Review and evaluation of the LSC’s Single Equality Scheme

June 2009

Of interest to Learning and Skills Council staff and stakeholders
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Executive summary

Introduction
ECOTEC was commissioned by the Learning and Skills Council (LSC) in September 2008 to undertake a review and evaluation of the LSC’s Single Equality Scheme (SES).

The review was structured to comply with the LSC’s legal public authority duties as set out in the Race Relations Act (Amended) 2000, the Disability Discrimination Act 2005 and the Equality Act 2006; namely, to conduct periodical reviews of performance and progress against its Race Equality Scheme, Disability Equality Scheme and its Gender Equality Scheme. The overall project specification, however, went beyond a straightforward review of the scheme, which is legally required, to include a more general evaluation of the approach adopted by the LSC to equality.

The combination of tasks undertaken in this project, the mixture of audit and qualitative methodologies, and the complexity of the LSC as a national organisation with strong regional presence has resulted in a report that, in order to be accurate, is paradoxical in parts. Where possible, we have sought to attribute and quantify statements to particular aspects of the research. It is perhaps useful if we state at this juncture that, based on our observation and in light of the audit we have completed, the LSC is a leading organisation in the way that it addresses equality. Therefore, any comments that we make regarding the LSC should be viewed within this context.

Methodology
The assignment was underpinned by three key phases:

• audit of progress against the SES Action Plan;
• qualitative research to understand the impact of the SES and the LSC’s wider equality response; and
• qualitative research to understand the priorities for the LSC and inform its legacy.

The key methodological processes included:

• a review of audit documentation;
• interviews with key stakeholders within the organisation, including the Chair and Chief Executive;
• interviews with Equality and Diversity Committee members; and
• focus groups covering staff, providers and learners.

Headline findings
As a consequence of conducting this review we are in a position to state that the LSC is at the forefront of addressing equality and diversity and is perceived as a good role model in the learning and skills sector. Key successes include the following.

• There is strong and robust evidence of progress on the majority of actions contained in the SES Action Plan – especially those actions deemed to be key priorities.
• There is a strong emphasis on ensuring that there are regional interpretations of national strategy, resulting in a localised approach to equality.
• Senior management, including members of the National Council and its Equality and Diversity Committee, deliver a strong message about the importance of equality.
• Employees consistently stated that they considered the LSC to be a good employer, one that treats staff fairly and with respect.
• Partnership teams are proactive about addressing equality; providers were identified as being more responsive to the needs of different groups.
• Provider networks developed and supported by the LSC have stimulated provider change through peer learning and shared information exchange.

Our analysis of progress against the SES provides us with the necessary confidence to state that the progress against its objectives and targets is strong. However, we were also commissioned to evaluate the impact of the SES. Our qualitative research with staff and stakeholders identified a number of their concerns and views. These include the following.

• Improved communication throughout the organisation regarding equality would help to embed principles and build awareness and understanding with individual staff members as well as with external partners.
• The SES and the LSC at large seek to meet the needs of all groups (in terms of age, disability, gender, race, religion or belief, and sexual orientation); however, most activity is aimed at the more traditional strands of disability, gender and race. Though the LSC’s legal duties have driven this focus, perhaps the organisation is too reliant on statistical evidence as a driver for change.

• The LSC’s ability to influence the learning and skills sector has not been as great as had been hoped by staff as well as key stakeholders. However, perhaps this reflects limitations within the LSC’s equality and diversity remit.

• The LSC currently has limited tools to hold providers accountable to equality issues, which perhaps reflects the constraints on the LSC’s authority in this area.

• Equality and Diversity Impact Measures (EDIMs) have been useful, particularly in terms of measuring progress. However, they have been described as ‘toothless’ when it comes to identifying and addressing underperformance.

• A greater understanding is needed of how an employer-led approach to skills and training provision impacts on different groups of learners.

• While equality impact assessments are conducted at screening stage, very rarely does this translate into a need to conduct a full impact assessment. Therefore there is a risk that impacts are being missed.

These were the key views of staff and stakeholders but people operating within the National Office of the LSC have a different perspective.

However, our brief was to consider progress against stated objectives and targets contained within the SES and to evaluate the impact of the SES with key audiences.

We are in position to state that the LSC is making strong and robust progress against the objectives and targets contained within the SES. Despite this, key stakeholders and LSC staff are not fully convinced of its overall approach. This could suggest that they have strong expectations of the organisation and its commitment to equalities. Some may argue that these expectations themselves may not be realistic.

Given the pressure on the LSC from a range of sources and the imminent changes due to take place within the sector, we believe that its progress on equalities is striking. Striking because key objectives and targets are being met and because equalities is still central to the modus operandi of the organisation.

