisfactory. It is likely that the overall judgement will be inadequate.
- Where a judgement of satisfactory is awarded for equality and diversity it is most unlikely that the overall effectiveness of the provider will be better than good.

**58** The two operating principles for the inspection of equality and diversity are:

- how effectively a provider is narrowing any achievement gap between groups of learners; and
- how effectively a provider actively promotes equality and diversity and tackles discrimination.

**59** If a provider cannot demonstrate that it is working within these two operating principles, this should prompt a judgement of inadequate for equality and diversity.

**60** The *Handbook for the inspection of further education and skills from September 2009* provides examples of evaluative statements, further guidance and illustrative grade characteristics for equality and diversity judgements. For provision to be judged outstanding, the development or progress of all or nearly all users (including those from vulnerable groups) in relation to their starting points must be seen to be improving significantly and there must be a significant narrowing of any achievement gaps. In outstanding provision, the provider strongly promotes equality and diversity and tackles unfair discrimination very effectively in all aspects of its work. If a provider is not actively promoting equality and diversity and/or is not taking sufficient action to identify and narrow the achievement gap, the judgement for equality and diversity is likely to be inadequate.

**61** Among the illustrative grade characteristics for leadership and management:

- 'outstanding' includes: very effective practice in equality and diversity and safeguarding ensures that learners achieve their potential free of barriers to their progress;
- 'good' includes: equality and diversity are promoted well and safeguarding arrangements are robust; and
- 'satisfactory' includes: equality and diversity are promoted and data is analysed to assess the impact of policies and to review the performance of different groups of learners.

**62** Good or outstanding provision in equality and diversity goes well beyond compliance with legislative or regulatory requirements.



**ACTION POINTS AND CONSIDERATIONS:**

- How actively do you promote equality of opportunity and eliminate discrimination?
- How do you monitor the effectiveness of this activity and use the results for improvement?
- How do you assess outcomes for different groups of learners?
- What equality and diversity measures do you use to assess the effectiveness of leadership and management?
- How well does your provision serve the needs of socially excluded learners and potential learners?
- What measures are you taking to improve their representation and success?

**The self-assessment report and plan**

- Do your self-assessment process and report include full coverage of equality dimensions and a summary judgement/assessment?
  - Does the governing body/corporation or equivalent 'sign off' the self-assessment report? If so, is there a statement to the effect that they are confident that the organisation is fulfilling its statutory, legal and contractual obligations in regard to equality? If so, is this in the foreword to the final public self-assessment report/document?
  - Is there a separate section/overview and judgement that evaluates how well/effectively the organisation is implementing equality, tackling unfair discrimination and promoting the benefits of diversity and, where applicable, how it is positively contributing to community cohesion? This section could include the approach of the organisation towards implementing equality and promoting the benefits of diversity.
  - Does the self-assessment have a summary or review of the equality impact assessments carried out during the year and the outcomes?
  - Are actions and areas for development relating to equality and diversity in the action plan arising from the self-assessment specific, measurable, achievable and timetabled?
  - How have the outcomes relating to equality and diversity from the self-assessment informed the operational plan for the coming year/s and the overall strategic plan?
  - Does the evaluation of teaching and learning and the curriculum in the self-assessment show the impact of the organisation's approach to equality and diversity?
- More specifically and taken from the common inspection framework, does the self-assessment evaluate how effectively the organisation/provider:
- manages equality and diversity, particularly disability, gender and race, and actively promotes equality and diversity among staff, learners, employers, parents and other partners;
  - makes sure training in equality and diversity is effective so that leaders, managers, governors or supervisory bodies, staff and learners understand their roles and responsibilities in relation to equality and diversity;
  - makes sure that all learners and staff are protected from harassment, bullying and discrimination, including those based with employers and at other sites external to the providers;
  - manages incidents and complaints specifically about disability, gender and race equality;
  - sets challenging targets and uses data to monitor, analyse and improve engagement and performance by different groups of learners; and
  - takes action to reduce any significant variation in outcomes between different groups of learners, to maximise their potential?

## 4: The Framework for Excellence

**63** The Framework for Excellence is the Government's performance assessment framework for FE colleges and post-16 education and training providers currently funded by the LSC and in future by the Skills Funding Agency, the Young People's Learning Agency and local authorities.

**64** From 2009, the Framework is simpler and more sensitive to the diverse nature of the FE sector. It is formed from a set of key performance indicators covering success rates, the views of learners and employers, learner destinations and finance. A small number of core performance indicators will apply to all types of provider. These core indicators are supplemented by specific indicators that are relevant to particular types of provider and provision. In July 2009 the LSC published its new policy guide, **Framework for Excellence: Unified Post-16 Performance Assessment**. The Provider Guide for 2009–10 was published in September 2009.

**65** For a full listing of all current indicators and the providers to which they apply see [ffe.lsc.gov.uk](http://ffe.lsc.gov.uk), where current publications on the Framework can also be found.

**66** Robust review, self-assessment and self-evaluation have developed in their effectiveness over time. They will become ever more important as means to improve quality and drive up standards. The role of the Framework in relation to self-assessment is fully described in **Self-assessment: Updated Guidance for the Further Education System** (September 2008). The Framework will underpin the new performance management arrangements planned for introduction in 2010.

**67** Effective leadership, management and promotion of equality and diversity are important aspects of quality. They should be taken into account by providers as part of their broader self-assessment reporting. As the structure of the Framework and its areas of assessment continue to develop, the factors informing the quality of provision will remain significant indicators and measures of performance.

**68** A **Single Equality Impact Assessment (SEIA)** was conducted on the Framework in 2008 by the Responsive College Unit (RCU), in accordance with the LSC's Single Equality Scheme. The SEIA report noted that the Framework had been developed with an extremely high level of provider and stakeholder involvement and had been subject to extensive piloting, consultation and evaluation. It found no evidence of direct discrimination in the design or implementation of the Framework. The report made recommendations for the monitoring of potential indirect discrimination. For the most part these risks result from the context in which providers operate, with a consequent risk of disadvantage (or advantage) for the learner groups with whom they work. There were also risks arising from the factors influencing scores and their publication. The LSC welcomed the SEIA and made a commitment to carry out the recommendations, which have influenced the new shape of the Framework for 2009–10.

### ACTION POINT:

- How do you address equality and diversity in your use of Framework scores for improvement planning?

