Embedding equality and diversity into everyday practice

Post 16 Education Toolkit

Embedding equality and diversity into everyday practice in further education and work-based learning provision has never been more important.

Not only is it 'a good thing', but more and more it is becoming a requirement: the consequences of not embracing equality and diversity can result in damaging litigation and/or a Skills Funding Agency notice to improve as a result of an Ofsted inspection judgement of 'inadequate' for the overall effectiveness of provision.

Equality and Diversity UK



Sample document

This document is a sample only and contains the following

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Introduction

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Introduction



Further education is probably the most responsive, flexible and innovative sector of the education system with learners at the heart of the work and development of its colleges and work based learning providers. The welfare, progression and achievement of learners and trainees are paramount for all staff and the self-assessment cycle of each organisation is focused on improving outcomes and the quality of the learner journey for all.

Right at the centre of the learner experience lies their need to feel that they are being treated fairly, that they have an equal chance alongside everyone else to achieve their goals and potential and that they are valued for who they are as well as what they do.

Every year and with ever increasing success tutors, trainers, support staff and managers rigorously analyse their work in order to see how they can improve the experience and outcomes for learners. For many years now, practitioners have been focused on fully understanding their individual learners and learner groups so that they can utilise the talent and experience of those learners as they journey to achieve their ambitions and goals.

Through their work and improvement processes, staff have sought to ensure that their practice is free from prejudice and discrimination, that they truly celebrate difference and that the organisation in which they work truly offers every member of staff and learners equal respect and an equal opportunity to succeed and achieve their full potential.

If this is the case, and we have been addressing equality and diversity issues for so many years, what more do we need to do?

Well, one of the great joys of working on equality and diversity is that there is always something fresh to learn; always a possibility to improve our practice, always a new way to come together to appreciate and celebrate both our wonderful differences and exciting similarities, and above all to find ways to extend our appreciation of and respect for the outstanding individuals, groups and communities with whom we work and learn.

In addition, the new equality legislation (covered in the first and second and seventh chapters of the pack) places new duties on our organisations and ourselves as practitioners. This pack is a real gift in helping us to be clear about our rights and personal and professional responsibilities in relation to equality and diversity.

Sometimes you can hear staff (and indeed learners) say, "But it's all so complicated. We don't know how we can improve further." More and more organisations are eager for support in their journey to ensure that they offer the very best learning and training and embed equality and diversity at the heart of everything they do.

This pack provides the very support that people are looking for and covers everything from the basic concepts of equality and diversity, the equality profile in the sector and the legal picture. It then goes on to look at the quality processes of inspection and self-assessment before looking in detail at embedding equality and diversity in teaching and learning and learning support.

For managers, business support staff, teachers and trainers and especially anyone who works directly with learners, the pack provides help and advice in how to further embed equality and diversity in every aspect of our work. Often, 'front-line' workers express concern as to how to challenge and help to change the behaviour of others. After all, there is a vast range of training and support to enable us to ensure that our own personal and professional practice is of the highest standard.

This pack provides outstanding support of this kind but goes further to identify the kinds of behaviours which we need to challenge in others and strategies for successfully so doing. The information and resources provided within the pack are excellent and the activities (signposted throughout and grouped at the end of the pack) provide a wonderful range of opportunities for training and development for ourselves, our teams and our learners.

Equality and diversity will truly flourish when we actively embrace these concepts in our lives and our practice and when we fight to ensure that every learner and member of staff has the rights, opportunities and happiness that we would fight for on behalf of those whom we hold dear to us – our friends, children, parents and partners. In this exciting challenge we must conceive of ourselves as powerful leaders, whoever we are and whatever our role in the organisation.

Very few of us in the work based learning and further education sector feel as though we are powerful leaders; in fact, sometimes we feel completely the reverse. We tend to associate the word 'leader' with the principals and chief executives of our organisations or sometimes with other charismatic individuals in our teams or perhaps in our unions and professional organisations. However, the fact of the matter is that each and every individual on the planet has the capacity to exercise and demonstrate leadership, whether it is with groups of friends, within the family, within our team or (in the case of educationalists) with our learners in the classroom or training environment.

It is a human trait to compare ourselves with others and to look to people who stand out (either because of their role, their actions or their charisma) in order to gauge and formulate our own behaviour. It is crucial, therefore, that when colleagues and learners look at us and our practice they see that we visibly commit to our values and priorities and, wherever possible, provide strong leadership by example.

This was never more true than in the area of equality and diversity. Early chapters of the pack have explored the compelling moral and legal cases for embracing equality and diversity issues. Other chapters on self-assessment, on teaching and learning, on supporting learning and on good practice demonstrate the many ways to integrate excellent equality and diversity practice in our daily work. However, in addition it is important to consider the ways in which we can provide strong, positive and visible leadership in relation to equality and diversity.

Your actions will vary depending on your role in the organisation. It can sometimes be easier to influence if you are in a management position but equally providing peer influence and 'standing up and being counted' can be very powerful.

So, with the aid of this pack, ensure that you are well trained and have the ongoing knowledge and expertise to provide powerful leadership in relation to equality and diversity matters. From within your role, whether as a manager or a team member, ensure that equality and diversity matters have a high profile with opportunities to raise concern and share good practice. Within your organisation, team or learning group, ensure that you recognise and applaud the behaviour and practice that you want others to adopt. If you have control over budgets, ensure that there are resources to address the issues and challenges identified, to make improvements and to back the good ideas that people put forward in relation to equality and diversity. Very often quite big results can be achieved with quite small outlay. If you are in a position so to do, encourage the sharing and collective solving of challenges and problems so that people do not feel isolated.

Above all, walk the talk. Get out and about in the organisation and ensure that you provide enthusiastic and positive feedback on those things which you note are consistent with positive equality and diversity practice and (in private if possible) sensitively challenge those elements and behaviours which you notice are falling short of the desired standard.

Lastly, remember that for many people you are the person who has the power to open or close the door of opportunity. Every day something you say or do will make a difference to one or many people, so make it count! Let this pack be your 'guide on the side' as you work to become an even more positive force in the lives of the people with whom you have chosen to work, teach and learn with equality and diversity at the heart of everything you do.