**Axis of control**

Overall, the review suggests that the LSC has been more successful in implementing the internal elements of its equality priorities as opposed to progressing equality externally within the wider learning and skills sector. It would therefore appear that the LSC has been noticeably more effective in responding to the equality challenges that clearly sit within its remit and those over which it has greater control. This may be due to the following reasons.

• The LSC’s remit for influencing the wider learning sector is unclear.

• The LSC does not have enough power to influence providers directly with regard to equalities.

• The LSC’s work in the sector can be affected by policies which seem to prioritise performance targets over equality issues.

• To change behaviour and perceptions requires a joint approach from a wide array of agencies, providers and individuals.

A recurrent theme from interviewees (particularly those who were not LSC employees) was that the Single Equality Scheme and the LSC’s approach to wider equality issues were at times administratively driven rather than issue driven; a risk associated with all responses to legal requirements. Therefore, while the LSC has all the policies, processes and procedures in place it was not always able to focus on the identification and targeting of key issues within the learning sector or the outcomes that would demonstrate success.

We acknowledge that these views have some credibility. However, we would contend that there is little scope for any success in the area of equalities if the necessary procedures and processes do not exist.

It is perhaps useful to reflect on the role played by equality schemes in public authorities such as the LSC. We would argue that the following statement best illustrates this:

**Equality schemes are, in the main, an organisation’s principal planning document for meeting equality-related issues in service delivery and employment.** At their heart should be a series of actions designed to meet its various duties in relation to race, gender and disability while at the same time proposing ways to eliminate discrimination on the grounds of age, sexual orientation and religion or belief. In addition, equality schemes must also respond to technical issues which emerge from the differing wording of equalities legislation and the accompanying general and specific duties.
The complex changes that are required if organisations are to meet their equality objectives – such as ensuring that equalities issues are mainstreamed within an organisation – do not happen by chance. Instead, they happen because of a series of planned interventions, which themselves are subject to continual monitoring and evaluation. The key is for organisations to have in place a series of diagnostic mechanisms – including reviews which enable identification of emerging issues and, if necessary, appropriate responses. We would also contend that strong leadership and, as in the case of the LSC, an active Equality and Diversity Committee are also key to success.

Of course, as this report and its recommended priorities will testify, there is scope for improvements in the LSC’s approach to equalities. Consideration must also be given to how the LSC can influence its successor bodies in relation to securing key equality and diversity objectives. However, our overriding message from this assignment is that the LSC has adopted a robust approach to achieving its equality objectives and has extended its activities beyond its legal requirements.

All involved should be heartened by the LSC’s success and while there is an understandable desire to do more this should not detract from current achievements.
Introduction

Specification brief

1 ECOTEC was commissioned by the Learning and Skills Council (LSC) in September 2008 to undertake a review and evaluation of the LSC’s Single Equality Scheme (SES).

2 The review was structured to comply with the LSC’s legal public authority duties as set out in the Race Relations Act (Amended) 2000, the Disability Discrimination Act 2005 and the Equality Act 2006; namely, to conduct periodical reviews of performance and progress against its Race Equality Scheme, Disability Equality Scheme and its Gender Equality Scheme.

3 All three statutory schemes (disability, gender and race) are subsumed within the LSC’s SES. The SES, however, also encompasses religion or belief, sexual orientation and age, therefore taking the scheme beyond what is currently legally required; this is generally seen as good practice. Indeed, the LSC was one of the first public bodies to develop this type of scheme.

4 The SES was published in April 2007 and our understanding is that in developing it the LSC reviewed its performance against its Race Equality Scheme as it was legally required to do. The LSC was also legally required to conduct a review of progress of its Disability Equality Scheme by 31 December 2008. This review met the legal requirement in full and is positioned to establish interim performance in relation to its other statutory equality schemes (race and gender).

5 The current review was underpinned by three key phases:

1. Audit of progress against the SES Action Plan.
2. Qualitative research to understand the impact of the SES and the LSC’s wider equality response.
3. Qualitative research to understand the priorities for the LSC and inform its legacy.

6 The project was monitored and guided through frequent dialogue with the LSC’s Single Equality Scheme Review Steering Group, consisting of the two national officers with lead responsibility for equality and diversity and three regional equality and diversity managers.

7 The first phase consisted of conducting a paper trail audit of progress towards meeting the SES objectives as outlined in the Single Equality Scheme Action Plan. The second phase involved carrying out an evaluation exploring the impact that the SES is having within the organisation and its core activities. In light of the announcement of the wide-ranging changes to the learning sector and the subsequent disbanding of the LSC, the broader aim of the review (and the third phase) was to focus on the priorities for the organisation in these final stages, examine the lessons learnt, identify examples of success and set out key priorities to enable the LSC to leave an excellent legacy to inform the equalities and diversity debate on which subsequent agencies can build.