## 5: A User Focus

**69** The FE system has become increasingly focused on meeting the requirements of its users – predominantly learners and employers. Performance assessments to meet their needs are at the heart of the proposed arrangements for self-regulation, the new inspection requirements and the Framework for Excellence. Providers with their own separate race, disability or gender equality schemes, or with single equality schemes, will have included provision for consultation (for race and gender equality) and involvement (of disabled people) to meet the requirements of the statutory codes of practice. The Further Education and Training Act 2007 includes a duty for governing bodies to follow government guidance in consulting learners, prospective learners and employers.

**70** Learner involvement is also a key element of the personalisation agenda, which advocates that services will be improved by putting citizens at the centre of a given service and by understanding and acting on their needs. In 2007, the LSC issued ***Developing a Learner Involvement Strategy: A handbook for the further education sector*** which includes equality and diversity perspectives; 2007/08 was the first year in which there was an explicit requirement for FE providers to develop a learner involvement strategy.

**71** Different forms of involvement will suit different learners, and adjustments or alternatives may be required to ensure that everyone has the opportunity to participate. Monitoring can help to identify barriers and ensure representativeness.

### Evaluation of learner involvement strategies

**72** The LSC has published an ***Evaluation of the Impact of the Learner Involvement Strategy***. As part of this study, FE and work-based learning (WBL) providers were asked about the extent to which they integrate learner involvement and equality and diversity activities.

**73** Providers gave examples of actions to support equality of access, provision and support for learners, including:

- holding an equalities conference;
- setting up a disability involvement group; and
- putting in place recognised procedures for responding to concerns from individual learners.

**74** The study found that different types of providers were successful at engaging different groups of learners. For example:

- black and minority ethnic (BME) and female learners were seen as more likely to be underrepresented in WBL learner involvement programmes than in their FE equivalent; and
- part-time learners were more likely to be seen as underrepresented in FE providers' learner involvement programmes.

**75** This may be explained by the different kinds of activity. For example:

- FE providers that offer a very wide range of activities may engage full-time learners effectively, but part-time learners with less time to become involved may be proportionally underrepresented; and
- providers with an approach focused on one-to-one feedback, for example tailored to off-site learners involved in WBL, may have greater success in involving part-time learners.

**ACTION POINTS AND CONSIDERATIONS:**

- How do you engage with learners to take account of their experiences of teaching, learning and assessment, and the quality of academic and pastoral support and guidance (including matters relating to equality of opportunity and respect for different cultures, religions, sexual orientations and lifestyles)?
- Do your discussions with learners include understanding of your approach to equality and diversity, including anti-bullying and harassment procedures, and how to make a complaint?
- How do you monitor the participation of different groups of learners in involvement activities, and take action to address underrepresentation?

**Apprentices' perspectives on equality**

**76** As reported in *World Class Apprenticeships: Unlocking Talent, Building Skills for All* (2008), not everyone benefits equally from the opportunities presented by Apprenticeships. In response, the LSC commissioned researchers to undertake a series of 10 focus groups with over 100 apprentices or potential apprentices from underrepresented groups. These focus groups took place in summer 2008, and the report (*Addressing Inequality in Apprenticeships: Learners' Views*) was published in January 2009.

**77** The overall outstanding finding from the focus groups was that issues concerning underrepresentation in Apprenticeships are multiple and complex.

**78** The key findings from the focus groups were as follows.

- Many of the barriers faced by underrepresented groups in employment are replicated in Apprenticeships.
- Apprentices from underrepresented groups face a range of subtle forms of discrimination in accessing and participating in Apprenticeships.
- Flexibility in the learning structure is particularly important to apprentices with learning difficulties and/or disabilities.
- Families from some black and minority ethnic backgrounds have negative perceptions of the status of Apprenticeships, but are supportive when they understand the benefits.

- Information, advice and guidance (IAG) is essential in assisting underrepresented groups to participate in Apprenticeships, but its quality varies greatly and there were very few instances of individuals being encouraged to undertake gender-atypical Apprenticeships by an IAG provider.

**79** Specific equality issues were more likely to be raised when participants were undertaking an 'atypical' Apprenticeship, for example a female in engineering, or a male in childcare.

**ACTION POINTS AND CONSIDERATIONS:**

- Do you advise and influence the employers you work with on how to promote equality and reduce barriers for apprentices and other work-based learners?
- How well are employers involved in the evaluation of provision for apprentices and other work-based learners, and in the design and review of programmes?
- Do you take positive action for underrepresented groups, for example providing same-sex training opportunities (such as for females in construction)?

**80** Learner involvement in policy development is supported by the **National Learner Panel (NLP)**, which advises the Government and FE sector organisations on how to improve FE policy in England from a learner's point of view. The NLP is sponsored by LSIS. It is made up of 20 volunteers who are currently studying in the learning and skills sector.

**81** The NLP's primary role is to advise officials and ministers, usually from the Department for Business, Innovation and Skills (BIS) and Department for Children, Schools and Families (DCSF), on policies that affect FE learners. It does this by giving direct feedback and advice on current and emergent policies.

**82** A priority action for the NLP is to embed personalisation and increase the learner voice.

## 6: Workforce Development

**83** Lifelong Learning UK's *Workforce Strategy for the Further Education Sector in England* supports individual employers' strategic workforce planning. The strategy's aim is to guide the recruitment and retention of a workforce that can meet the challenges and requirements of learners and employers. This can be achieved by focusing on upgrading skills, improving employability, and ensuring that equality and diversity are at the heart of everything the FE sector does. By identifying specific priorities for action, the strategy will help employers achieve their shared vision for the sector: to have a workforce that is flexible enough to meet the changing and diverse needs of learners and their employers, and one which reflects the diversity of the sector's customer base.

### Workforce data collection and monitoring

**84** A thorough understanding of the current and future workforce, gathered in a systematic way at regular intervals, is essential if providers are to predict and respond to the specific needs of their workforce as the environment around them changes. Workforce monitoring not only provides a means of identifying and managing gaps in training, skills and resources, it also exposes underrepresentation within the workforce and can provide evidence to justify positive action to further promote diversity, particularly within senior management and leadership roles.

**85** Lifelong Learning UK has responsibility for data collection in the FE sector. Once it has been collated at the provider level, Lifelong Learning UK analyses and interprets workforce data to produce intelligence which can be used for planning at both local and national levels. Regional and national analyses, such as those given in the *Annual Workforce Diversity Profile*, allow providers to benchmark their own workforce against sector and regional data, and help to identify wider workforce trends that may not be apparent at the individual provider level.

### ACTION POINTS AND CONSIDERATIONS:

- How do you ensure that the data you collect is reliable and complete?
- How can you encourage disabled staff to disclose?
- How are you preparing for the Equality Bill, which may require you to monitor staff diversity by sexual orientation and religion or belief?

