Date 13 November 2008
Subject Equality and Diversity Committee
Location Hotel Russell, London
Time 10:15am
LSC office National Office
Publication intent Internal

Present David Barker
Jeremy Crook
Nicola Dandridge
Amir Kabal
Alyson Malach
Steven Lowden
Bushra Jamil
Anthony Wilkes
Anne Madden
Mary Marsh
Peter Lavender
Judith Norrington

In attendance Tasleem Chaudary
Rukhsana Dumbrell
Lorna Fitzjohn

LSC staff Karen Murray
Rob Wye
Pete Sanders
Jo Barkham
Dan Simons

Apologies Apologies have been received from:
Sally McEnhill
Patrick Grattan

Item 1. Welcome and introductions
1.1 The Chair welcomed the Committee and noted the apologies.
Item 2. Minutes of last meeting

2.1 The minutes of the last meeting were approved

Item 3. Matters arising

3.1 Item 3.1 – A copy of the Who’s Who has been sent to members.
3.2 Item 4.7 – The business models are not yet available.
3.3 Item 6.1 – A list of the Equality and Diversity champions and third sector champions on the Regional Councils should be circulated to members.

**Action: Karen Murray to send the names of the Champions to members.**

3.4 Item 6.3 – Ecotec have completed the first phase of the single equality scheme review. An update is included in the Director’s Report. The findings are still in draft but are very positive with excellent progress being made although there is more activity around some strands than others. An interim report will be available at the end of December and final conclusions will be delivered at the end of February.

**Action: Ecotec should present the findings at the February Committee meeting.**

**Action: Dan Simons to ensure that E&D Committee are invited to be part of the interviews if they so wish.**

3.5 Item 6.4 – Some data from the Young People’s Learning Team has been obtained and early findings are included in the Director’s Report. The full data is currently unavailable but evaluation of the pilot is ongoing and lessons will be used to inform future policy.

3.6 Item 7.1 – David Barker has circulated the Mental Health Strategy Refresh, the closing date for consultation is the 19 December and a good response is anticipated.

The Committee noted that it and the LSC can be proud of this unique strategy and it should be promoted as well as disseminated. Members agreed to use their own organisations’ vehicles to promote the strategy and LSC would discuss dissemination and promotion with the policy lead.

**Action: Karen Murray to work with Julie Lynes-Grainger to promote the strategy ahead of the February launch.**

3.7 The Committee were informed that the Department of Health are reducing their work in this area and this strategy can be used to encourage them to do more. This was particularly important at a time of economic downturn when mental health issues would be more prominent.

**Action: David Barker to send the Strategy to the Health Care Commission, Primary Care Trusts, Government Departments and the Care Standards Commission.**

Item 4. DIUS’ Approach to Equality and Diversity

4.1 Rukhsana Dumbrell, Corporate Policy Advisor at DIUS was welcomed to the Committee.
4.2 DIUS is a relatively new department and many equality and diversity processes and structures are still being established. Policies are being delivered through a range of methods.

4.3 DIUS regularly have “DIUS Conversations” which last a month and are used to discuss a specific topic. Diversity was the focus of a recent conversation, which was extended into a second month.

4.4 The single equality scheme has now been signed off and there is a real commitment to look beyond the first three strands to include all six, with the possibility of a seventh strand which will look at class and economic situation. Work needs to be done to ensure that the evidence base is right; currently the data in some areas is of poor quality and patchy.

4.5 DIUS are behind some organisations – including the LSC – in putting robust structures and processes in place. With such limited resources much of the work has been reactive so far, the longer term strategy is to be much more proactive.

4.6 Members noted that whilst there appeared to be a commitment for this huge task, they did feel that, to avoid re-inventing the wheel, DIUS could benefit from the experience of this committee and its members who would be pleased to contribute.

