Item 1. Welcome and introductions

1.1 The Chair welcomed the Committee and guests and noted the apologies.

1.2 It was noted that Sir Andrew Foster’s review of the capital programme would be published later today. Mark Haysom has already resigned because of Sir Andrew’s findings. The Chair will be writing to Mark Haysom on behalf of all

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the members to express their gratitude for his support and contributions to the Committee.

**Item 2. Minutes of last meeting**

2.1 The minutes were approved.

**Item 3. Matters arising**

3.1 Item 3.3 – Karen Murray has met Regional Chairs with Chris Banks to encourage regions to recruit E+D and Third Sector Champions if they have not already done so. Once all the Champions have been selected there will be networking meetings arranged.

3.2 Item 3.4 – ECOTEC will be presenting their findings later on the agenda.

3.3 Item 3.7 – It was noted that the Health Care Commission ceased to exist as of 31 March. It is now the Care Quality Commission.

3.4 Item 4.11 – DIUS have now finished the recruitment exercise and expressed their thanks to this Committee for the assistance.

3.5 Item 5.16 – The consultation has been circulated.

3.6 Item 7.1 – It has been difficult to include an item on the impact of the economic downturn as this area is constantly changing. Paul Holme has been appointed to look at how the activities of the LSC will be affected by the recession. His latest circular will be circulated to members.

**Action:** Karen Murray to circulate the most recent update to members.

3.7 Machinery of Government timetables will not be affected by the downturn. Members were informed that Ministers had been very clear on that point. Steps have already been taken to ensure the smooth and timely transition from the LSC to the successor bodies and the timetable will not be adjusted.

3.8 DIUS carried out an impact assessment of the Machinery of Government however this was limited to the legislation, not the individual stages. It is outside the remit of the LSC to carry out an impact assessment of the transition to the successor bodies. A list of ‘lessons learnt’ from the Single Equality Scheme should be compiled to help inform equality and diversity issues in the successor bodies.

**Action:** Karen Murray to compile a list of lessons learnt.

**Machinery of Government (MoG) Update**

3.9 Members were told that the situation is constantly changing, however, yesterday the structures of the Young People’s Learning Agency (YPLA) were signed off but the Skills Funding Agency (SFA) structures were still being amended as late as 29 March. It has been harder to agree the SFA structures and it has involved more input from the Departments. There is a Director’s Conference on 8 April, and there will be all-staff briefings on 9 April to share the structures.

3.10 It is inevitable that some staff will be lost in the process as not everyone may feel they match one of the new roles. All indications show no reduction in
posts and some have shown a small increase. The proposed end of the LSC is April 2010, however an exact date is yet to be set.

3.11 The matching process will be complex and the detail will be extremely challenging to get right. The process will begin at the start of April and continue throughout the summer. Staff retention so far has been good however the transfer to NAS begins shortly which will create many challenges. One team has already reported 18 members will be lost to the National Apprenticeships Service (NAS).

3.12 The next challenge will be to ensure the equality and diversity processes will be carried with the same commitment in the successor bodies. Given the separation of functions and processes it will be difficult to ensure the same level of commitment in both the YPLA and the SFA.

3.13 Members expressed concern that equality and diversity appears to be an add-on to MoG and not embedded into the process as a whole. There appears to be no systematic approach to this. This Committee must ensure that equality and diversity is clear and defined within the new structures. This Committee has managed to drive the agenda within the LSC with support from the people at the top. It is not yet known who the people will be at the top of the successor bodies, however ultimately responsibility will lie with those at the top of DIUS, DCSF and local authorities.

3.14 The Committee wrote to Chris Banks last year regarding the structures of the successor bodies; members were assured they would be given the opportunity to critique the structures. Officers confirmed that the LSC and its Committees will not be able to consult on the structures before they are published as ownership of the structures does not belong to the LSC. It was also noted that the structure for the National Apprenticeship Service has already been set, despite the SFA structure not yet being agreed. It was questioned whether the structure of the SFA would impact on the structure of the NAS.

3.15 Equality and diversity has not been included in the Apprenticeships, Skills, Children and Learning Bill at all, instead it appears that all the requirements will in the separate Equalities Bill.

3.16 Members were reminded that the Qualifications and Curriculum Authority (QCA) will also be changing soon. It will be split into two separate organisations, one responsible for policy the other for delivery.

3.17 Mary Marsh informed the Committee that Skills Third Sector was launched today; Mary is the interim Chair.

**Item 4. Mental Health Strategy Update**

4.1 Kathryn James was welcomed to the Committee. Members were informed that the National Social Inclusion Programme (NSIP) was formally dissolved yesterday. The programme is not limited to the education sector but included all aspects of government.