**86** See Section 9 for information about collecting and monitoring learner data.

### Attracting and recruiting from a diverse talent pool

**87** In order for the sector to provide a first-rate experience for all learners, it is essential that it attracts and recruits its workforce from the widest talent pool possible. The FE sector workforce should aim to reflect and understand the diversity of its learner base and the local community it serves so that it provides an inclusive and responsive approach to meet everyone's needs effectively.

**88** Ensuring that all providers adopt exemplary equality and diversity-led human resources processes, which are regularly impact-assessed, is key to achieving workforce diversity at all levels. However, equality of opportunity in recruitment may not always mean treating everyone the same. Where justified, providers may wish to pursue targeted recruitment programmes to encourage applicants from groups currently underrepresented. For example, organisations could try:

- supporting the 'two ticks' positive about disabled people scheme, which guarantees interviews to disabled applicants who meet the minimum criteria for the job;
- including statements of encouragement in job advertisements for groups that are traditionally underrepresented;

- using specialist media or recruitment agencies, such as the Network for Black Professionals' Talent Management Recruitment Service and Lifelong Learning UK's **Catalyst recruitment initiatives**;
- signing the '**Charter for Employers who are Positive About Mental Health**'; and
- providing pre-interview training for underrepresented groups.

#### **ACTION POINTS AND CONSIDERATIONS:**

- Do you know which groups are underrepresented in your workforce, and at what levels? Are you specifically targeting underrepresented groups when you recruit?
- How do you improve the promotion of equality and diversity within your workforce through the self-assessment process?

### **Ensuring a flexible, fair and supportive working environment**

**89** Achieving a flexible, fair and supportive working environment helps to ensure continued commitment and retention of staff, as well as facilitating greater diversity within the workforce. Adopting flexible working practices, such as allowing colleagues to work compressed hours or flexi-time, and offering more part-time and job-share positions (particularly at senior management levels) can help women, disabled people and those with caring responsibilities break through the 'glass ceiling'. Mentoring and training schemes, such as LSIS's 'First Steps to Leadership' and 'Introduction to Leadership' programmes, along with the 'Black Leadership Initiative', are all effective ways of supporting career progression among underrepresented groups.

**90** Ensuring a supportive working environment also means allowing colleagues to achieve their potential and work to the best of their ability. Effective appraisal processes that are sensitive to the diverse needs of the workforce are essential for this purpose and should include questions regarding the support needs of colleagues. Providing reasonable adjustments for disabled staff is another way of supporting colleagues to achieve their potential. The Department for Work and Pensions' Access to Work grant scheme is available to help providers achieve this.

**91** A number of cross-sector equality groups work to promote good practice in workforce equality, and can supply further information and guidance, including:

- the **Workforce Race Advisory Group**;
- the **Disability Equality Implementation Group**; and
- the **Forum for Sexual Orientation and Gender Identity Equality in Post-School Education**.

**92** Workforce equality guidance is also available from **Acas**, the employment relations service, including an advisory booklet on delivering equality and diversity, and guidance on individual equality strands. Moreover, the Association of Colleges and trade unions have produced joint agreements for equality in employment in FE colleges. These cover a number of strands of equality and provide agreed guidance and recommendations for employers and trade unions on good practice and the promotion of equality.

#### **ACTION POINTS AND CONSIDERATIONS:**

- How many senior management and leadership positions in your organisation are available on a part-time or job-share basis?
- How regularly do you ask colleagues whether they have support needs?

## 7: Supporting Practice in Self-assessment of Equality and Diversity

### Sources of information and support

**93** Support for equality and diversity is available from a variety of sources. In particular, extensive support for improvement is undertaken by LSIS, notably through the **Excellence Gateway** which includes resources, guidance and case studies on self-assessment of, for example:

- offender learning;
- addressing racism; and
- providing prayer points in a training centre.

**94** The LSC and LSIS are currently developing an area within the Excellence Gateway, which will collect and categorise equality and diversity guidance, materials and good practice from a wide range of sources into an easily searchable toolkit. The choice of materials included will be informed by research, including the views of over 100 providers that responded to a survey.

**95** Full details of the equality and diversity programmes and services delivered by LSIS can be found in Section 8.

**96** In 2007 and 2008, the LSC delivered a support programme to enable colleges and providers to develop their own single equality approaches. As part of this programme, a **virtual learning environment** was established, which includes discussion forums and resources, case studies and links to information and guidance on equality.

**97** Support on the development of policy and practice is available from provider representative bodies, such as the **Association of Colleges**, the **Association of Learning Providers** and others.

**98** For young learners, policy requirements, guidance and recommendations can be found through the publications of the **DCSF** supported by broader sector guidance from **BIS**. Valuable context for self-assessment can be found through the policies and guidance supporting **Every Child Matters**. The 14–19 strategy and its implications for equality and diversity are of particular importance to the planning and delivery of education and training for this age group. These are well-described through the **14–19 reform reports and related documents**.

**99** NIACE is one of the agencies supporting providers with information and guidance about adult learners' needs and equality and diversity. For example, it established the Commission for Disabled Staff in Lifelong Learning, hosts the Black Practitioners and Learners' Network and provides an information service to education/training providers and adult learners on the Employment Equality (Age) Regulations 2006. In addition, NIACE has run a programme for Continuing Professional Development for Faith Leaders, Workers and Volunteers on behalf of the former Department for Innovation, Universities and Skills (now BIS), the Further Education Reform Unit and the Department for Communities and Local Government.

**100** The work of national agencies such as NIACE and local adult learner access and support groups can contribute to self-assessment by:

- improving understanding of the needs of older learners;
- ensuring their voices are heard; and
- supporting particular needs such as mental health, disability and adult safeguarding.

**101** They can also assist with the engagement of groups which are underrepresented in formal learning or are hard-to-reach.

**102 The National Centre for Diversity** is an independent organisation which, among other aims, seeks to synthesise, assess and share good practice in the field of diversity and inclusion. It offers accreditation to organisations wishing to be recognised as 'Investors in Diversity'. At level 1 this is based on an online Equality, Diversity and Inclusion (ED&I) impact assessment. At level 2 an external assessment and support service is provided. The service is available to private, public and third sector organisations.

### Financial support for learners

**103** The LSC's Learner Support programme helps people to stay in or return to learning, including many from socially or economically disadvantaged backgrounds. It aims to improve participation, retention, progression and achievement, and to support inclusion. The programme is made up of the following strands:

- Education Maintenance Allowance (EMA);
- Adult Learning Grant (ALG);
- Care to Learn;
- Free Childcare for Training and Learning for Work;
- Sixth Form College Childcare;
- Dance and Drama Awards;
- Residential Support Scheme;
- Professional and Career Development Loans; and
- discretionary Learner Support funds (19+ hardship, 20+ childcare and Residential Bursaries).