4.7 Much of the work is being delivered through shared resources as there is not enough internal resource for DIUS to deliver the agenda alone. There is now engagement at Senior Management level and a requirement for senior managers to report up regularly. Individuals must take responsibility for their own learning and development but champions are in place at all levels to receive feedback, promote the embedding of principles and to make individuals aware of training opportunities. It was acknowledged that it will take time for the principles to be fully embedded. Members expressed some disappointments that given that DIUS was part of a predecessor Department that it appeared to be starting from a low base of principles and processes.

4.8 Members agreed that the strategic priorities were well chosen. DIUS consulted widely before the priorities were chosen and helpful feedback was received and incorporated into these priorities. A framework will be developed over the next 6 months to look at how to take the agenda forward for the next 3 years and how to improve the evidence base for evaluating success.

4.9 This is an ambitious agenda but DIUS is being realistic about what can be achieved and how long it will take. There will be turbulent times ahead but the team will be pragmatic in their approach. It is more important to start somewhere and adapt the approach later than to sit and plan without any action. The limited budget will be maximised by having a coordinated approach and working collaboratively with other organisations.

4.10 Trade Unions should be represented on the Diversity and Inclusion Programme Board. It was important that critical friends should be selected on the basis that they could be constructively critical and would challenge the Department. It will not be productive to simply ask for national organisations to send a representative to board meetings.
4.11 Officers were asked for copies of the paperwork used to recruit Committee members.

**Action:** Karen Murray to liaise with DIUS to see how best the E&D Committee can be engaged.

**Action:** Karen Murray to send the LSC recruitment paperwork to Rukhsana Dumbrell.

**Item 5. OfSTED’s Approach to the Inspection of Equality and Diversity**

5.1 The Lorna Fitzjohn and Tasleem Chaudary from OfSTED were welcomed to the meeting.

5.2 Ofsted presented the consultation proposals that set out a radical overhaul of the inspection which will rewrite the common inspection framework and change how providers from early years onwards are inspected. The outcomes will be implemented from September 2009, but will be piloted in inspection in the New Year.

5.3 The proposals included a significant increase in the learner’s involvement and they had already had some input. The learners had some strong ideas and asked for less warning of the inspection, shorter notice periods and a “big brother” style diary room for interviews during the inspection.

5.4 There will be an annual desk based risk assessment carried out on provider data and intelligence, which should highlight vulnerability and areas of concern. This will determine the inspection programme in the following year. High performing providers will be inspected at least once every 6 years, satisfactory providers at least every 4 years, and the other providers will have more regular inspection. Providers will not know for certain which category they are in.

5.5 If there is any decline in standards of an outstanding provider within the 6 year period then the annual health check should flag any concerns and the inspection period can be adjusted accordingly.

5.6 Colleges will get one week’s notice of an inspection while WBL providers will get three weeks, which is a significant reduction from the current 4-6 months. In some areas notice periods of one week and surprise inspections are being trialled.

5.7 A single grade for equality and diversity will be included in all reports; the grade will directly influence the leadership and overall grades. Providers with a grade of “satisfactory” for equality and diversity will not be able to get the “outstanding” grades in either the leadership or overall effectiveness grade. There is a determination to show that satisfactory is not good enough.

5.8 Staff and learners will be interviewed to ensure knowledge and understanding of equality and diversity practices at all levels. It will not be enough to have been on a training course, everyone must understand the principles. OfSTED will select the learners and staff, not the provider themselves.

5.9 The Committee expressed its support for the proposals and the direction of travel, particularly the limiting grade. Whilst it believed that the proposals
were robust it did ask about inspector training on E&D so that they were well placed to make judgements in this area. OfSTED confirmed that this new approach is a step change for both providers and inspectors but some training has already been given and more is planned. Online programmes and testing has already been given, by the time the proposals are rolled out the inspectors will be qualified to make informed decisions.

5.10 The recruitment of inspectors was less successful at targeting diversity than had been hoped for and the inspectorate will not be representative of the communities they will be inspecting.

5.11 The College Handbook has been updated and was republished in September this year. It now contains much more detailed guidance for colleges and inspectors and clarifies what evidence is needed, particularly around equality and diversity. Where necessary there will be a requirement on the inspection report to seek further support in order to improve; a follow up inspection will make sure it has happened and had an impact.