8 The specification designed by the LSC therefore went beyond a straightforward review of the scheme by including a more general evaluation of the LSC’s effectiveness in addressing equality. The combination of tasks undertaken in this project, the mixture of audit and qualitative methodologies, and the complexity of the LSC as a national organisation with a strong regional presence has resulted in a report that, to be accurate, is contradictory in parts. Where possible we have sought to attribute and quantify statements to particular aspects of the research.

Outline of methodology: overview of approach for the first phase, the audit phase

9 The audit commenced following an inception meeting in September 2008 between ECOTEC and the LSC. At this meeting it was agreed that the audit should focus on the LSC Single Equality Scheme Action Plan, because this was at the heart of the scheme and was the key reference point to drive activity with regard to the equality and diversity agenda of the organisation. The audit, therefore, evidenced progress against the six aims of the SES relating to governance; learning and skills; the performance of the system; the LSC as an employer; impact assessment and information; and impact measures. To address this, the following levels of work were agreed.

Level 1: Development of the audit framework

10 A framework of how we would assess progress made in implementing the SES was produced and agreed. This framework focused attention on progress against all six equality strands (gender, disability, race, age, religion or belief and sexual orientation) and across all LSC regions. Based on the evidence given to us by the client, we were in a position to provide a robust audit covering each action identified within the LSC’s SES.
Level 2: Assessment of LSC key documents

11 Given that this was an audit, an emphasis was placed on the need for both the internal and mainstreaming assessment criteria to be met through evidence presented within the documents reviewed. This included an analysis of a range of data including national performance statistics, LSC staff profiles, funding arrangements, analysis of Individualised Learner Records, providers’ self-assessment plans and examples of joint working.

12 In addition, we attended planned meetings between the organisation’s equality and diversity managers and members of the Single Equality Scheme Review Steering Group.

13 The audit also enabled us to assess progress and set out areas for further analysis which were explored through focus groups and interviews.

Outline of methodology: overview of the second phase, the approach for interviews and focus groups with key stakeholders

14 The findings of the audit were used to inform the next phase of our work which involved undertaking a number of interviews with key stakeholders within the organisation along with focus groups covering staff, providers and learners. These provided a more complete picture of the LSC’s progress regarding equality and diversity, an understanding of the key priorities for the LSC in 2009, and highlighted the equality legacy for future agencies.

15 The research engaged with approximately 100 staff and key stakeholders through one-to-one interviews, telephone interviews and focus groups. Key to this was the involvement in interviews of:

• the Chair and Chief Executive of the LSC;

• eight members of the LSC’s Equality and Diversity Committee including the recently departed Chair and the current Chair;

• heads of the LSC’s directorates; and

• each of the regional and national equality and diversity managers.

16 Focus groups were set up with staff from six regions and the National Office, and telephone interviews were conducted with staff from the remaining four regions. Telephone interviews were also conducted with three members of the Single Equality Scheme Review Steering Group. Where research participants had a specific remit for equality and diversity, dialogue was designed around the SES itself. However, many staff involved in the research, perhaps understandably, had limited detailed knowledge of the scheme and therefore these discussions focused on stakeholders’ understanding and perceptions of the organisation’s approach to equalities.

17 A timeframe that included the Christmas period and a paucity of available network opportunities contributed to the challenge of gaining provider and learner opinion. However, a focus group with some providers was undertaken through an existing equality and diversity network as well as a number of telephone interviews. Learners were engaged through the National Learner Panel and provided a useful perspective to the review.

The emerging legal context for equalities

18 This assignment took place within an emerging equalities legal framework. The Race Relations Amendment Act (2000), the Gender Equality Duty and the Disability Equality Duty have shifted analysis away from focusing on what a public authority is doing (such as discriminating against a particular individual), to focusing more on what they are not doing (i.e. promoting equality of opportunity). Whereas the previous legal framework was dependent on individuals making complaints about discrimination, now it is dependent on public authorities to demonstrate that they treat different groups fairly.

19 Equality legislation is currently framed around three key concepts, namely:

• preventing and providing a remedy for direct discrimination – using legal mechanisms such as the Equal Pay Act 1970 and the Race Relations Act 1975;

• proactively addressing indirect discrimination – a new development currently shaping British jurisprudence in relation to equalities law whereby public authorities are given positive duties to meet the needs of its diverse communities; these positive duties are part of a desire to tackle institutional and structural discrimination; and