**104** The Learner Support programme contributes to the Government's aims to reduce child poverty, reduce the number of young people who are not in education, employment or training (NEET) and to encourage people to increase their skills levels and qualifications to improve their job or career prospects.

**105** Providers are best placed to identify learners who may be eligible for Learner Support and to give them information, advice and guidance. Information about the progress and attendance of learners in receipt of Learner Support may be useful evidence for self-assessment and for setting and monitoring equality and diversity impact measures (EDIMs). Learners' views on access to support funds and how they help them to continue in learning may also be useful evidence.

**106** Guidance for providers on administering the schemes can be found at [lsc.gov.uk/providers/moneytolearn](http://lsc.gov.uk/providers/moneytolearn).

#### ACTION POINTS AND CONSIDERATIONS:

- What structures do you have in place to give information, advice and guidance on Learner Support to learners and potential learners facing financial difficulty?
- Do you measure the performance of learners in receipt of EMA or other forms of financial assistance against similar learners who are not in receipt of such support?



### Provider practice in self-assessment of equality and diversity: a regional case study

In the East of England region, the LSC commissioned a project to support providers to embed equality within self-assessment and other quality improvement processes. This project was led by Christine Rose, and this section draws heavily from the **project report** (*From Quality to Equality: A match made in heaven?*, July 2008).

Eight providers were involved, including five FE colleges, one sixth form college and two WBL providers. The aim was to build practitioner skills for self-improvement and effective peer review, enabling providers to meet their statutory duties under equality legislation and to support improvement. The focus included learner involvement strategies, work experience, and effective use of learner performance data. Outcomes focused on addressing equality gaps through the use of EDIMs and better impact assessments, and embedding equality within self-assessment.

The project concluded in its 2008 report that many providers were at an early stage in effectively embedding equality within planning and monitoring processes although there was good practice to be shared. Some findings regarding the 'divorce' of equality from quality included:

- a key challenge for organisations is to embed equality within all self-assessment and quality improvement activities so that equality reporting leads to genuine action to promote equality and achieves improved outcomes; and
- having a member of staff with a recognised 'remit' for equality and diversity helps drive equality forward but it can also risk separating equal opportunities reporting from self-assessment and quality improvement activities.

Regarding learner involvement strategies, the report found that:

- getting learners who share a particular aspect of their identity to attend a targeted focus group can be problematic, as they may not wish to be identified or perceived as 'different' from their peers;

- participation can be encouraged by recognising time and expertise, for example providing lunch, gift vouchers or mobile phone credits, or giving 'status' to a focus group, such as the use of the executive board room; and
- learners are also more likely to get involved if they have regular feedback on the changes taking place or actions planned as a result of consultation.

Regarding work experience and placements, the report found that:

- following a placement, an evaluation of the learner experience in terms of equality and diversity can help to assess and improve future practice; and
- it is helpful to provide equality and diversity guidance to employers.

Regarding monitoring of learner data, the report notes that:

- recruitment, achievement, success, value-added and destination data should be routinely disaggregated by different equality parameters such as gender, ethnicity and disability, and compared to internal and external benchmarks;
- this information should be used by each curriculum area to inform its self-assessment report and quality improvement plan;
- data on attendance, complaints, disciplinary action and access to visits and trips can also provide a useful perspective; and
- monitoring the experiences of disabled people by impairment type can help organisations to identify more barriers than aggregated disability data.

The report suggests ways of improving the validity and reliability of data, including:

- improving questions on enrolment forms, discussions during interviews, and processes for validating ILR information;
- creating opportunities for learners to disclose information in confidence; and
- identifying new or improved processes to ensure that management information systems are appropriately updated, particularly if disclosure takes place after enrolment.

The report notes that the monitoring of sexual orientation and religion or belief is highly contentious. While there is currently no legal obligation for providers to collect data on these strands, monitoring can help ensure equity of experience and representative participation. The report suggests a series of points to bear in mind if collecting such data, including:

- monitoring should be explicitly voluntary; and
- the process for what happens to the data should be transparent, including how it will be kept confidential.

The report gives examples of effective practice in relation to EDIMs. In one college, senior staff receive data, identify gaps, set targets and actions to achieve the targets within curriculum quality improvement plans. Performance against EDIMs is monitored as part of the quality improvement action plan on a ten-week cycle.

The report includes useful commentary on links between specific duties under race, gender and disability equality legislation to:

- gather and use information (the monitoring duties);
- carry out impact assessments; and
- report annually on progress.

The report notes the advantages of a single equality scheme, but cautions that it is a means to an end, and not an end in itself.

The report includes the following recommendations for providers:

- reflect and critically evaluate the extent to which equality and diversity are embedded within core self-assessment and quality improvement processes, including:
  - learner performance data analysis
  - lesson observation
  - learner involvement strategies
  - course reviews
  - work experience/work placement evaluation;
- analyse staff and student equality data to determine if actions need to be taken to improve the reliability, validity and/or variety of such data;
- consider the case for monitoring on the basis of sexual orientation or religion or belief;
- explore with partner providers how equality and diversity might be more effectively embedded within the peer review process; and
- develop a shared understanding of provider and funding body responsibilities in establishing provider EDIMs.

**107** Some examples of factors to include in developing a policy for equality and diversity are included in Annex B. The examples shown there cover approaches to creating policy and gathering evidence for self-assessment in equality and diversity. There is also an example of how an action plan for a single equality scheme could be constructed. This practice is drawn from a large provider but could be adapted for a wide range of contexts.

**108** The EHRC is developing an Equality Measurement Framework, jointly with the Government Equalities Office. The framework is being created on a UK-wide basis involving the Office for National Statistics and a range of other stakeholders and subject experts to develop a measurement framework that can be used to assess equality and human rights across a range of domains relevant to 21st-century life. The framework is not a performance measurement tool. It is intended to monitor social outcomes from an equality and human rights perspective, providing a baseline of evidence to inform policy priorities and helping to identify inequalities that need further investigation. These have been grouped into ten areas or domains: Life, Health, Physical security, Legal security, Education and learning, Standard of living, Productive and valued activities, Individual, family and social life, Identity, expression and self-respect, and Participation, influence and voice.