4.2 It was noted that the largest group of people on incapacity benefits are those with mental health problems. Promoting the employability of people with mental health problems was difficult during the years of economic growth; the
challenge will be much greater in the present economic climate. It should be remembered that recessions exacerbate mental health issues.

4.3 The LSC will continue to fund this work for another year.

4.4 The strategy has been refreshed and now re-launched, 22 headline actions were identified and 10 have been highlighted in the paper. BME learners with mental health issues – particularly when the group is expanded to include asylum seekers and refugees – are the group with the largest concerns. It appears that young BME males in particular have a difficult time accessing mental health services. The links between sexual orientation and mental health issues need further investigation.

4.5 Measuring progress is extremely difficult as there are very few benchmarks available. Much of the evidence is anecdotal and Individual Learner Record (ILR) data is not always helpful and declaration of mental health issues is extremely low; it is estimated that approximately 74% of learners with mental health issues do not declare them. It is therefore almost impossible to tell if these learners are absent from a programme, or simply invisible.

4.6 Pilot work is currently being planned and each region will be given part of the pilot to work on. One of the key areas being investigated is around sharing of data; learners are often frustrated at having to give the same information again and again to different organisations.

4.7 Kathryn James was thanked for her presentation and informative question and answer session.

Item 5. Review of LSC Single Equality Scheme (SES)

5.1 Demetrious Panton and Nicholas Lee from ECOTEC were welcomed to the Committee. ECOTEC were commissioned in September 2008 to review the SES. It has been an interesting and challenging project and the team expressed their thanks to all those who have helped with the review; there is still some contradiction within the LSC. The findings will be presented to the National Council evening session on 21 April.

5.2 The legal requirement for the LSC is based on the three strands and therefore this review has focussed primarily on the three strands. The ECOTEC team highlighted key slides in the presentation. The headline findings are all very positive and the LSC is not only meeting the legal requirements but going beyond that.

5.3 The National Council is not fully representative in terms of BMEs, and some Regional Councils are also not representative. Age, religion and sexual orientation are not considered in the Governance structures and there is no clear procedure to include this in future.

5.4 Comparisons to other public sector bodies show the LSC is very strong as an employer however the benchmarking only covered the three strands. The Committee was also informed of an ongoing pilot in the North West region which aims to increase the disclosure of disabilities but there is little other activity across the LSC in this key area.

5.5 It is not always the case that LSC internal work on equality and diversity is less important than external work. Treating LSC staff properly is an
important first step in embedding good practice. It should be noted that even during these challenging times for the LSC staff felt they were being treated very well.

5.6 Senior regional staff showed good awareness of equality and diversity issues and were able to interpret national requirements into suitable regional action. There was also strong ownership of equality and diversity at the highest levels; Chris Banks and Mark Haysom were praised for their commitment.

5.7 For every concern that the review highlighted there is a strong counter argument. Monitoring of the three traditional strands and the three emerging strands is not consistent. Data is difficult to obtain in some of these strands; however data is essential in order to measure success and progress, as well as to identify key concerns. It was also noted that the strong regulation of equality is not consistent with light regulation of providers; this may be an issue in future.

5.8 Of the 115 Equality Impact Assessments were carried out at the screening stage this only resulted in 3 full impact assessments being conducted. This is an unusually low figure and is of some concern.

5.9 It was noted that it is extremely challenging to find the right course of action when outstanding providers are hitting key performance targets but failing in some equality targets.

5.10 A fundamental difference between the LSC and other similar bodies was in the perception of equality and diversity. In other organisations this area is often seen as a place to put unwanted employees, whereas in the LSC it is regarded as a good place to work and somewhere to launch a successful career from. Whilst the LSC is doing very well it must be remembered that in twelve months the organisation will no longer exist. It is crucial that the good practice is transferred into the successor bodies.

5.11 There was concern that the Committee was not mentioned and members were concerned what impact they were having. It is virtually unique that an organisation such as the LSC has a publicly appointed Equality and Diversity Committee and it was a bold move by the executive to create an external committee with a wide remit to challenge the LSC. ECOTEC confirmed that the impacts of the Committee had erroneously been grouped with those of the Senior Management Team and will be separated out before the presentation to National Council. The sub-groups of the Committee will also be mentioned. It was noted that the successor bodies are extremely unlikely to have a Committee such as this one.

5.12 The presentation to National Council will drive the discussion for what needs to be taken forward in the remaining time. The report will also emphasise how far the agenda has already been driven in such a short time.