About the Resource

About the resource



Context

Embedding equality and diversity into everyday practice in further education and work-based learning provision has never been more important. Not only is it 'a good thing', but more and more it is becoming a requirement: the consequences of not embracing equality and diversity can result in damaging litigation and ruined reputation and profile. Embedding rather than enforcing equality and diversity means getting people on board. When putting forward the case for equality and diversity – whether to colleagues, learners or stakeholders – it is useful to have the evidence and arguments at your fingertips.

Over the years the concept of embracing equality and diversity has assumed greater significance. Associated legislation, statutory and non-statutory requirements, education policy and guidance have been produced – each making its own demands on further education and work-based learning providers. However, having a written policy and communicating it is not enough. It must be accompanied by actions to implement it in order to help people flourish in learning and work, prevent discrimination, harassment and bullying and deal with it effectively when it occurs.

Self-assessment is the foundation of continuous improvement – you have to know where you are now, what you do well and where you need to improve in order to focus your resources on maintaining your strengths and addressing your areas for improvement. Although no longer a Limiting Grade, Equality, Diversity and Inclusion is an important aspect of Ofsted's Common Inspection Framework.

Good equality and diversity outcomes are requirements of both the public sector equality duty and the Common Inspection Framework. Implementing good equality practices in your organisation greatly reduces the likelihood of unlawful discrimination and can improve learner achievements where they are able to access the curriculum in a way that meets their needs and raises their confidence and potential for success. Fortunately, tried and tested good practice has been formalised into processes for reviewing personal and organisational performance and helping you to make sure your equality policy and equality training are having an effect.

Equality and diversity needs to be embedded into all aspects of the curriculum: from session planning and teaching methods to assessment procedures; from inclusive resources and materials to teaching which focuses on discrimination, harassment and victimisation because of disability, race, sex, sexual orientation, transgender, religion or belief, age and any other characteristic covered by the Equality Act 2010.

Effective learner support is important to the success of all learners. It is especially important in the further education sector, where a relatively high proportion of learners have socially and economically disadvantaged backgrounds and/or are from minority groups. Learner support impacts on retention, achievement and recruitment and can help organisations to achieve the outcomes related to Every Child Matters, learner involvement strategies, and the Common Inspection Framework.

About the pack

Managers, business support staff, teachers and trainers in the further education and work-based learning sector, and especially anyone who works directly with learners, should find this pack of use to them.

It aims to:

- provide help and advice in how to further embed equality and diversity in every aspect of work within the further education and work-based learning sector
- identify the kinds of behaviours which we need to challenge in others and strategies for doing this successfully
- provide a range of activities that can be used as opportunities for training and development for individuals, teams and learners
- ensure you have the ongoing knowledge and expertise to provide powerful leadership in relation to equality and diversity matters

This pack:

- takes you through the equality characteristics of the further education sector workforce and the learners that depend on it, the drivers of change, the moral, legal and business cases for embracing equality and diversity and the dangers of institutional discrimination
- helps you to piece together the demands of equality legislation, Ofsted requirements for effectively threading equality and diversity through all aspects of service provision including, leadership, management, curriculum, admissions, support for learners and the management of learner behaviour and government policy, and put them into words to produce meaningful and effective policies
- provides useful tips on integrating equality and diversity into planning and delivery, including collecting equality information, engaging with stakeholders, undertaking equality analysis and setting equality objectives

- signposts you to a range of good practice tools including National
 Occupational Standards, the Equality Framework for further education, the
 Framework for Excellence and the Excellence Gateway
- offers practical hints and tips on mainstreaming equality and diversity and designing and delivering inclusive programmes, including creating a safe learning environment, presenting information and dealing with challenging behaviour
- looks at what action is required by law, including protection from prohibited conduct, making reasonable adjustments and specialist provision and aids, along with ideas for general good practice that are likely to benefit everybody
- provides Appendices on Dealing with Harassment and Bullying and Further information, listing useful publications that will allow you to explore the issues discussed in further detail.

The information in the pack is supplemented by a range of activities to help you test your understanding and apply your learning to your own situation and learning environment. Many of the activities will kick start the preliminary thinking, planning and information gathering processes you will need to embed equality and diversity into your area of work.

The following icons help to guide you around the pack.



Signposts you to another section of the pack where you can find out more on the topic



Signposts you to an activity to help you develop skills or plan strategies for promoting equality and diversity



Signposts you to the Further information appendix for ideas on where to find out more about the topic



Signposts you to the

Dealing with

harassment and
bullying appendix for
further information

The case for equality in further education

1 The case for equality in further education



Why promote equality and diversity?

Equality and diversity is a complex issue, not least because it can be sensationalised in the media. It is useful to go back to basics and clarify what equality and diversity really means for individuals and for the organisation before embarking on persuading others – whether they are colleagues, learners or stakeholders – of its value.

When putting forward the case for equality and diversity it is useful to have the facts and arguments at your fingertips. You need to truly understand what you are talking about and believe in it yourself in order to be convincing.

In this section we look at:

- the equality profile of the further education workforce and its learners
- the drivers of change
- the moral, legal and business cases for embracing equality and diversity
- the dangers of institutional discrimination.

Equality characteristics of the sector's workforce and learners

The UK's further education sector is made up of around 437 general further education colleges, specialist colleges and sixth form colleges and employs around 305,243 staff. The work-based learning (WBL) sector comprises some 2,096 publicly funded WBL providers, including FE colleges, employing around 41,524 staff. This workforce is integral to meeting the learning and skills needs of millions of individual learners across the UK.