**109** Inequality in these ten domains is being evaluated through the framework in terms of outcomes, process and autonomy, by a range of equality characteristics (gender, ethnicity, disability, age, sexual orientation, transgender status, religion or belief and social class, and the interactions between them). The domains will provide, over time, a source of information and data on the areas they cover. The education and learning domain, for example, addresses the capability to be knowledgeable, to understand and reason, and to have the skills to participate in society. It has five indicators, as follows. Indicator 1: Basic skills (levels of achievement); Indicator 2: Educational qualifications (by age group); Indicator 3: Participation in lifelong learning; Indicator 4: Use of the internet; Indicator 5: Being treated with respect in education. Each indicator has accompanying measures. More information is available from the **EHRC** website.

## 8: Enhancing Practice: the Role of the Learning and Skills Improvement Service

**110** LSIS is the sector-owned body formed to develop excellent and sustainable provision across the learning and skills sector. LSIS works in partnership with all parts of the sector to provide vision, leadership, clarity and high-quality support, practising and facilitating continuous self-improvement and capacity building.

**111** LSIS provides a range of equality and diversity programmes and services to develop leadership and management practices and to support quality improvement.

- *Bespoke and consultancy support:* equality and diversity experts work in collaboration with an organisation's strategic leaders, staff and learners to develop interventions and programmes addressing the specific equality and diversity needs of individuals, groups and teams.
- *Confidence and capacity building:* LSIS equality and diversity critical friends or thinking partners work to empower organisations and provide them with relevant expertise and skills to develop good equalities practices, mainstreamed into core functions and activities.
- *Positive action and organisational change:* tailored support enables organisations to address underrepresentation.
- LSIS works directly with providers on various *development initiatives*, including supporting staff development days, speaking at events, leading on equality impact assessment training and development sessions, promoting equality through procurement and commissioning practices, helping providers to equality proof their policies, providing guidance and support in developing single equality schemes and tackling specific equality issues along any of the seven strands. LSIS also delivers training for governors, all levels of staff and learners.
- *Equality and diversity health checks:* these enable organisations to identify areas of good practice and areas where further development is needed. They are closely linked to equality and diversity requirements under the inspection framework.
- *Succession planning and diversity:* a practical programme which aims to build the understanding and capabilities of individuals involved in succession planning to lead effective equality and diversity practice.
- *First Steps to Leadership* (accredited to Institute of Leadership and Management (ILM) level 5) and *Introduction to Leadership* (accredited to ILM level 3): positive action to help address the underrepresentation of BME leaders in the sector by developing capacity and raising the aspirations of BME staff. Both programmes can be delivered on a bespoke basis. An ILM level 7 qualification in Equality and Diversity is also being piloted.
- An *annual equality and diversity conference* and *quarterly seminars* aim to develop provider expertise.
- *Equality and Diversity Practitioner Network:* meets regionally and quarterly to share best practice and offer peer support. External agencies and organisations regularly speak to the group.
- *Visible and Valued:* a DVD training resource to help FE and skills providers develop practical approaches to delivering sexual orientation equality. As noted in the section on sexual orientation (paragraphs 34–37), the LSC funds LSIS to deliver master classes on using the DVD.
- *Equality and diversity research reports:* available from LSIS Equality and Diversity Research.

- LSIS is working in close co-operation with the Principals' Champions Group to develop workshops and further guidance on Community Cohesion issues such as preventing violent extremism and promoting tolerance.
- *Equality and diversity leadership competencies:* developed for all LSIS programmes, the competency framework can also be used by providers as a self-assessment tool. It can be used by individuals and within teams to gauge the level of understanding, awareness, skills and knowledge of equality and diversity and to seek appropriate interventions.

**112** The following programmes and services are under development:

- *an equality and diversity leadership toolkit;*
- a manifesto for equalities for the learning and skills sector (being developed by LSIS in conjunction with sector agencies and provider representative bodies);
- workshops to support the promotion of trans equality in FE, working closely with trans learners and staff; and
- equality and diversity boardroom briefings for governors and clerks.

#### **ACTION POINTS AND CONSIDERATIONS:**

- Have you assessed your organisation's equality and diversity development needs?
- Have you developed a succession planning strategy and are equality and diversity considered within the strategy?
- Are there any issues in relation to underrepresentation and what action are you taking to address them?
- Have you taken full advantage of the equality and diversity development opportunities provided by LSIS?

## 9: Funding Body Expectations

**113** As noted in Section 2, the LSC developed its own Single Equality Scheme in 2007 and has provided guidance on a range of matters relevant to providers' planning and practice in equality and diversity, including with regard to their own equality schemes. The scheme document includes guidance for providers, encouraging them to identify needs and challenges relevant to their work in all these areas and to identify cross-cutting issues. *The Review and Evaluation of the LSC's Single Equality Scheme* (June 2009) is available on the LSC's **website**. The scheme will operate to April 2010, when Machinery of Government changes will take effect.

**114** Going forward, providers will be advised of the relevant strategies, plans and priorities of the Young People's Learning Agency, the Skills Funding Agency and local authorities. In their developing relationship with new funding and commissioning bodies, providers are encouraged to:

- be aware of the equality and diversity goals of the responsible government departments as referenced above, as well as of the Young People's Learning Agency and the Skills Funding Agency as these develop;
- engage with the relevant local authorities serving their areas of operation; and
- be aware of the equality and diversity aims and wider skills targets of the relevant Regional Development Agency.

**115** Those providers that are public bodies, including colleges and other institutions designated in the Further and Higher Education Act 1992, and local authorities, are required by law to have their own race, disability and gender equality schemes (see Section 2). The LSC encourages these providers to develop a single equality scheme because of the benefits of coherence and synergy.

**116** Private providers, which are not required by law to develop schemes, are nevertheless encouraged to develop a single equality scheme as it is good practice and will help provide evidence of contributions towards the equality goals of the LSC and other funding bodies.

### ACTION POINTS AND CONSIDERATIONS:

- How do you meet your statutory and regulatory responsibilities and the expectations of your funding agreement or contract(s)?
- Do you have a single equality scheme?
- How is it implemented and monitored in ways that lead to actions and improved outcomes for learners?

**117** In its own business cycle, and in its business relationship with providers, the LSC utilises regional strategic analysis and area profiles. These identify areas for development in relation to promoting equal opportunities. They include data on underrepresentation and rates of achievement by different groups. Commissioning plans reflect this analysis within the national and regional priorities, supported by a regional action plan for equality and diversity, with regional EDIMs. In order to join the LSC's Qualified Provider Framework, providers complete a pre-qualification questionnaire which includes questions about their equality and diversity policies and practices. Invitations to tender to deliver provision may include specific equality-related criteria. Action for equality and diversity and (where appropriate) EDIMs are considered as part of partnership teams' dialogue with providers.