• implementing reasonable accommodation measures – again, this piece of positive action notes the importance of listed public authorities putting in place procedures to accommodate the needs of disadvantaged groups; the best example of reasonable measures is in relation to the Disability Discrimination Act (1995 and subsequently amended) which places duties on authorities to put in place a series of actions designed to give disabled people equal access to employment, goods and services.
Although public authorities have had sufficient experience in preventing discrimination and putting in place reasonable accommodation measures, there is evidence to suggest that they are struggling with taking proactive action to address indirect discrimination. One of the expected consequences of the positive duties contained within current equality legislation is that listed authorities, such as the LSC, are expected to develop positive action measures as part of their overall approach to equalities. The legislation takes as given that public authorities will, in the course of everyday action, do the following:

- develop measures to tackle discrimination;
- secure an approach to equal opportunities;
- promote the benefits of diversity;
- address stereotypes and misconceptions; and
- promote community cohesion

Equalities legislation also anticipates that public authorities will develop positive action measures for the following categories of groups, whom the law acknowledges have experienced a legacy of discrimination:

- minority racial and ethnic groups;
- religious, faith and belief groups;
- women;
- age-related groups;
- linguistic minorities;
- gypsies and travellers;
- gay, lesbian and bisexual people;
- transgender people; and
- disabled people.

In short, it is now accepted within British jurisprudence that particular groups and communities have experienced a legacy of discrimination and that the onus is now on public authorities to put in place positive measures to combat this.

Current equality law recognises the previous efforts of public authorities to combat discrimination through distinct projects geared towards cultural sensitivity and tackling inequalities. However, discrimination is not solely a matter of the bigotry and racial bias of individuals but can be contained within organisations. The law states that institutional discrimination is the existence of systematic, structural policies and practices that have the unintended effect of disadvantaging certain groups.

While many organisations have done a significant amount of work in addressing issues of diversity at the individual and interpersonal level, they have yet to address how policies, practices and procedures have resulted in institutionally discriminatory behaviours.

If public authorities such as the LSC are going to tackle institutionalised discrimination, then it is essential that they have the resources and capacity to do so. A key mechanism of this is the development, implementation and review of its statutory equality schemes.

Overview of changes to the sector

In March 2008, the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS) published the White Paper Raising Expectations: enabling the system to deliver setting out the major structural changes that will be taking place in the formal learning and skills system. Its focus is on post-16 learning and it outlines proposals for new arrangements for provision for young people (aged 16–18) and for adult skills (post-19). Following on from this White Paper, DCSF and DIUS have recently published update documents which provide further details on the reforms within their respective areas, with a focus on the structural changes taking place within the learning and skills system.

Local authorities will have responsibility for the commissioning of all learning for 16- to 18-year-olds from September 2010, taking over this role from the LSC. This will mean that local authorities will take a strategic overview of provision from 0 to 19 and take responsibility at a strategic level for ensuring that the delivery of provision supports the needs of all children, young people and families. (This will include considering links to their work on local economic development and the needs of the labour market.)

28 In December 2008, DIUS published *FE and Skills System Reforms – An Update*. The document summarises the progress made towards the development of a demand-led system including a description of the roles and responsibilities of the Skills Funding Agency (SFA). The SFA will be responsible for the funding of learning and skills. DIUS, DCSF and Department for Work and Pensions will share policy responsibility for the performance management framework, which will be built around the Framework for Excellence.² The SFA will oversee provider performance and assure the coherence and performance of further education for both young people and adults. The SFA will oversee the whole further education sector and its responsiveness to the strategic skills needs of employers and learners, working closely with the Young People’s Learning Agency (YPLA).

**The impact of changes in the learning and skills sector on equality**

29 With the forthcoming end of the LSC those interviewed regularly stated that it was important to understand how the LSC had responded to equality challenges so that the new agencies could build on the learning and existing good practice. The ending of the LSC and the creation of two new national agencies (SFA and YPLA) presents an important opportunity for those involved to begin to explore:

- the equality impact that the proposed changes could have; and
- the equality legacy that the LSC will wish to leave behind.

30 Frequently, the temptation for organisations that are in the process of winding up is to attempt to do everything in the final months. This was a concern that was continually expressed to us by key stakeholders throughout the interview phase. This approach entails significant risks, especially in areas such as equality and diversity which may not be a top priority for those left in post during the transition phase and those in the incoming organisations.

31 The proposed changes would have to be subject to an equality impact assessment (EIA), to be undertaken by DIUS, and a key requirement at this stage will be to decide the framework and scope for the EIA. It is important for the framework to include looking at the impact in terms of access to services, delivering services and workforce profile. It is important that this EIA does not simply focus on ensuring that there are no adverse impacts but instead ensures that proposed changes lead to a positive impact. This represents a key recommendation emerging from this review and evaluation.

32 In addition, the experience of developing both national and regional equality and diversity plans and strategies needs to be documented and learnt from, and key priorities identified. It is this experience and learning which should form part of the ‘equality legacy’. Again, this represents a key recommendation emerging from this review and evaluation.