Ensuring that equality and diversity are at the heart of strategy and policy making, planning and training is a core priority of the workforce strategies for both the further education sector² and the work-based learning sector³.

http://www.lluk.org/wp-content/uploads/2011/01/WFS WBL v3 LR.pdf

¹ Lifelong Learning UK (2010) Sector Skills Assessment 2010 United Kingdom http://www.lluk.org/wp-content/uploads/2011/01/Final-SSA-2010-UK.pdf

² Lifelong Learning UK (2010) Shaping the Future: The Workforce Strategy for the Further Education Sector in England 2011 and beyond

http://www.lluk.org/wp-content/uploads/2011/01/WFS final.doc.pdf

³ Lifelong Learning UK (2010) Workforce Strategy for the Work Based Learning Sector 2011

However, equality data for the further education sector reveals that in 2007/084:

- teaching staff made up just over half (52.9%) of the workforce and managers
 6.7%
- around 44.2% of staff held degree-level qualifications or above
- over half (58.6%) of staff worked part time
- more than a third of staff (34.7%) were aged 50 or over compared to 22.4% in the labour market as a whole, and staff in this age group were more likely to be managers or in senior positions than staff in other age groups
- staff in the youngest (under 25) and oldest (60 and over) age groups were more likely to be employed on a fixed term or casual basis
- almost two thirds of the workforce (63.9%) are female
- the gender pay gap was 9.9%, with women being paid approximately £2,300 a year less than men
- females were more likely to be in administrative and secretarial roles
- male staff were more likely to be in management roles than female staff (7.3% compared to 6.6%) and almost twice as likely to be in senior management positions (5.3% compared to 2.8%)
- only 2.7% of staff had a declared disability compared to 17.9% in the general population and 14.4% in the learner population
- staff with a declared disability had similar occupational and qualification profiles to those without a declared disability
- 83.3% of staff were from a white ethnic group, 3.4% were Asian, 2.9% black, 1.3% Chinese and 0.8% were of mixed heritage
- the proportion of black and minority ethnic (BME) staff was slightly lower than in the general population (8.5% compared to 10.6%), but considerably lower than in the learner population where over a fifth of learners (20.9%) were from BME groups
- staff from BME groups had similar occupational roles to white staff, but although they appeared to be better qualifies than their white counterparts (with 47.3% of staff of mixed heritage to 55.0% of Chinese staff qualified to at least first degree level compare to 43.7% of white staff), they were less likely to hold senior management positions than those from white ethnic groups (1.8% compared to 4.0%).

⁴ Lifelong Learning UK (2010) *Annual workforce diversity profile 2007/08* http://issuu.com/lifelonglearninguk/docs/annual-workforce-diversity-profile-2007-2008-an-an?mode=a_p

in 2010 only 36% of the 353 further education colleges principals in England are women, showing some progress since the late 1990s, when women accounted for only 25% of college principals in England, and since 2006 when they accounted for only 28%⁵

Of the 4,621,300 learners participating in further education (learners who are studying on a course at a further education college or training provider, learners who are studying a course within their local community, employees undertaking an apprenticeship, and employees undertaking other qualifications in the workplace) in 2009/10⁶:

- 54.9% were female, 45.1% were male
- 12.1% of learners declared a learning difficulty, disability or health problem
- 17.5% were from a Black or minority ethnic background
- 23.7% were aged under 19; 16.6% were aged 19-24 and 59.3% were aged 25 or older.

Of the 491,300 participating in apprenticeships (paid jobs that incorporate on and off-thejob training leading to nationally recognised qualifications) in 2009/10⁷:

- 46.9% were female, 53.1% were male
- 37.9% were aged under 19; 42.9% were aged 19-24 and 19.1% were aged 25 or older
- 9.7% of learners declared a learning difficulty, disability or health problem
- 7.0% were from a Black or minority ethnic background

Of the 491,300 participating in learner responsive learning (further education learning delivered mainly in a classroom, workshop, or through distance or e-learning) in 2009/108:

- 54.0% were female, 46.0% were male
- 15.5% of learners declared a learning difficulty, disability or health problem
- 21.0% were from a Black or minority ethnic background
- 39.7% were aged under 19; 14.1% were aged 19-24 and 46.1% were aged 25 or older.

⁸ Ibid

⁵ Women's Leadership Network (2010) Climbing the greasy pole to the glass ceiling http://www.wlnfe.org.uk/downloads/Climbing.pdf http://www.wlnfe.org.uk/press-march.html

⁶ Department for Business, Innovation & Skills (2011) Post-16 Education & Skills Statistical First Release DS/SFR

http://www.thedataservice.org.uk/NR/rdonlyres/A04B9E58-DD37-42BA-91DB-8593C893D13F/0/SFRcommentaryFINALPublished.pdf

⁷ Ibid

The equality and diversity jigsaw pieces in further education

2 The equality and diversity jigsaw pieces in further education



The jigsaw puzzle

As the importance of embracing equality and diversity has been recognised and assumed greater significance over the years, so legislation, statutory and non-statutory requirements, education policy and guidance have been produced each making its own demands on further education and work-based learning providers.

The piecemeal nature of these demands can seem confusing and making sure your organisation can show that it 'ticks all the boxes' can seem a daunting prospect, but truly embracing and mainstreaming equality and diversity will do this for you.

In this section we look at:

- what learning providers are required to do
- how to develop an effective equality and diversity policy that covers all the requirements
- translating the policy into action and making sure it works.

What are learning providers required to do?

Equality legislation

Prohibited conduct

Learning providers must comply with equality legislation appropriate to their roles as employers and as education and vocational training providers, public authorities or private and voluntary sector organisations carrying out 'functions of a public nature' on behalf of public authorities and/or as service providers.

The legislation outlaws direct discrimination (including discrimination by association, discrimination by perception and discrimination arising from a disability), indirect discrimination, harassment and victimisation because of protected characteristics such as age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, ethnic or national origin), religion or belief and sexual orientation.

The following chart provides a brief summary of the types of discrimination that are protected by law.

Prohibited conduct	Description
Direct discrimination	Someone is treated less favourably than another person because of a particular protected characteristic
Associative discrimination	Direct discrimination against someone because they associate with another person who has a particular protected characteristic
Discrimination by perception	Direct discrimination against someone because the other think they possess a particular protected characteristic
Indirect discrimination	Can occur when an organisation has a rule or policy that applies to everyone but disadvantages people with a particular protected characteristic
Prohibited conduct	Description
Discrimination arising from disability	Someone with a disability is treated unfavourably because of something arising in consequence of their disability Note – this is not unlawful if the organisation does not know, and could not reasonably be expected to know, that the person has the disability
Harassment	Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual Note – the conduct does not have to be repeated, directed at them or aimed at upsetting them
Harassment by a third party	Employers are potentially liable for harassment of their staff by people they do not employ
Victimisation	Someone is treated unfairly because they have made or intend to make a complaint about discrimination or harassment or they have supported someone making a complaint about discrimination or harassment

The following charts provide a brief summary of the types of discrimination and the characteristics that are protected under different circumstances.