**118** Providers' own plans should reflect regional priorities and local needs analysis in relation to equality and diversity. If self-assessment has identified that action is needed to meet statutory requirements in respect of providers' provision or services, the action should be incorporated into plans.

**119** Providers may be affected by the equality requirements of other stakeholders, funders or commissioners, for example, the Higher Education Funding Council for England or the Department for Work and Pensions through Jobcentre Plus. Targets for the latter will be aligned with those of the LSC through regional skills partnerships, in which the Regional Development Agencies have a role. These partnerships also have equality responsibilities related to skills, which may be met through the learning and skills sector.

### Information requirements

**120** Funding bodies draw learner equality and diversity data from information collected for the Individualised Learner Record (ILR). Providers' planning and self-assessment documents are also key sources of information on equality and diversity, together with their equality schemes (see Annex C). As detailed in Section 6, workforce equality data, collected through the Staff Individualised Record (SIR) for colleges, is also an important tool for monitoring.

#### ACTION POINT:

- How do you utilise the data gathered to meet the formal requirements of funding bodies in your analysis of your organisation's measures of equality and diversity, for learners and for your workforce?

### Equality and diversity impact measures

**121** Providers are expected to set their own EDIMs. EDIMs should be proportional, relevant to the learning delivery and set in the context of providers' existing priorities. Currently, LSC partnership teams discuss these with providers in relation to the improvement indicators in their development plans or similar documents.

### Dialogue with providers

**122** Currently, the LSC addresses equality and diversity in its dialogue with individual providers through partnership teams. It expects these discussions to reflect the way providers have responded to the identification of equality and diversity issues in the previous year, how well they have addressed and resolved these issues and their plans for the following year. Providers should show how they have discharged their specific duties under disability (including mental health difficulties), gender and race, as well as how they have addressed religion or belief, sexual orientation, transgender and age. The dialogue should be supported by information and data relevant to the quality strands and matters such as performance against effective, proportionate provider EDIMs. An outline of the evidence that could be utilised in this dialogue is shown at Annex C.

## 10: Next Steps

**123** Colleges and providers are encouraged to draw upon this guidance in their self-assessments and self-assessment reports this year. The action points are intended to help them to:

- check on current practice; and
- construct action plans for improvements in organisational planning, policies and practice.

**124** LSIS will continue to support the sector in developing good practice for self-assessment in equality and diversity, with further development of the toolkit and case study material.

**125** Much good practice on equality and diversity already exists in the sector. Colleges and providers are encouraged to share the results of their self-assessment through peer networks with those facing similar challenges. This can help develop definitions of good practice and offer a benchmark for comparison, enabling targeted improvement.

**126** Above all, providers are strongly encouraged to engage learners, staff, employers and the communities they serve in raising standards of practice and in meeting the needs of particular groups. Addressing inequalities through engagement with those who are disadvantaged is a key means of ensuring that the highest possible standards of service are set and maintained.



## Annexes

### Annex A: Legislation and Statutory Codes of Practice

As noted above, providers are themselves responsible for compliance with legislation. The following list is not intended to be comprehensive, but indicates some of the key pieces of equality legislation and codes of practice which providers may need to be aware of.

#### Age

Employment Equality (Age) Regulations 2006

#### Disability

Disability Discrimination Act 1995  
 Special Educational Needs and Disability Act 2001  
 Disability Discrimination Act 2005  
 Duty to Promote Disability Equality Statutory Code of Practice 2006

#### Gender

Sex Discrimination (Gender Reassignment) Regulations 1999  
 Gender Recognition Act 2004  
 Equality Act 2006  
 Work and Families Act 2006  
 Gender Equality Duty Code of Practice 2006

#### Race

Race Relations Act 1976  
 Race Relations (Amendment) Act 2000  
 Statutory Code of Practice on the Duty to Promote Race Equality 2002

#### Religion

Employment Equality (Religion or Belief) Regulations 2003

#### Sexual orientation

Employment Equality (Sexual Orientation) Regulations 2003

#### Other

Human Rights Act 1998

**Note:** The new Equality Bill is in Parliament in 2009 and is expected to receive royal assent in 2010.

### Annex B: Approaches to Provider Practice: an Example

This example is drawn from practice developed at Leeds City College, a large urban general FE college. It has several major centres and distributed provision in Leeds and a major centre in Keighley.

Many aspects of this approach could be applied to other provider settings.

Key aspects of the college's approach to equality and diversity include:

- a commitment from the top, and ensuring that equality and diversity are prominent within the college's culture and values;
- an Equality Committee, supported by four task groups;
- embedding equality and diversity within self-assessment, and using the results to set priorities and actions;
- consultation and involvement of learners, staff and stakeholders;
- improving the reliability and effectiveness of monitoring and reporting by targeted use of data;
- using impact assessments to embed equality across college activities; and
- specific activities, such as working with identified priority groups.

## Approach to equality and diversity

### Single equality scheme

The college's single equality scheme has been developed to anticipate all seven strands of the new Equality Bill and includes specific targets to achieve strategic outcomes. The scheme was developed after consultation with a range of groups including staff, students and special interest groups.

### Commitment from the top

The college has made a clear policy statement identifying leadership and stating the responsibilities and obligations of:

- the Executive Team;
- governors;
- staff;
- learners;
- contractors and service providers; and
- visitors.

The Principal and members of the Executive Team are part of the Equality Committee, which also includes a governor representative and staff and student representatives.

The Committee assesses and communicates equality and diversity priorities, action plans and outcomes to the Executive Team and governors, and across college to staff and students. Priorities are identified at the start of the academic year and updated throughout the year as necessary, drawing on self-assessment. An annual report details achievements and outstanding actions, including reasons for successes and failures.

Four task groups for race, disability, gender and age involve staff and students from across the college in translating the equality and diversity strategy into action. These groups are considered important elements in successfully delivering the college's equality agenda. Their key success factors include the fact that:

- they are led by staff with specific commitments to, and understanding of, the relevant aspects of equality; and
- any student or member of staff can attend a group to champion a specific task.

## Self-assessment

### Data and evidence

Full and accurate self-assessment of equality and diversity requires good quality data collection and evidence to justify the findings.

At the college, equality and diversity data on learners and staff is used to inform actions. For example, learner data is analysed to inform the support provided by Student and Learning Services to particular underperforming student groups.

Data at programme level is provided to course leaders and commented upon in departmental self-assessment reports, which in turn help inform the decisions of the Equality Committee. Key findings are reported to both the Equality Committee and the Executive Team to help inform decisions and priorities. Software packages are used to analyse learner data and identify areas for improvement.