**Report structure**

33 The rest of the report incorporates key messages from the audit and subsequent interviews and focus groups with key stakeholders. It has been structured as follows:

**Summary of the scheme review**

- Introduction
- Headline messages
- Progress against internal priority areas
- Progress against external priority areas.

**Priorities for 2010**

- Overall priorities
  - Key priorities
    - Identify key disadvantaged groups;
    - Consider how providers can be encouraged to address equality and diversity;
    - Work with key agencies and public authorities to ensure that they can both assess and support providers in terms of equality and diversity;
    - Understand the impact of the recession on providers and learners;
    - Understand how best employers can be influenced to respond to equality and diversity challenges; and
    - Assess the key equality challenges that the new agencies face.

**The Learning and Skills Council legacy**

- Key success factors
- Areas for improvement
- Considerations for the legacy.

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² The Framework for Excellence will underpin a new, simplified performance assessment system that will help drive up performance across the further education sector, by setting clear and unambiguous standards of excellence that all providers will want to achieve in order to demonstrate the quality of their provision.
Introduction

34 The Single Equality Scheme (SES) describes in a single document how the Learning and Skills Council (LSC) will fulfil its statutory duties to promote equality of opportunity and avoid discrimination, by demonstrating its commitment to placing the promotion of equality and diversity at the centre of every aspect of its work. It seeks to meet the requirements for race equality, disability equality and gender equality schemes and to implement these in an inclusive way which also takes account of religion or belief, sexual orientation and age. The scheme is intended to be effective from 30 April 2007 to 29 April 2010.

35 An action plan was constructed to address the six aims of the SES relating to governance; learning and skills; the performance of the system; the LSC as an employer; impact assessment and information; and impact measures.

36 All LSC staff have a role in contributing to the success of the scheme and implementing the action plan.

Headline messages

37 As a consequence of conducting this review we are in a position to state the following.

- The LSC is at the forefront of addressing equality and diversity and is perceived as a good role model in the learning and skills sector.

- The LSC is seen from both within the organisation and by key stakeholders as being at the forefront of the way that public service organisations respond to equality challenges and was one of the first to have attempted a Single Equality Scheme.

- There is a common perception that although the LSC still has a way to go, it has travelled a great distance and has inspired organisations in the learning sector to adopt similar equality schemes.

- The LSC has provided a direction on the activities that need to be undertaken and, importantly, allows for the accommodation of regional interpretations and initiatives.

- The relationship between national and regional offices within the LSC is complex; the National Office sets the overall equality and diversity agenda, and this is fed through equality and diversity managers in each of the nine regions. Their responsibility is not only to adapt these within their region, but also to identify alternative issues specific to the demographics of their area and feed these through to local offices.

- Although complex, this review was able to identify that the interpretation of national objectives within a regional context added value to the LSC's overall approach to equalities and to meeting its objectives and priorities as set out in the SES.

38 The audit phase of this project has provided sufficient evidence of efforts to achieve the key objectives of the SES and of a clear commitment to progress towards achieving the six aims outlined within. However, upon conducting the qualitative research with staff and stakeholders within the National Office and throughout the regions it became apparent that this evidence did not provide a complete picture and that the LSC's high expectations regarding equalities resulted in research participants providing a more critical evaluation of progress. Again, this seems to be linked with the key issue of whether others' expectations of the LSC and its approach to equalities are realistic.

39 On the whole the LSC is seen as a progressive organisation, particularly in its role as an employer. Consistently, the message from staff members was that the LSC is overwhelmingly considered to be a good employer, one that treats staff fairly and with respect. Communication about the importance of equality and diversity within the LSC was considered strong and there was an overall appreciation of the organisation's commitment to the equalities agenda. A commonly held opinion was that the LSC was broadly accessible to most people. Good practice was cited with regard to equalities being a central tenet within the restructuring of the LSC under agenda for change 'Theme 7'.

40 The LSC has made clear progress in the equality strands which are already covered by statutory public sector duties: disability, gender and race. And though it has demonstrated a commitment to addressing the wider equality strands by developing a broader SES, there is scope for some internal consideration as to whether the
three emerging equality strands of age, sexual orientation and religion or belief need additional emphasis in order to meet stated aims and objectives. The review was unable to establish sufficient evidence of work undertaken externally with regard to these strands. This was in spite of expressed concerns within the learning sector, such as: students facing homophobia; learners’ religion and belief impacting on their subject choice; and employers’ perceptions of older workers preventing access to training. Efforts have been made by the LSC in these areas – for example with the development and distribution of the *Visible and Valued* DVD to examine sexual orientation in the learning sector, and the support of the National Council of Faiths and Beliefs in Further Education. However, it is too early to effectively evaluate the impact of these within the sector.