Learning providers as employers: What the law prohibits at work

Prohibited				Protect	Protected characteristic	ristic			
conduct	Age	Disability	Gender reassignment	Marriage & civil partnership	Pregnancy & maternity	Race	Religion or belief	Sex	Sexual orientation
Direct discrimination	>	>	>	>	>	>	>	>	>
Discrimination by association	>	>	>	No protection	No protection	/	/	<i>></i>	>
Discrimination by perception	>	>	/	No protection	No protection	/	~	<i>^</i>	/
Indirect discrimination	>	>	>	>	No protection	>	✓	>	>
Harassment	>	>	>	No protection	No protection	>	>	>	>
Harassment by a third party	>	>	>	No protection	No protection	>	~	>	>
Victimisation	>	>	>	>	>	>	>	>	>

Integrating equality and diversity into planning and delivery

3 Integrating equality and diversity into planning and delivery



Building equality and diversity into everyday practice

Having a written policy is not enough. It must be accompanied by actions to help people flourish in learning and work, prevent discrimination, harassment and bullying – whether deliberate or inadvertent – from occurring, and for dealing with it effectively when it does. At a minimum these practices and procedures must ensure compliance with the law and meet Ofsted's requirement that the provider is effective in promoting equality and diversity, tackling discrimination and narrowing any achievement gap.

To this end, learning providers may put in place systems to ensure:

- fair recruitment and selection of staff
- training, development and promotion opportunities are open to all staff
- course entry requirements are fair and inclusive
- learners or staff with disabilities have the same access to work and learning as non-disabled learners and staff
- a sensitive response to the religious needs of staff and learners
- concerns, complaints and grievances can be expressed and addressed without fear of reprisal
- data about engagement, performance, progression and attainment of learners and staff can be analysed by different protected characteristics to identify and address variation between different groups
- new and existing policies and procedures undergo equality analysis to determine whether there are any unintended consequences for some groups and whether the policy are fully effective for all target groups.



See the activity on **Familiarising yourself with relevant policies and procedures** to identify what is expected of you and others to ensure everyone is treated fairly

Collecting equality information

The collection and analysis of equality data is the cornerstone of effective planning and delivery.

Although there is no express requirement in the general equality duty to collect and use equality information about all protected groups, public authorities need such information to understand the effect of their policies and practices.

Those public authorities covered by the specific duties are required to publish information by January 2012 and thereafter annually in a way that is accessible to the public to demonstrate their compliance with the general equality duty – in particular information relating to their employees (for bodies with 150 or more staff) and others affected by their policies and practices (such as service users).

It is likely that the organisation will want to develop an equality profile of its staff to help understand key equality issues in the workforce, for example by looking at the numbers with different protected characteristics who:

- are at different grades or levels
- in different occupational roles
- · work full time or part time
- are recruited, promoted, made redundant and leave
- undertake training
- report grievances, including incidences of harassment
- return to work after maternity leave
- the results of staff satisfaction surveys by protected group

In terms of learners, the organisation may collect information on recruitment of learners, attainment, drop-out, satisfaction levels and progression (both internal to the organisation and externally) for protected groups. As well as quantitative data, sources may include qualitative data from inspection reports, surveys, feedback and even anecdotal data.

However, it is important to collect only the information that you can use effectively. Generally people are more likely to provide information if it is collected anonymously and no-one is obliged to supply you with any information at all.

You should also be clear about the purpose of your questions and how the information will be used, who will see it and how privacy will be respected. It is important to reassure the people who are giving you personal information that it will not be used to

discriminate against them and that you will gather, keep and use the information in a way that ensures this.

Individual data should only be shared on a 'need to know' basis, and should be protected and stored securely in line with data protection rules. It should be clear that a breach of confidentiality in respect of monitoring data will be regarded as a disciplinary matter.

The terms used in monitoring materials will never perfectly reflect the complete range of human identities, and language can change between generations and across cultures. Inappropriate language can create a further barrier for inclusion and equality.

Best practice suggests, for example, that there should always be a 'Prefer not to say' option to save leaving the section blank if the respondent does not wish to answer that particular question. It acknowledges an individual's right not to identify their protected characteristic and it is important that no inference is made about the person's protected characteristic, for example their sexual orientation, simply because they have preferred not to disclose it.

Offering 'Other' as an option provides an opportunity for respondents to identify in a different way if they do not feel the alternative categories are suitable.

Gender identity (transsexual or transgender status) is not sexual orientation, and should not be included in the section on sexual orientation; neither should it be a 'third sex' option in a section on gender. As different trans people describe themselves with different labels, and what one person is happy to adopt offends another, it is better to use descriptive questions that do not rely on a particular terminology, for example 'Is your gender identity the same as the gender you were assigned at birth?' or 'Do you live and work full time in the gender role opposite to that assigned at birth?'



See the activity on **Devising and inclusive monitoring form** to help you devise data collection forms that people are more likely to respond to favourably

Collecting equality information is not an end in itself – it should be analysed, interpreted and used to advance equality and good relations.

Analysing equality information will help you to:

• understand the effect of your policies, practices and decisions on different groups and plan them more effectively

4 The self-assessment process

4 The self-assessment process



Securing continuous improvement in further education

All learning providers are required to adopt strategies for securing continuous improvement.

Continuous improvement involves:

- self-assessment
- development planning and target setting
- monitoring
- reviews of progress in achieving plans and targets
- sharing of good practice
- external inspection.

Self-assessment is the foundation of continuous improvement – you have to know where you are now, what you do well and where you need to improve in order to focus your resources on maintaining your strengths and addressing your weaknesses. The equality and diversity perspective needs to be embedded throughout the process and the report rather than being a "bolt on" section at the end which may appear to be an afterthought.

The self-assessment report and inspection

Learning providers must complete an annual self-assessment report that is based on self-assessment, development planning and responding and acting upon learner feedback and which evaluates all aspects of their provision, both accredited and non-accredited.

The requirement for providers to undertake self-assessment began as a preparation for inspection, but it is also an essential business process in its own right. The chief purpose of self-assessment is to support the provider's own work on quality improvement and to measure progress against its own mission and goals. The use by other organisations, though important, is secondary.

Although evaluating the success of learners is at the heart of self-assessment, it is also very much about assessing how well the needs of employers and communities are being met and the active promotion of equal opportunities and health and safety. Self-assessment also makes clear the provider's capacity to bring about improvement and their success in doing so.