Achievement and retention gaps identified within the college are prioritised for support to raise outcomes. Where an approach works with one group this is shared to see if it will work with other groups, although sometimes specific approaches are required for different ethnic, gender and age groups.

Enrolment staff are given training on the importance of explaining why equality data is collected. This has led to a near 100 per cent provision of data by students, which underpins an analysis of their needs. A similar campaign in relation to staff data has been effective, although disclosure of disabilities by staff still looks low compared to national statistics. Work is ongoing to encourage disclosure, not only at recruitment but on an ongoing basis by existing staff.

### Assessing the effectiveness of equality and diversity activities

The college assesses the effectiveness of equality and diversity improvement activity in a number of ways:

- action plans specify their intended outcomes and how a team will know if it has succeeded;
- the effectiveness of activity to improve data collection is monitored through the reduction in the number of ethnicity and disability data fields marked 'not known'; and

- assessment of equality activity is embedded in all self-assessment reports completed both by support staff and academic staff. Priorities are found through drill-down activities using data, learner voice evidence and staff records. Self-assessment reports are monitored centrally, and effective practice is embedded across the college. An identified area for improvement relates to how consistently staff record these examples of effective practice. This issue will be addressed by ongoing equality training.

An example of how priorities have been rebalanced following self-assessment is when support officers were appointed to help address the under-achievement of young BME males. Following this intervention, monitoring showed a significant improvement in retention and achievement rates, to the extent that this group now out-performs young white male students. There has since been a rebalancing of the support to meet the needs of these young white males.

### Impact assessment

The college has adopted a computer-based impact assessment tool that has been verified through national equality bodies, to achieve consistency of approach and systematised records.

Other key benefits of the approach include:

- involvement of a wide range of people across the college;
- raising awareness of equality and diversity, and specifically of how individual decisions and actions have an impact on others;
- earlier consideration of impacts, at the planning stage rather than after the introduction of policies and procedures; and
- training for impact assessment has raised equality awareness and helped inform equality self-assessments.

### Learner and staff engagement

Along with the four task groups mentioned above, students are encouraged to engage and give feedback through:

- an active student union with elected student officers taking part in a variety of college committees (including as governors and through the Equality Committee);

- student liaison officers, who provide a range of events and activities related to well-being, community engagement, fundraising and opportunities to visit employers' workplaces;
- learner voice meetings;
- the encouragement of special interest groups such as Black Staff Focus, and disability, and lesbian, gay, bisexual and transgender groups;
- on-line forums including one specifically on equality issues; and
- questionnaires, including questions about equality.

Issues identified by students are either responded to at the time, or fed back to the relevant college support service. They are either reported formally as they arise or as part of ongoing reporting to the college Executive Team.

### External standards and benchmarking

The college seeks out good practice and external benchmarks in the following ways:

- college representatives attend external equality networks;
- the college contributes to national equality initiatives; and
- the college tests itself against national standards such as Investors in Diversity and the 'two ticks' symbol, to confirm strengths and identify areas for improvement. For example, one finding has been that the college needs to do more to address issues faced by lesbian, gay, bisexual and transgender people.

The college has also identified a need to improve the way it shares good practice with other providers, for example through electronic forums.

### Community and employer engagement

- The college engages with third sector organisations to promote the needs of particular groups. For example, the college hosts a regional centre for the RNIB.
- Local employers that support diversity in the workplace or that can act as successful, diverse role models are invited to visit, in order to inspire learners and staff.

- The college uses its commitment to equality and diversity as a selling point to the employers it works with, and provides employers with guidance, expected standards and an informal audit of a company's own equality position. As well as being a useful selling point, this helps meet the college's own commitment to ensure it only deals with organisations with a positive equality ethos.

### Recommendations

The college's key recommendations for improving equality and diversity outcomes include:

- provide clear, demonstrable support for equality and diversity from the leadership team;
- involve as many people as possible in equality and diversity actions on an ongoing basis;
- involve members of the college community in specific task groups to address those aspects of equality and diversity they are interested in or that are of relevance to them, serving learners' needs;
- ensure you have a variety of ways to gather the views of staff, learners and members of the community, with effective means of acting on these views;
- provide staff and students with a range of support materials for them to use in developing their understanding of equality and diversity and to promote equality;
- celebrate equality and diversity throughout the year through events and activities such as Black History Month;
- build links with the local communities and employers (staff and students will normally be good sources of introductions);
- publicise what is happening about equality and diversity and give clear guidance as to what to do and where to go should a problem arise; and
- use timely and accurate data to support specific actions for improvement.

## Annex C: Examples of Evidence Supporting Equality and Diversity that Funding Bodies May Expect to See

**Note:** These examples are drawn from current LSC practice. Machinery of Government changes will produce new accountability arrangements in 2010. However, it may be expected that equality and diversity will remain priorities for those planning, commissioning and funding provision in the future. Evidence of the type cited below could continue to support the relationship between funders and providers in this area.

1. Examples of types of evidence used by funding bodies in their dialogue with providers on equality and diversity include the following.

- Analysis of participation and success rate trends, disaggregated by gender, race, learning difficulties and/or disabilities and age, including cross-cutting themes such as disadvantage, worklessness (where analysis is available), programme levels and subject/sector areas.
- Evidence that providers collect, monitor and analyse data by race, gender and disability to identify gaps and set actions.
- Performance against effective, proportionate provider EDIMs that support regional EDIMs where appropriate. Review of issues (across all areas of equality, including sexual orientation, religion or belief and transgender) from self-assessment reports, Ofsted inspection reports and actions drawn from a single equality scheme or individual schemes.
- Evidence that equality and diversity are embedded into quality assurance systems, for instance in course reviews, outcomes from work experience placements and lesson observations.
- The ethnic diversity of a provider's teaching workforce (from Lifelong Learning UK's SIR, if available) compared to the diversity of its learners.

2. In addition, the following evidence may help a provider assure relevant funding bodies of its compliance with equalities legislation and its commitment to improvement.

- The existence of documents such as equality impact assessments to suggest compliance with specific duties, including publication of reports on external websites.
- Strategies concerning engagement with learners, employers and the wider community.
- Staff and organisational development on equality, including induction for new starters.
- Commitment to specific priorities such as the Race Equality in Employment Standard and capturing the learner voice.
- The diversity of the provider's workforce by gender, disability, religion or belief, sexual orientation and age, if available.

3. Area partnership team equality and diversity leads can provide further guidance and support.

## Annex D: Full List of Action Points from the Guidance

### Section 2

#### Using the terms: action points

- Do all the people in your organisation know what equality and diversity mean for their learners and for themselves?
- Does your organisation take a whole-systems approach to equality, as described above?
- How do you ensure that the benefits of diversity are harnessed to help meet organisational goals?