41 While appreciating the ethos behind the development of an SES, some key stakeholders were concerned that bringing all equality strands together distracts attention from the main issues by attempting to tackle all areas of equality at the same time. This is difficult to verify; however, evidence does suggest that the wider strands receive noticeably less emphasis, and there is little mention of people who fall into more than one equality strand. The LSC has been credited with developing Equality and Diversity Impact Measures (EDIMs) and ensuring that these are adopted within the further education sector. Initially at least, EDIMs were highly regarded by both staff and external providers; however, there is a concern that because data is not collected on sexual orientation or religion or belief through the Individualised Learner Record, EDIMs do not reflect wider equality strands.

42 Some commentators felt that the scheme appears to be administratively driven rather than issue driven, a risk associated with all responses to legal requirements. This opinion was more prevalent among interviewees who were not LSC employees who stated that the scheme focused on ensuring that the organisation’s duties with regard to equality and diversity were met, as opposed to identifying and targeting key issues within the further education sector. Some participants felt that the LSC was more compliance and policy driven and more focused on written guidance than on changing behaviour or perceptions.

43 A view expressed by some stakeholders was that the scheme perhaps lacked coherence in regard to the wider context within which the LSC works; that it was unclear how the scheme could inform other initiatives or indeed how new initiatives or policies could inform the scheme. In conjunction with this, the scheme was considered by some to be insular – it could have made more reference to partnership working with key organisations such as Ofsted and the Learning and Skills Improvement Service (LSIS). Reference to increased partnership work with the third sector was vague, and though there was encouraging feedback about work engaging the Network for Black Professionals, it was felt by committee members that this could have been expanded to include other organisations such as the Disability Rights Commission (superseded by the Equality and Human Rights Commission) and Stonewall. Both these organisations were highlighted as being able to help the LSC meet its equality and diversity objectives.

44 Overall, the review suggests that the LSC has been more effective in implementing the internal elements of its equality priorities as opposed to progressing equality externally for the benefit of all learners. The reasons for this will be explored in greater detail throughout the remainder of the report. However, a consistent hypothesis was that internal success was due to the fact that the LSC’s remit and sphere of influence made it relatively easy to exert control over equality and diversity internally; while at best it could have only an indirect influence on external partners such as providers and even less on employers in relation to employer-responsive provision such as Train to Gain.

Progress against internal priority areas

45 This section covers two of the key priority areas outlined in the SES: governance and the LSC as an employer.

46 These cover how the organisation makes the promotion of equality and diversity an integral part of how it is led and governed, becoming an organisation that harnesses the talents of all, and refuses to tolerate any form of discrimination or harassment.

47 The section is split into the following elements, each exploring in greater detail:

- the LSC’s relationship with its workforce;
- governance;
- the level of representation within the LSC workforce; and
- embedding equalities.

The LSC’s relationship with its workforce

48 The overall message is extremely positive: staff feel that they are treated with dignity and respect. The LSC is seen as an equality and diversity leader when compared with other public sector organisations, and has been described as forward thinking and inclusive. A key message from the staff focus groups was that because the commitment to equalities is so demonstrable at the higher levels, staff not only were encouraged to contribute to the equalities debate, but also felt empowered to do so.

49 However, this overall positive message could camouflage more worrying opinions. One opinion voiced was that while the LSC was constantly improving its record on equality and diversity, particularly internally, it appeared...
that the organisation had lost some of its initial drive and enthusiasm in terms of equality. This was frequently linked to the embedding of the Directorate of Equality and Diversity within other directorates, where some considered that its importance had appeared to lessen. This review was not in a position to determine what had taken place beforehand. However, we continually saw evidence of a strong commitment to building on past achievements and were comfortable in asserting that embedding equalities into other directorates could be perceived as a sign of its acceptance and mainstreaming by the wider organisation.

50 The audit process highlighted that the LSC has demonstrated a firm commitment to becoming an employer that is confident in addressing equality among its workforce. It has been proactive in seeking to demonstrate best practice as an employer and has received awards for its work with Opportunity Now, Race for Opportunity and the Employers' Forum on Disability. Interestingly, however, the LSC has undertaken external benchmarking activity only within the equality areas where public sector duties are in place (gender, disability and race), although we were informed that discussions were under way with Stonewall regarding the LSC’s approach to sexual orientation as an employer. By providing external benchmarking activities with regard to race, gender and disability, the LSC is making positive strides in meeting the needs of key sections of its employees. The organisation would do well to develop similar measures for other potentially disadvantaged groups, whose needs are likely to be central in the development of the Equality Bill which is currently before Parliament. It is therefore important that the LSC considers the extent to which it is meeting the needs of its staff in relation to religion or belief, age and sexual orientation.

