Date: 4 September 2008
Subject: Equality and Diversity Committee
Location: Centre Point, London
Time: 10:30
LSC office: National Office
Publication intent: Internal

Present: Shirley Cramer
Jeremy Crook
Nicola Dandridge
Patrick Grattan
Amir Kabal
Peter Lavender
Alyson Malach
Judith Norrington
Mary Marsh
Bushra Jamil
Anthony Wilkes

In attendance: Verity Bullough
Lesley Davies
David Cragg

LSC staff: Karen Murray
Dan Simons
Pete Sanders

Apologies: Apologies have been received from:
Anne Madden
Steven Lowden
Sally McEnhill
David Barker

Item 1. Welcome and introductions
1.1 The Chair welcomed the members and introduced Verity Bullough, the National Director of Funding, Planning and Performance and Lesley Davies Director of Framework for Excellence and Quality.
1.2 The agenda follows the key areas identified at the last meeting, and this will be continued on the November agenda.

**Item 2. Minutes of last meeting**

2.1 The minutes of the last meeting were approved.

**Item 3. Matters arising**

3.1 Item 3.2 – An up-to-date ‘Who’s who’ has just been printed which can now be sent to the Committee.

3.2 Item 3.4 – The SFA consultation is still some way off publication.

3.3 Item 3.12 – Julie Nugent will be presenting an item on the November agenda.

3.4 Item 4.14 – Stephen Gardner has had a follow-up meeting with Patrick Grattan.

3.5 Item 5.3 – Jeremy Crook has received a letter from Chris Banks which was very encouraging and agreed the action plan.

3.6 Shirley Cramer gave an update on the work of the Committee at the last National Council meeting. Chris Banks thanked all the members of the Committee and the subgroups for their work.

**Item 4. Machinery of Government**

4.1 Verity Bullough informed the Committee that there is very little that has been released into the public domain since July that provides any new information. The only confirmed action is that the successor bodies will be based in Coventry. The business models for the youth and adult agenda will be produced and sent out for consultation in September. The Bill for closing the LSC is now being drafted.

4.2 The size of the youth agencies is still to be decided, and many questions around the LEAs still exist, particularly with regards to their interactions. Building capacity in the LEAs is starting and mechanisms for transferring LSC staff are being written into next year’s business cycle.

4.3 The performance management role and mechanisms are still being debated however the general structures have been devised.

4.4 The adult agenda is much less clear and it has not yet been decided how the agency will look, what resource it will take or what remit it will have. The debate is still ongoing and several options are still being investigated.

4.5 Each activity the LSC currently undertakes will be divided between DIUS, DCSF and one of the agencies, there is also the option to sub-contract activities out and abolish them. The detail of what is happening to each activity has not yet been decided, however the ultimate aim is that the transition is as seamless as possible so that learners and providers are not inconvenienced. It is apparent that DIUS and DCSF are not yet fully aware of all the activities of the LSC and it will be a difficult task to ensure that all tasks are considered carefully.

4.6 Verity outlined her responsibility for risk management and confirmed that it is impossible to have no risk, but the risks that are present must be fully
understood, as well as their impact and how to mitigate them as far as possible.

4.7 The Committee were asked to critique the business models, when published, and in particular consider them from the learner perspective which is in danger of getting forgotten.

Action: If the models are published before the November Committee meeting. These should be circulated as early as possible and responses collated.

4.8 The Committee noted that this system and business model is unlikely to be fit for purpose and fitting policies, processes and people into it will cause many more problems than it is designed to solve.

4.9 There is no evidence to suggest that splitting DfES into DIUS and DCSF has helped cross-departmental working, furthermore there is evidence to suggest that the working relationship between the two departments are strained.

4.10 The Committee hoped that impact assessments would be carried out on all of the proposed plans. Members were inclined to raise concerns via local MPs and highlight individual cases.

4.11 Verity gave a brief update on the current EMA payment situation which has had press coverage over the last few days. The situation gave great cause for concern and is the result of a contractor not providing adequate resources or having robust systems QA in place. The risks were identified early and mitigated as far as possible. 400 extra staff have now been brought in and the situation will be resolved within 3 weeks. It was noted that the previous contractor worked very well and it was frustrating to have to re-tender the contract.

Item 5. Framework for Excellence and Responsiveness to Communities

5.1 The Framework was launched to 1,300 providers earlier this year, with the majority of providers being in scope by the end of the year. The responsiveness to communities element will be piloted next year with a task group being established now. It is currently unclear, however, where this work will sit in the post LSC structures.

5.2 Of the three areas: responsiveness to employers, responsiveness to learners and responsiveness to communities, it is the communities aspect that will be hardest to monitor, measure and address. Raw data will not be easily obtainable. Work is still in the early stages and is not due to launch until 2011/12. Securing the Committee’s advice at this early stage will enable best practice to be embedded from the outset.

5.3 Any indicators need to easy to measure accurately and be reliable. It should ideally be part of the provider’s normal work so that there is no additional burden.

5.4 Data needs to be collected now and the data collection process needs embedding before the transition so that a new body does not have to try devising a system at the last minute.
5.5 The Committee noted that when this work was first suggested nobody thought it was possible to measure community responsiveness using robust data. At least one senior civil servant was very vocal in their criticism of this; it is therefore very heartening to see what progress has been made to get to this stage.

5.6 Whilst the data collection will be important, it is what the data is used for that will make a difference therefore consideration must be given to what actions and outcomes the data will inform. This area may help balance many of the league table issues and paint a more detailed picture of what a community looks like.