#### Policy and legislation: action points

- Does your organisation meet all the equality requirements set out in legislation, funding agreements and relevant joint agreements?
- When meeting equality requirements do you set and assess appropriate standards for any sub-contracted provision for which you are responsible?
- Do you have equality policies and implementation plans covering all strands of equality, either within a single equality scheme or separately?

- How do you use data to monitor the impact of equality activity and make continuous improvements?
- Do you consult learners, governors/board and staff about equality policies and their impact? How do you act on the findings of consultations?
- Do you assess or consider the positive or negative impact that any new policies or initiatives may have on your learners?
- How do your equality and diversity policies inform the curriculum and the tutorial programme?
- Does your learner body, and staff and management profile reflect the diversity of the local community?
- How do you tackle the underperformance of different groups?

#### Age equality: action point

- How does your organisation act to address inequalities arising from age discrimination?

#### Disability equality: action points

- Does your organisation have appropriate processes in place for encouraging learners and staff to disclose learning difficulties and/or disabilities?
- Does your organisation share expertise on disabilities and learning difficulties with other providers?
- Do you monitor the needs and performance of learners with learning difficulties and/or disabilities to assist improvements?

#### Gender equality: action points

- How does your organisation tackle gender segregation, and how is success measured?
- How is training made flexible and accessible for both men and women, for example those with caring responsibilities?
- How do you work with partners, local communities and others to tackle gender discrimination and to encourage and promote good practice?

#### Gender identity equality: action point

- Are you aware of the Forum's *Guidance* and have you implemented the 'Twelve Steps'?

#### Race equality: action points

- How do you promote race equality across your organisation?

- How do you ensure that race equality is promoted in your programmes of education and training?
- Are there particular minority ethnic groups whose recruitment to programmes and/or success rates require specific actions for improvement? What steps are you taking to make progress in meeting their needs?

#### Religion or belief equality: action points

- Has your organisation made use of the resources and support available from the fbfe?
- Do learners and staff of all faiths and none have opportunities to raise issues and debate differences in a safe, supportive environment?
- Where appropriate and proportionate, is space available for learners and staff to meet and share religious experiences?

#### Sexual orientation equality: action points

- Is your organisation aware of the 'Twelve Steps' towards sexual orientation and gender identity equality? Have you implemented them?
- Has your organisation taken advantage of the training resources and events available from LSIS?

#### Equality and disadvantage: action points

- How do you ensure that all learners can participate, including those who are disadvantaged or have learning difficulties and/or disabilities?
- How well are learners prepared for living and working in a diverse, multicultural society, and how well is their knowledge and understanding of equality and diversity reinforced through their programmes, in tutorials and reviews?
- How well are learners involved in the planning, reviewing and evaluation of provision to meet their support needs?
- Do all learners have opportunities to give their views on provision?

#### Staying On: action points

- How do you ensure that your learners receive the career and subject advice they need prior to recruitment on programmes both while they are in learning and when they are planning their progression?
- How do you address stereotyping in career choices?

#### Socio-economic duty: action point

- How does your organisation act to reduce inequalities associated with socio-economic background, either singly or in partnership with other providers of education and training?

### Section 3

#### Ofsted and inspection: action points

- Do your improvement targets include specific targets to improve the attainment of underachieving groups of learners?
- Do teachers effectively use materials and teaching methods that are sensitive to, and promote, equality of opportunity and community cohesion?
- Do you have strategies in place to safeguard learners – such as apprentices – who are based with employers, from harassment, bullying and discrimination?
- Do you consider equality and diversity as part of health and safety risk assessments, in particular for vulnerable learners?
- How actively do you promote equality of opportunity and eliminate discrimination?
- How do you monitor the effectiveness of this activity and use the results for improvement?
- How do you assess outcomes for different groups of learners?
- What equality and diversity measures do you use to assess the effectiveness of leadership and management?
- How well does your provision serve the needs of socially excluded learners and potential learners?
- What measures are you taking to improve their representation and success?

### Section 4

#### The Framework for Excellence: action point

- How do you address equality and diversity in your use of Framework scores for improvement planning?

## Section 5

### A user focus: action points

- How do you engage with learners to take account of their experiences of teaching, learning and assessment, and the quality of academic and pastoral support and guidance (including matters relating to equality of opportunity and respect for different cultures, religions, sexual orientations and lifestyles)?
- Do your discussions with learners include understanding of your approach to equality and diversity, including anti-bullying and harassment procedures, and how to make a complaint?
- How do you monitor the participation of different groups of learners in involvement activities, and take action to address underrepresentation?
- Do you advise and influence the employers you work with on how to promote equality and reduce barriers for apprentices and other work-based learners?
- How well are employers involved in the evaluation of provision for apprentices and other work-based learners, and in the design and review of programmes?
- Do you take positive action for underrepresented groups, for example providing same-sex training opportunities (such as for females in construction)?

## Section 6

### Workforce development: action points

- How do you ensure that the data you collect is reliable and complete?
- How can you encourage disabled staff to disclose?
- How are you preparing for the Equality Bill, which may require you to monitor staff diversity by sexual orientation and religion or belief?
- Do you know which groups are underrepresented in your workforce, and at what levels? Are you specifically targeting underrepresented groups when you recruit?
- How do you improve the promotion of equality and diversity within your workforce through the self-assessment process?
- How many senior management and leadership positions in your organisation are available on a part-time or job-share basis?

- How regularly do you ask colleagues whether they have support needs?

## Section 7

### Financial support for learners: action points

- What structures do you have in place to give information, advice and guidance on Learner Support to learners and potential learners facing financial difficulty?
- Do you measure the performance of learners in receipt of EMA or other forms of financial assistance against similar learners who are not in receipt of such support?

## Section 8

### Enhancing practice: the role of the Learning and Skills Improvement Service: action points

- Have you assessed your organisation's equality and diversity development needs?
- Have you developed a succession planning strategy and are equality and diversity considered within the strategy?
- Are there any issues in relation to underrepresentation and what action are you taking to address them?
- Have you taken full advantage of the equality and diversity development opportunities provided by LSIS?

## Section 9

### Funding body expectations: action points

- How do you meet your statutory and regulatory responsibilities and the expectations of your funding agreement or contract(s)?
- Do you have a single equality scheme?
- How is it implemented and monitored in ways that lead to actions and improved outcomes for learners?
- How do you utilise the data gathered to meet the formal requirements of funding bodies in your analysis of your organisation's measures of equality and diversity, for learners and for your workforce?

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