51 A potential area of concern is a lack of consistency in how managers respond to equality and diversity issues. Again this seemed to be one of the conflicting messages that emerged from our discussions with key stakeholders. Any issues with equality and diversity internally were generally dependent on the consistency of the management response. Some line managers were very proactive in relation to the equalities agenda and their own responsibilities within it, while others demonstrated an outdated understanding of the equality and diversity policy of the organisation, or were inflexible in terms of accommodating the needs of their staff. Examples were given of staff members unable to engage with initiatives designed for them due to ‘operational needs’ cited by their managers on a consistent basis. Alongside this, the organisation was deemed to be a good employer with regard to accommodating religious holidays and flexible working, though there was a perception that not all managers across the organisation consistently applied such equality-based policies.

Governance

52 It was clear to a significant number of stakeholders that strong leadership from within had helped to shape the organisation’s commitment to equality and diversity and that this meant that this agenda was pushed forward from the start at every level. However, some contended that the initial drive for equality and diversity that came from the upper echelons of the organisation had been lost, certainly since the restructuring of the LSC with ‘Theme 7’. Again, this was an anecdotal example of the conflicting messages emerging from the discussion with stakeholders. It is perhaps useful to note that no evidence for this view was encountered. However, that this view was articulated should be of interest.

53 The audit conducted in phase one reveals that the LSC has made progress with its aim to promote equality and diversity in the way in which it is led and governed; however, progress varies according to region and equality strand. Many of the regional councils have met their targets for recruiting members from black and minority ethnic (BME) backgrounds in their governance structures. Where regions have fallen short, this could partially be explained by these areas having a smaller than average BME population. For example, the North East region records the smallest ethnic minority population in the UK, with just 2.4 per cent of the population, according to recent statistics.3 There has been slower progress with female representatives in the regional councils, though the North West Regional Council has made exceptional progress with women making up 50 per cent of its representatives. However, with regard to National Council or committee members with disabilities, progress appears to be disappointing. There is a paucity of information about this area, with only an indication in one report by the Director for Quality Assurance that the target has not been met.

54 With regard to equality and diversity champions: while there were initial delays, good progress has now been made. Anecdotal evidence suggests that regional and national champions have been appointed recently and are now in place. ECOTEC has not received information about how age, religion or belief, and sexual orientation are considered and reflected in governance structures. Again, we anticipate that this review will lead to internal discussions about whether these new emerging equality agendas need to be considered in terms of issues relating to governance.

3 Office for National Statistics, Region in Figures, North East, Winter 2004/05.
The level of representation within the LSC workforce

55 As of September 2008 there were 3,218 members of the LSC workforce. This can be broken down as follows:

- 62 per cent female, 38 per cent male;
- 14 per cent from BME backgrounds;
- 3 per cent with a declared disability or learning difficulty; and
- 6 per cent were aged 16 to 24, 30 per cent were aged between 25 and 34 years old, 30 per cent aged between 35 and 44 years old, 27 per cent aged between 45 and 54 years old and 7 per cent were aged over 55.

56 Limited data is gathered covering religion or belief or sexual orientation for current staff members. Data collection appears to be restricted to the application process, though anecdotal evidence suggests that staff can choose to self-declare. It is unclear where this is recorded and whether current staff have chosen to self-declare.

57 In terms of gender, it is interesting to note that almost two-thirds of the LSC’s staff are female. Statistics indicate that male representation is disproportionately high in senior management roles (where male representation is 49 per cent at band 3 and above, rising to 52 per cent at band 4 and above), and underrepresented at lower-level roles. This is reflected in the workforce goal to increase male representation in band 1 roles to 28 per cent by 2010. Despite a small improvement, the numbers have remained fairly static, rising from 19 per cent in 2002 to 20 per cent in 2008.

58 Progress has been made with regard to female and BME representation within senior and middle management positions, and for BME representation throughout, due in part to proactive initiatives. The LSC has taken action to increase the diversity of its workforce, including evaluations of its disability recruitment procedures, employee surveys, implementing strategies to cover flexible working practices, and developing a guide to cover gender reassignment. Such activity has resulted in the LSC already meeting the 2010 targets for women in senior roles and the proportion of the workforce from a minority ethnic background. Furthermore, the 2010 target for increasing the workforce from BME backgrounds at middle and senior levels has almost been achieved. However, the proportion of staff disclosing a disability had fallen from 3.4 per cent in 2002 to 2.6 per cent at the end of 2007, and though recent figures suggest that this has risen to 3.4 per cent as of September 2008, significant progress is needed to meet the 2010 target of 6.7 per cent.