Thorough self-assessment and effective action planning are essential to tackle areas identified for improvement, including satisfactory but not improving provision, and should be an integral part of an organisation's quality improvement arrangements.

Effective self-assessment, supported by an integral quality improvement plan that takes into account the outcomes of inspection, is the key to improvement. The basis of self-assessment will derive from the five key questions in the Common Inspection Framework (CIF):

- How well do learners achieve?
- How effective are teaching, training and learning?
- How well do programmes meet the needs and interests of learners?
- How well are learners guided and supported?
- How effective are leadership and management in raising achievement and supporting all learners?

Although the self-assessment report should use the five questions as its basis, the questions should be interpreted flexibly to reflect the provider's own mission, goals and context. The reports should be graded using the above grades (1 = Outstanding, 2 = Good, 3 = Satisfactory, 4 = Inadequate) and descriptors used in the CIF for each key question and for separate curriculum/subject sector areas.

When an inspection is planned, Ofsted uses the provider's annual self-assessment report, along with other information such as data on achievement and development plans. Inspection reports include judgements on self-assessment and the self-assessment report.

During the inspection the self-assessment report will continue to provide Ofsted inspectors with crucial evidence to support judgements about the Common Inspection Framework's main aspects, the contributory grades for equality and diversity, safeguarding and the provider's capacity to improve. Inspectors will use the report to assess risk, monitor standards and plan for inspection. Where subject areas are to be inspected, the report will help the lead inspector select the areas to inspect. Findings during the inspection will be compared with those in the self-assessment report, and a conclusion reached on the accuracy of those judgements.

Judgements on the accuracy and use made of the self-assessment report contribute to the grade awarded for the provider's capacity to make and sustain improvements.

- A provider that is judged to be **outstanding** in this area will have a selfassessment report that is highly accurate. The process of self-assessment will be comprehensive and inclusive. It will be used very effectively to secure sustained improvements in all aspects of the provider's work.
- A provider that is judged to be **good** in this area will have a self-assessment report that is largely accurate. The process will be thorough and used well to secure improvements in most aspects of the provider's work.
- A provider that is judged to be **satisfactory** in this area will use self-assessment well to identify most of the provider's strengths and weaknesses and bring about improvements.

• A provider judged to be **inadequate** in this area may be one where quality improvement and self-assessment do not lead to demonstrable improvements.

After inspection you must review and update your plans to take account of the inspection findings. Providers are required to set out clearly what actions are needed and to link this explicitly to the inspection findings within two months of the publication of the inspection report.



See the **Further information** section for ideas on where to find out more about self-assessment and the Common Inspection Framework

Features of effective self assessment

To be effective, the process should:

- be an integral part of the organisation's management
- be conducted in a climate of trust in which staff can be constructively self critical about their performance
- involve governors, boards of directors, trustees, chief executives and senior managers leading by example and self-assessing their own performance
- involve managers at all levels evaluating the effectiveness of the selfassessment in securing improvement.

Ofsted does not require a provider to produce a self-assessment report in any prescribed format, but its purpose is to show how you can maintain high quality and ensure improvement. This is achieved by demonstrating understanding of:

- what you do well
- what needs improving
- how improvement can be monitored, achieved and evaluated.

To do this you will need to draw upon a wide range of robust performance data to inform your report and compare your performance with others through use of nationally available benchmarking data, such as Ofsted reports and achievement statistics. Analysing trends over time and demonstrating how you have influenced and responded to change in these is another important feature of the report.

Responsiveness to the needs of learners, employers and the community is a key requirement in planning provision and providers must promote equal opportunities through all aspects of their work. Therefore these themes will be a key feature of a self-assessment report.

Good practice for the FE sector

5 Good practice for the FE sector



The term 'good practice' is often used to mean effective practice, practice that promises results or best practice. Good practice aims to remove all kinds of barriers, to provide a range of effective mechanisms and supports, and to empower and involve people at all levels. Here we have defined 'good practice' as approaches that work well, can be replicated and save you from 'reinventing the wheel'.

Good equality and diversity outcomes are requirements of both the public sector equality duty and the Common Inspection Framework. Implementing good equality practices in your organisation greatly reduces the likelihood of unlawful discrimination or poor inspection grades for equality and diversity, so it is important to have a clear idea about what is going on and to take active measures to improve your organisation's equality performance.

National Occupational Standards

National Occupational Standards (NOS) describe what a person needs to do, know and understand in their job, in order to carry out their role in a consistent and competent way. In essence, they inform best practice.

All NOS are based on a framework of individual standards (known as a 'suite') with each standard representing a function or activity in the workplace. Within each unit the required standards of performance and related knowledge and skills for that activity are described in the form of outcomes of effective performance and statements of required knowledge and understanding. Some standards also feature a range of typical behaviours underpinning effective performance.

Suites of national occupational standards relevant to job roles in the further education sector include:

- career development for advisers in guidance services such as university or college careers services and tutors, coaches, mentors and others who offer educational information, career, or employability related advice and guidance as part of their role
- learner involvement
- learning support staff

- learner delivery for practitioners who engage the learner in the learning process including in the design and development of provision, promote an environment of mutual respect that empowers the learner to learn, and promote inclusion and participation
- learning and development for learning and development practitioners who
 are involved in developing and assessing the skills, knowledge and
 competence of learners primarily in the workplace or in work-related
 programmes of learning such as in-house trainers and training managers,
 external trainers, managers and consultants, assessors and verifiers

Competencies associated with equality and diversity issues feature repeatedly in the standards at all levels for people working in professional, managerial, support and technical occupations in the further education sector.

Lifelong Learning UK, the former sector skills council for the lifelong learning sector, has also produced overarching professional standards for teachers, tutors and trainers in the lifelong learning sector, which describe in generic terms the skills, knowledge and attributes required of those who perform the wide variety of teaching and training roles undertaken within the sector with learners and employers²⁴.

The practice of teaching is underpinned by a set of professional values that should be observed by all teachers, tutors and trainers in all settings – one of these is equality, diversity and inclusion in relation to learners, the workforce, and the community (standard number AS 3 relating to professional values and practice) another is commitment to planning to promote equality, support diversity and to meet the aims and learning needs of learners (standard number DS 1).