5.12 There must be some assurance that polices and procedures are adhered to, particularly in regards to complaints. Policies are only effective if people know how to access and follow them. A college receiving no complaints from learners is not necessarily evidence of excellence, it can instead be evidence that procedures are not known, not adhered to, or have poor record keeping. Where there has been a complaint the inspectors will track back through the system to ensure every step of the procedure was correctly adhered to.

5.13 The Committee commented that the three strands of equality and diversity that OfSTED have identified should more properly be expanded to include all six strands.

5.14 Innovative and modern approaches are being trialled to attract and simplify feedback from learners. Text messaging is just one of these approaches, and learners will be able to send a message directly to an inspector to raise any concerns and provide evidence of how well policies are being adhered to. This was popular with learners.

5.15 Parents should be involved in the inspection too; it was noted that many learners do not complain to the college themselves, instead speaking to their parents who complain on their behalf. OfSTED are still working on a better way of collating complaints from parents which will be fed into the annual health check and therefore influence when colleges will be inspected.

5.16 The Committee welcomed these proposals and the impact these changes will have. Many other organisations will be able to use the inspection reports in future as evidence for their own activities and causes. The LSC will be providing a formal response to the consultation; members were invited to respond individually.

Action: Karen Murray to circulate link to Ofsted consultation to members and include the Committee's comments in the LSC's single, formal response to the consultation.

Action: Group members to send any comments they have on the Ofsted consultation to Karen Murray by 22 December and consider whether their individual organisations need to respond.
Item 6. Transition of learners with learning difficulties and/or disabilities activity

6.1 Rob Wye was welcomed to the meeting.

6.2 There is still a great deal of uncertainty with the Machinery of Government changes and many aspects are still being worked through. What is clear so far is that learner activity up to the age of 19 will go through the local authority and there will be a very structured approach to this. Post 19 activity is less certain but activity up to the age of 25 will be the responsibility of DCSF.

6.3 Jim Knight has rejected proposals to split the responsibility between DCSF and DIUS, it is clear that DCSF with support from the Young People’s Learning Agency (YPLA) must take overall responsibility but the details are still to be worked out. Legislation will be launched in the New Year and will start to tie down the details and the cost issues, which involve cost sharing between three agencies.

6.4 In the transition of responsibilities to the YPLA, SFA and Local Authorities it must be made very clear that provision should be built around the learner and not around the provider.

6.5 SEN provision up to age 16 and learners with learning difficulties and/or disabilities provision post 16 will become joined over the next year.

6.6 Some providers – particularly independent specialist providers – are still unclear where they will fit into the scheme and how they will be funded. It is likely that funding will come from the Local Authority, but there is a possibility the Skills Funding Agency will take on that responsibility.

6.7 However the provision is arranged care must be taken to ensure there is no possibility that responsibility for a learner can be bounced between Local Authorities and the Skills Funding Agency in order to preserve their budget. There must be clarity over where the responsibility lies and which budget must be used.

6.8 The statement of priorities and grant letter will be published. There is wording in both to reflect the importance of this area, and the budget will be increased 17%. The budget has always increased year on year and it is always overspent, but the increase is welcome.

6.9 At National Office Julie Lynes-Grainger has now been confirmed in post as LLDD and Inclusion Director, a new member of the team will also be recruited to expand the team to 4 people.

Item 7. Any other business

7.1 It was asked whether an item on the impact of the economic downturn could be added to the February meeting.

7.2 Members thanked Shirley Cramer for Chairing the Committee over the last six years. Her leadership has been outstanding and the progress made in that time is a testament to her dedication and hard work.
7.3 Shirley Cramer thanked the members for their help in her time as Chair. She leaves the Chair in the safe hands of Mary Marsh who will steer the Committee through the challenging times ahead.

**Item 8. Date of next meeting**

8.1 The next meeting of the Committee will take place on 3 February 2009 at Centrepoint, London.

**Meeting chair**    Shirley Cramer

**Minute taker**     Pete Sanders

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