5.7 This is a great opportunity to set a standard now, rather than let providers devise their own systems later. Rewards or incentives need to be offered to providers who embrace the social inclusion and community responsiveness agenda. Whilst this will add complexity it will also encourage providers to take the issue seriously and address the issues of some providers cherry-picking the best students to increase their standing in the league tables.

5.8 The outcomes of the framework will feed into the procurement of provision for future rounds and OfSTED will use it to inform inspection risk assessment. It should be noted that from 2009 OfSTED will be reviewing their inspection methodology.

5.9 It was noted that there is very little in regards to travelling communities. The framework must recognise differences in demographics and that communities and actions are not all part of a one-size-fits-all solution.

5.10 The Committee’s suggestions can be included in the sixth form pilots. Any further comments can be e-mailed directly to Lesley.

**Item 6. Director’s Report**

6.1 Karen Murray highlighted several items in the report, including the good news regarding Regional Councils which generally have good diversity of membership, disability however remains an issue. Each Regional Council will appoint an equality and diversity champion who will all meet with Mary Marsh in the new year.

6.2 The passage of the Education and Skills Bill will be closely followed and the Committee will be informed of the dates of key debates.

6.3 A contractor has been selected to carry out the review of the LSC single equality scheme. This Committee can input into the review which will be used to inform the Agencies when they are created.

6.4 In relation to the Young Apprenticeships section of the report, the Young Peoples Learning Team should be asked for a breakdown of disability and gender by region of the 9,000 young people currently involved in the scheme.

**Action: Young Peoples Learning Team to be asked to supply the data.**
Item 7. Updates from Working Groups

Mental Health

7.1 David Barker provided a tabled update in his absence. The Committee noted the paper.

Working Together

7.2 The group will be meeting next week, Mary Marsh will be taking over the Chairing of this group from Shirley Cramer.
7.3 An action plan has been developed from the compact report.
7.4 Awareness in the Train to Gain scheme will be raised through a series of autumn conferences.
7.5 The group will continue to work through the transition phase of the new agencies.

Item 8. Integrating Employment and Skills: Skills Funding Agency (SFA) and Adult Advancement and Careers Service (AACS).

8.1 David Cragg is the national lead on the transition to the SFA. Work with the department and their consultants (Hedra) is ongoing and productive and the delivery model has now been drafted.

8.2 It is important to identify how the agency will work before considering structures. The core business functions and delivery need careful planning even through the functions will be very similar to those already in the LSC.

8.3 From the operational perspective there will be a better balance of roles and responsibilities between the departments and the agencies.

8.4 The skills accounts will be trialled in two regions – the South East and the East Midlands, whilst integrating employment and skills will have four trial regions. The trial regions must share their knowledge and experience with the other regions; it will not be acceptable to let two regions get ahead before transition is complete.

8.5 Senior management in the department are less well informed about this integration of employment and skills, it is likely that it tensions will arise from the work. DIUS have also expressed an interest in a less managed approach to inter-area working.

8.6 Taking the Leitch report with the white paper, what is wanted is a demand led and choice led system with high quality provision and advisory bodies, combined with self-regulation and an integration of employment and skills and better access to grants and entitlements; sustainable employment must therefore be the key outcome.

8.7 The system of accreditation must be a single system which all providers adhere to, and which learners can access at any point and progress in the learner’s chosen direction at the learner’s chosen provider. This will need to be underpinned by world class technology to track and monitor the learner and their progress. It must also enable employers to identify skills shortages and enable them to give their staff the necessary training.
8.8 Whatever happens, the model will be fundamentally different to the one on which the LSC is currently based.

8.9 The Committee urged that informal adult provision currently funded by the LSC that will not necessarily lead to employment or a qualification must be protected. Members were reassured that the new structure will be about skills that employers and learners want, not about qualifications. This provision will therefore be safeguarded. The informal Adult Learning review results are close to publication; the biggest challenge going forward will be to fit it into the new structures.

8.10 The first year of trials in the Skills Account Pilots created a slightly artificial environment by removing the element of choice to ensure providers did not feel undermined; all other aspects are being investigated. £5million is available for this and will largely be used to target women who are returning learners, and to monitor their experiences.

8.11 The integration of advisory services is John Denham’s vision for the future; the larger picture would integrate all services, including health, housing and social care. 10 advancement prototype projects have now been established to investigate this.

8.12 The system will be integrated with DWP’s flexible new deal from round 2 next year. After the end of the LSC the Skills Funding Agency will take over as DWP’s co-commissioning partner. This will move away from an eligibility-led system to a needs-led system.

8.13 The disaggregation of data from the ILR makes it very difficult to track and measure learner support. The hardest part is the data sharing from DWP at the individual learner level, which is largely paper based. A new data tracking system was developed in the West Midlands in the wake of the collapse of Rover and enables the outcomes and progression paths of all individuals to be mapped. The data issues are not fully resolved yet but a breakthrough is imminent, ultimately primary legislation will be needed to enforce data sharing which will be the only way to enable informed choice for the end users.

8.14 The Committee requested that an impact assessment be carried out on the transition to the Skills Funding Agency.

Action: David Cragg to return to the Committee to further update in the new year.

Item 9. Any other business

9.1 David Lammy is intending to hold an event to look at under representation in Apprenticeships. There are few details available at the moment and the Committee may not receive much warning of the date. Spring has been mooted.

Item 10. Date of next meeting

10.1 The next meeting of the Committee will take place on 13 November.