Professional knowledge and understanding includes:

- issues of equality, diversity and inclusion (standard number AK 3.1 relating to professional values and practice)
- ways to ensure that resources used are inclusive, promote equality and support diversity (standard number BK 5.2 relating to learning and teaching)
- how to plan appropriate, effective, coherent and inclusive learning programmes that promote equality and engage with diversity (standard number DK 1.1 relating to planning for learning)
- issues of equality and diversity in assessment (standard number EK 2.1 relating to assessment for learning)

http://webarchive.national archives.gov.uk/20110414152025/http://www.lluk.org/wp-content/uploads/2010/11/new-overarching-standards-for-ttt-in-lifelong-learning-sector.pdf

²⁴ Lifelong Learning UK (2006) New overarching professional standards for teachers, tutors and trainers in the lifelong learning sector

Professional practice includes:

- applying principles to evaluate and develop your own practice in promoting equality and inclusive learning and engaging with diversity (standard number AP 3.1 relating to professional values and practice)
- demonstrating good practice through maintaining a learning environment which conforms to statutory requirements and promotes equality, including appropriate consideration of the needs of children, young people and vulnerable adults (standard number AP 6.2 relating to professional values and practice)
- selecting, developing and evaluating resources to ensure they are inclusive, promote equality and engage with diversity (standard number BP 5.2 relating to learning and teaching)
- plan coherent and inclusive learning programmes that meet learners' needs and curriculum requirements, promote equality and engage with diversity effectively (standard number DP 1.1 relating to planning for learning)

Equality framework for further education

The Equality Framework was developed as a response to the needs of diverse staff and learners and to advance equality in lifelong learning. The framework acts as a continuous performance improvement tool, enabling learning providers to meet the diverse needs of staff and learners and promote consistent practices across the sector.

The framework is based on an organisation's own self assessment and uses the same principles of evidence gathering as the Common Inspection Framework to demonstrate that equality and diversity outcomes have been considered across five organisational performance areas.

- leadership and organisational commitment
- learner and stakeholder engagement
- learner achievement, access and experience
- a modern and diverse workforce
- community awareness and equality mapping

It requires demonstrable activity across all equality areas: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

6 Building equality into teaching and learning

6 Building equality into teaching and learning



Mainstreaming equality and diversity

Although most further education providers have a cosmopolitan and varied learner population, some educational institutions do not have this mix of learners. However, all learning providers should recognise that learners move on and out into different geographical areas for study and work. On exit, they should have skills and experiences that prepare them for today's multi-cultural and diverse society.

Equality and diversity in teaching and learning should be delivered by mainstreaming these issues into the curriculum. Equality and diversity has to be embedded into all aspects of the curriculum: from session planning and teaching methods to assessment procedures; from inclusive resources and materials to teaching which explore the nature and impact of discrimination, harassment and victimisation because of disability, race, sex, sexual orientation, transgender, religion or belief, age and so on.

Effective mainstreaming will happen when 'equality and diversity' permeates every aspect of curriculum design, planning, and delivery. It is not occasional 'good practice' simply bolted on to what usually happens in the classroom.



See the **How well do you mainstream equality and diversity?** activity to help you identify the areas where you are performing well and where there is room for improvement



See the **Equality and diversity professional health check** activity to help you identify the areas where you personally are performing well and where there is room for improvement

Designing inclusive programmes

Planning for inclusion

A programme that mainstreams equality and diversity should value and respect all learners.

- Curriculum planning should take account of the gender, transgender, ethnicity, family circumstances, social class, sexual orientation, disability, religion or belief, age and language of all learners.
- Steps should be taken to ensure that the curriculum draws on areas of interest to learners from all groups.
- The organisation should monitor and evaluate its effectiveness in providing an appropriate curriculum for learners from all backgrounds.
- Assessment methods should be checked for bias and action taken to remove any bias that is identified.
- Teaching methods and styles should take account of the needs of learners from different groups.
- Teaching methods should encourage positive attitudes to mainstreaming equality and diversity.
- Resources that promote a greater understanding of equality and diversity should be used in all areas of the curriculum.
- The language, resources, images and contexts used in the classroom should be inclusive and diverse mirroring the learners' own lives and offering insight into other lives.
- Learners' self-esteem should be encouraged by the celebration of all learners and the groups to which they belong.
- Learners' abilities to understand and empathise should be developed through learning about aspects of many people's lives.
- All learners' sense of belonging should be strengthened and all learners should be encouraged to value and respect 'others'.
- The organisation should have active links with a wide range of groups within the community.
- Staff, senior managers and board members should undertake regular and systematic training programmes on equality and diversity issues.

Whether you are delivering a single session of a programme or planning the whole programme, you need to review your expectations of learners. What do you expect the learners to do in each session?

For example, do you expect them to:

- make use of handouts and other print material
- watch videos
- follow a PowerPoint presentation

- use interactive technology
- work within small groups
- feed back in plenary
- work in pairs
- take notes
- contribute verbally within the whole group
- undertake further reading.

Do not assume that all learners will be able to approach these tasks with the same level of ease. Plan for a mix of visual and oral presentations and exercises to allow for difference in learning styles and ways of understanding and contributing.

Course content

The wider curriculum should provide learners with an understanding of discrimination, harassment and victimisation. It should:

- explore what people have in common and their uniqueness
- teach learners to see beyond labels and stereotypes, to understand that everyone has a complex identity and belongs to many groups
- explore learners' feelings and beliefs about difference
- consider in which circumstances certain aspects of a person's identity offers them choices and opportunities
- teach about groups that face discrimination, harassment and victimisation
- teach learners about personal/cultural/institutional discrimination
- explore reasons why discrimination occurs
- build learners' capacity to challenge discrimination against themselves and others
- encourage learners to stand up for themselves, each other and unknown others
- provide learners with an insight into the experience of being discriminated against, discriminating, witnessing discrimination and taking action against discrimination
- engage learners in learning activities directly related to exploring injustice, inequality, prejudice, discrimination and human rights.

Supporting Learning

7 Supporting learning



The legal framework

People are protected by law from discrimination because of their race (including colour, nationality and ethnic or national origin), gender, gender identity, disability, religion or belief, sexual orientation, age, marriage and civil partnership, and pregnancy and maternity. This protection covers people in employment, education and training, when providing goods, services and facilities, and when buying or renting property.