5.13 Double and triple discrimination is extremely difficult to measure and data is not widely available. The LSC should wait until the Government has set an agenda, and then go beyond that. It was noted that a lack of data should not be confused for a lack of action. If the LSC knows an issue needs tackling it should be tackled regardless of the data available.

6.1 Jim Aleander was welcomed to the meeting. The paper is the latest report in an ongoing process. It is hoped that the report will be finalised and sent out to the sector in the summer.

6.2 Self assessment was strongly resisted at the start of the LSC, it is now well received.

6.3 It was noted that OfSTED used the guidance to inform the latest Inspection Handbook, and that cooperative working with OfSTED will be crucial in future to drive the agenda forward. The OfSTED inspections will be a key tool to apply pressure on outstanding providers that are hitting key performance targets but failing in some equality targets; criticism in an inspection report will quickly bring about change within the provider.

6.4 A possible next step will be to produce a practitioner’s handbook, and to move to a web-based document with case studies which the Learning and Skills Improvement Service (LSIS) will then manage and add further case studies and examples of good practice. There are only 6 case studies so far but more can be added to the website as they come to light.

6.5 There are many excellent networks across the country that can be used to help develop a practical guide and training on the self-assessment. Promotion of the report through these networks will be crucial. Whilst sending the report and toolkit to college principals is important, it does not necessarily lead to the right information filtering down to senior staff.

6.6 2010 will be a high risk time for equality and diversity when 6th form colleges will return to local authority control; successful colleges are often highly selective and there will be an impact on which learners gets a place. The report also highlighted post 16 education in Leeds where it was found that provision was disadvantaging the community. In Cambridge several providers were recommended to close however all remain in operation and instead several Academies will be opened.

6.7 The agenda, particularly in the three emerging strands will need driving however there is no clear understanding of who will be best place to do this after 2010.

6.8 The handbook, guidance and good practice guides will be developed with help from the sector. LSIS have a network already established to aid with this. The next draft of the report will be ready on 20 April and will be shared with interested members at a meeting on 21 May to finish shaping the final report. Any contributions from members will be appreciated. A simple refresh of the final report is planned for 2010.

6.9 No data is collected by the LSC on gypsies and travellers but there is guidance on how providers can monitor their performance on the areas where data is not available on the ILR. It must be remembered that gypsies and travellers come under the heading of race and ethnicity, however although data is collected on this broad heading the current list of groups does not include gypsies and travellers.
6.10 The cultural base of an organisation is often reflected in the data; where data is not available it is often helpful to look at the culture to get useful information.

**Item 7. Director’s Report**

7.1 Karen Murray presented the paper and added two further items to the paper and the update that had been circulated previously. Firstly the Policy Research Institute will be doing the desk research of the toolkit and, secondly, in regards to paragraph 21 of the report, the LSC has given additional funding to the Black Leadership Initiative to reconvene the Commission for Black Staff in FE to review progress.

7.2 In regards to the Equality Impact Assessments that ECOTECH highlighted the statistics earlier it appears that many of these assessments went beyond what was necessary to the point of almost being an investigation in their own right. This goes some way to explaining the low figures discussed earlier. Guidance on Impact Assessments should be included in the toolkit.

**Item 8. Updates for Working Groups**

8.1 The Third Sector Working Group is now somewhat depleted after several secondments and members moving on. There still remains a committed core of dedicated members who continue to champion the cause however it is now time to focus on what can be achieved in the remaining time. The review of the SES has highlighted many areas that need work; there is too much to cover properly in the remaining year of the LSC and will need filtering.

**Item 9. Any other business**

9.1 Due to the proximity of the 21 May meeting it was decided that the date should be used as a follow up session to focus on Critical Mass Pilots, Apprenticeships, and the progress on the self-assessment guidance. This would not be a full Committee meeting but a sub-group meeting with members being welcome to attend if they wish. A full Committee meeting should be arranged at the start of July

   **Action: The Clerk to arrange an additional meeting at the start of July**

9.2 There was scope for no more than 3 more meetings before the end of the LSC. The committee would schedule a July meeting but thereafter there may be more virtual meetings. The chair was committed to the role to the end of the LSC’s life and would value access to the committee even if it became impossible to meet. The July meeting should concentrate on performance data, qualifications reform and the National Apprenticeship Service.

9.3 Members were informed that the Institute of Employment Studies will be inviting members to take part in the Critical Mass Pilot interviews; members were encouraged to take part.

**Item 10. Date of next meeting**

10.1 The next meeting of the Committee will be arranged for early July.