There is no direct protection against discrimination – including harassment and bullying – on other grounds, although behaviour that leads to an employee resigning may be viewed as 'constructive dismissal' and undue stress may become a health and safety issue.



See Module 2: The Equality and Diversity Jigsaw Pieces for further information on equality legislation as it applies to learning providers



See the **Further Information** section for ideas on where to find out more about equality legislation

The following chart provides a brief reminder of the types of discrimination that are protected by law.

Prohibited conduct	Description
Direct discrimination	Someone is treated less favourably than another person because of a particular protected characteristic
Associative discrimination	Direct discrimination against someone because they associate with another person who has a particular protected characteristic
Discrimination by perception	Direct discrimination against someone because the other think they possess a particular protected characteristic
Indirect discrimination	Can occur when an organisation has a rule or policy that applies to everyone but disadvantages people with a particular protected characteristic

Prohibited conduct	Description
Discrimination arising from disability	Someone with a disability is treated unfavourably because of something arising in consequence of their disability Note – this is not unlawful if the organisation does not know, and could not reasonably be expected to know, that the person has the disability
Harassment	Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual Note – the conduct does not have to be repeated, directed at them or aimed at upsetting them
Harassment by a third party	Employers are potentially liable for harassment of their staff by people they do not employ
Victimisation	Someone is treated unfairly because they have made or intend to make a complaint about discrimination or harassment or they have supported someone making a complaint about discrimination or harassment



See the **Does the law protect them?** activity to test your understanding of the law and your organisation's anti-discrimination policies

Effective learner support

Effective learner support is important to the success of all learners. It is especially important in the further education sector, where a relatively high proportion of learners have socially and economically disadvantaged backgrounds and/or are from minority groups. These learners are statistically more likely to experience poor health and well-being and to encounter more complex barriers to learning than learners in other sectors.

Learner support will impact on retention, achievement and recruitment. It will help organisations to achieve the outcomes expected of providers, including those related to Every Child Matters, learner involvement strategies, and the Common Inspection Framework.

Success factors for organisation-wide learner support include:

On admission

- encouraging applicants to complete a diversity monitoring form, explaining that the information will be kept confidential and that it is used to make sure that the organisation is addressing the needs of all learners
- gathering relevant information to identify the support provision needed by learners
- systems and strategies to identify 'at-risk' learners
- raising awareness of learner support provision

On induction

- encouraging learners to verify their diversity profile and identify any additional needs
- developing learner awareness of the learner support provision available
- screening learners to identifying support needs and creating support packages
- making appropriate arrangements to assess the abilities of learners whose first language is not English

On programme/on course

- encouraging learners to access optional support provided
- communication in advance with any signers, note-takers or welfare support workers, where appropriate
- monitoring learners' progress and achievements closely by disability, gender, age and racial group
- identifying, monitoring and tracking 'at-risk' learners
- being responsive to learners' needs
- offering structured learner support provision
- encouraging and motivating learners to take responsibility for identifying their support needs to improve retention, achievement and progression
- supporting staff to support learners
- maintaining strong communication networks with staff, parents/carers and external organisations to improve pastoral provision
- encouraging learners to assess the effectiveness of their learner support provision
- providing advance information to learners about assessment dates and requirements
- making reasonable adjustments when assessing individuals with learning difficulties and/or disabilities

Appendix 1 Dealing with harassment and bullying

Appendix 1 Dealing with harassment and bullying



Investigating a complaint

If harassment or bullying is reported a clear consistent response is essential. The member of staff to whom it is reported should immediately investigate so as to understand the nature of the concern.

If it is not clear who the perpetrator is, it may be more productive to focus on the future than to spend time while each party denies it. In such cases steps could be taken to agree with the learners how they will behave in future.

When carrying out and investigation:

- Talk with the learner who is complaining. Reassure them that they took appropriate action in reporting the incident or general situation to you.
- Assure them that you will do your best to ensure he or she is safe from retaliation, but you need to know immediately about any such behaviour or ongoing harassment or bullying the victim experiences.
- Ask the learner to tell you the whole story in his or her own words. Listen; take notes. Write down relevant facts such as dates, times, situations, witnesses, and anything else that seems relevant.
- Tell the learner or member of staff accused that a complaint has been made, and that acts of retaliation will not be tolerated. Ask the person to be patient while you conduct a thorough investigation of the complaint.
- Assure the person accused that a fair and just investigation will be conducted on their behalf as well as that of the accuser.
- Interview any potential witnesses in the same manner. Ask open-ended questions and seek facts that support or disprove the learner's allegations.
- Interview the person who is accused of harassment or bullying. Apply the same listening and respectful approach you accorded the person who made the complaint and the other witnesses.
- Take all the information you received and attempt to reach a decision. Make
 the best decision that you can with the information you have. Consult with
 other colleagues to do the right thing.

- Make decisions about whether harassment or bullying occurred. Apply the appropriate disciplinary procedure to the appropriate people, based on your findings.
- Recognise that you are not perfect; no situation can be perfectly investigated.
 Even when harassment or bullying may have occurred, there may be no facts or witnesses that corroborate a complainant's statement.

Responding to harassment and bullying

When harassment or bullying occurs, the goals of any intervention should always be to:

- make the victim safe
- stop the bullying or harassment and change the perpetrator's behaviour
- make clear to every learner that bullying and harassment is unacceptable

The starting point for any intervention should be to take the complaint seriously and talk to the learner who has been bullied or harassed, establish what has happened, and agree a way forward. Take care to avoid humiliating the victim by taking actions which make them seem weaker, powerless or a 'grass', and help them become more resilient, for example by building up their self-confidence, emphasising their strengths and helping them to develop protective friendships.

Address any prejudice exhibited with the whole group – whether within learning environment or outside it.

Work with the person doing the harassing or bullying to help them understand their behaviour, and its effects on others. The overall goal is to ensure the harassment or bullying stops and the person's behaviour changes.

- Make it clear that it is the behaviour that is the issue, not the person.
- Help them to find other ways to manage their emotions.
- Help them to empathise with the feelings of the victim, and challenge any prejudice.
- Avoid granting the harasser or bully hero status or marginalising them so that you have no influence.

People who harass and bully often appear to comply but may still harass or bully someone else, or harass or bully more secretively so that they do not get caught. Strong controls, strictly enforced, may stop the behaviour but it is unclear whether the person's behaviour and prejudices have really changed.

Monitor the situation.

- Record any further incidents and the action taken.
- Report back to the victim.
- Follow up, discreetly, with the victim to make certain the harassment or bullying has actually stopped, and that they feel safe.
- Use an incident as a learning opportunity for everyone.
- Pass any concerns about a learner to other staff who may be teaching them.
- Raise awareness and empathy for people from vulnerable groups to reduce the harassment and bullying learners from these groups might experience.

Appendix 2 Further information

Appendix 2 Further information



Common Inspection Framework

Ofsted (2010) Handbook for the inspection of further education and skills from September 2009, revised September 2010

http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Handbook-for-the-inspection-of-further-education-and-skills-from-September-2009

This handbook provides guidance for providers and inspectors on the implementation of the Common Inspection Framework for inspecting all education and training within the further education (FE) and skills sector. It offers guidance on the preparing for and conduction of inspections and guidance on how the Common Inspection Framework is used by inspectors to award the main and contributory grades.

Learner voice

Learning and Skills Council (2007) *Developing a learner involvement strategy* http://readingroom.lsc.gov.uk/lsc/National/nat-281718-learn-strat-may07.pdf

This handbook aims to support providers as they develop their own learner involvement strategies. It includes a framework and questions that will help providers in developing their own mechanisms for engaging with, and responding to, the needs of individuals, alongside examples of approaches that other providers have found helpful.

Gold dust website

http://golddust.bdplearning.com/

This website has an *Equality, diversity and inclusion* with a webpage on *The learner voice* that contains which can stimulate discussion and ideas about how to increase learner involvement.

Legislation

Acas (2011) *The Equality Act: What's new for employers?* http://www.acas.org.uk/CHttpHandler.ashx?id=2833&p=0

This guide explains the key changes to equality legislation that came into effect on 1 October 2010 and which employers need to be aware of – what stays the same, what's changed and what's new.

Government Equalities Office (2010) *Equality Act 2010: What do I need to know? A summary guide for public sector organisations*

http://www.equalities.gov.uk/pdf/401727_GEO_EqualityLaw_PublicSector_acc.pdf

This guide explains clearly the key changes to equality legislation for organisations providing services and public functions that came into effect on 1 October 2010 – what stays the same, what's changed and what's new.

Equality and Human Rights Commission (2010) *Equality Act 2010 Draft Code of Practice: Further and Higher Education*

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/draftcopfehe1.pdf This document is a Statutory Code of Practice. This is the authoritative, comprehensive and technical guide to the detail of law. The final version is due to be laid before Parliament in Summer 2011.

Managing challenging behaviour

Townsend J (2011) *The managing difficult participants pocketbook*, Management Pocketbooks, 2nd Revised edition, RRP £7.99

Sample pages available at:

http://www.pocketbook.co.uk/pdf/9781903776810.pdf http://www.pocketbook.co.uk/pdf/9781906610296.pdf

This is a collection of 24 portraits of 'difficult' participants encountered on training courses and at meetings. Meet the Trapper, the Griper, the Silent Cynic, the Whisperer and their many friends. Learn how to cope with them using such techniques as 'blockbusting', 'psychological judo', 'reframing', 'self-revelation' and 'confrontation'. Cartoons of the characters add to the humorous approach and there are four mini case studies.

Train4CSR (2010) Trainer's handbook

http://www.train4csr.eu/data/files/Training_Manuals/Trainers_Handbook_English.pdf

Although produced to facilitate the development of corporate social responsibility training, this handbook is used for planning and managing any training. It contains references to training theory and how to apply it in practice. There are useful sections on difficult situations and handling complex group dynamics.

United Nations Environment Programme website http://www.unep.org/ieacp/iea/training/guide/

Although aimed at integrated environmental assessment, this section on developing and delivering training provides useful insights into how to resolve a difficult situation (Section 3.4) and how to deal with 'difficult' participants (Section 3.5)

Policies to promote equality and tackle bullying

Acas (2011) *Delivering equality and diversity* http://www.acas.org.uk/CHttpHandler.ashx?id=1048

This guide takes you though reviewing your existing equality policy and action plan, monitoring how the policy is working in practice and taking action, where it is needed, to address inequality or promote diversity. It also has a useful question and answer section, along with a sample equality policy and monitoring form.

Department for Children, Schools and Families (2009) *Safe from bullying in further education colleges*

http://www.education.gov.uk/publications/eOrderingDownload/Safe_from_Bullying-FE.pdf

This guidance outlines what bullying might take place in further education (FE) colleges, the steps that can be taken to prevent bullying happening in the first place and to respond effectively when bullying does occur. It has been primarily written to tackle bullying of learners aged 18 and under but is also relevant to tackling bullying or discrimination of other learners.

Department for Education website Racist bullying

http://www.education.gov.uk/schools/pupilsupport/behaviour/bullying/racist/b00103 14/racist-bullying

Activities

Activity: Business case to business benefits



Aim

This activity will help you to prepare convincing arguments for embracing equality and diversity that you can use with colleagues, learners and stakeholders.

How to

Turn the general business benefits of embracing equality and diversity into specific benefits for the organisation, staff and learners by adding the 'so that'.

For example:

Embracing equality and diversity	So that
Helps to retain talented people	 the organisation doesn't incur the costs (time, money) of leaver administration, interim cover, recruitment, selection and training learners/staff continue to receive quality input

You can use the blank rows at the end of the grid to add your own ideas.

You can also develop and apply these organisation-specific arguments when you are promoting equality and diversity to other organisations such as those providing work experience placements.

Activity Sheet: Making the business case personal

Embracing equality and diversity	So that
Strengthens cultural values within the organisation	
Enhances the organisation's reputation with potential employees	
Enhances the organisation's reputation with potential learners	
Helps to attract highly talented people	
Helps to retain talented people	
Improves innovation and creativity	
Improves motivation and productivity	
Leads to better understanding of the staff and learner needs	
Lowers absentee rates	
Leads to less litigation and negative publicity	

Embracing equality and diversity	So that
Increases the learner base	
Involves tailoring learning to meet the needs of diverse groups	
Leads to learners from different groups achieving equally well	
Involves setting realistic and inclusive entry requirements	