59 It was acknowledged in the interviews that monitoring disability is difficult due to individual perceptions of the term. Some key stakeholders, however, suggested that the underrepresentation of disabled people was due to a lack of understanding about how to target staff within this strand and others felt that this was because the LSC was caught up in a societal problem of engagement of disabled people at senior levels. Certainly, concerns were expressed by members of the LSC’s Equality and Diversity Committee that the LSC could have worked closer with the Disability Rights Commission, perhaps seeking advice on improving disclosure and increasing representation from people with disabilities within the organisation, especially given that a representative from the Disability Rights Commission sits on the Equality and Diversity Committee.

60 In focus groups and interviews, there was a widespread view, borne out by statistics, that though disabled members of staff were treated well, they were very few in number within the organisation. An issue with disclosure was acknowledged. It was felt that some staff members with a disability would not declare it, perhaps either because they felt that their disability had no impact on their career or through fear of negative consequences. A pilot is being undertaken in the North West region to increase employee disclosure, particularly in relation to disability, though it is too early to evaluate its effectiveness. However, despite the issue of disclosure, there were cases of poor practice which would have prevented people with disabilities from fully engaging with the organisation. Specific examples were given of equality and diversity meetings being held upstairs in buildings with no lift access, a general lack of understanding among staff members about how to interview job applicants with hearing impairments, and of insufficient time being allocated to meetings to allow people who had difficulties with their speech to fully engage with the discourse. Another incident highlighted was when a new member of staff who had a disability was appointed, and no one in the local team had previously been informed or briefed by HR on how to work with her. Nor were there any adjustments made that the employee needed to begin her job. Although these are undoubtedly examples of bad practice, we would contend from our review that these are isolated incidents as opposed to being the ‘norm’. We also saw evidence that the LSC has sought to take a proactive stance to increase the number of disabled employees among its workforce and is using specialist consultancy services to consider and address barriers.

61 In terms of recruitment there are areas of concern in the proportion of BME candidates, older candidates and, to a lesser extent, applicants with a disability and male candidates appointed within the organisation for the five years between 2002 and 2007.

- The proportion of new recruits from a BME group that were successfully hired was 4 per cent compared with 8 per cent for those from a white British background.

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6 Statistics for September 2008, as before.
The older the applicant, the less likely they were to be recruited – on a sliding scale of between 1 per cent and 2 per cent for every ten years of age of the applicant – from 10 per cent of applicants between the ages of 16 and 24 being recruited to 3 per cent of those applicants aged between 55 and 64. It has been suggested that this discrepancy could partially be explained by the increased likelihood of older candidates applying for a small number of senior roles; however, the data sources utilised were not sufficiently comprehensive to test this possibility.

The proportion of applicants with a disability who were hired was 7 per cent, in comparison with 9 per cent of applicants without a disability, and only 6 per cent of those who preferred not to declare.

In terms of gender, the proportion of men hired was 5 per cent of all applicants, compared with 8 per cent of female applicants.

There were no significant differences between the percentage of staff recruited against applicants, either by religion or belief or by sexual orientation.

62 It is important to note that these figures display an overall picture of a five-year period, and therefore neither demonstrate the long-term trends in recruitment, nor indicate where improvements have subsequently been made. Furthermore, consideration should be given to the impact of a reduction in recruitment in light of Machinery of Government changes which will not be reflected in these statistics.

63 Good progress has been made with regard to employee monitoring mechanisms and there were comprehensive examples of the establishment of baseline data and data reports. However, evidence was less apparent on any remedial action being identified and undertaken, though this perhaps is related to the reduction in recruitment. Furthermore, barring a pilot in the North West, there was little evidence of work with staff (including advocacy work) to improve disclosure in potentially sensitive areas such as disability, sexual orientation and religion or belief. Indeed, staff highlighted that there might be a reluctance to disclose these, either because there was a feeling that they were irrelevant, or for fear of potential discriminatory factors within the organisation.

65 A key element that emerged in the focus group was that staff wanted more challenging equality and diversity targets and indicators within their job description and targets. While being supportive of the fact that there existed a requirement for a generic approach to job descriptions, there was a sense that a more tailored approach focusing on developing specific performance measures would demonstrate an individual’s own contribution to the organisation’s equality and diversity objectives.

66 One area of concern raised in regional focus groups was that few messages emanating from the National Office regarding equality and diversity were received or digested by regional staff. The result was that some employees felt that they lacked awareness of the key equality priorities for the LSC and did not know about the work being undertaken across the organisation to address equality. For example, there was confusion expressed about how well the organisation was performing against EDIMs. Another concern expressed was that no information is provided about the demographics of the staff in each region – people felt that this should be widely available within regions and would show whether staff in the local offices reflect the local community.

67 National priorities for equalities were not necessarily relevant to regional areas and could lose their impact regionally. An example of this was national EDIMs which were seen to be irrelevant in more than one area where the local demographics did not reflect the national priorities, though it should be highlighted that in some areas it was apparent that regionally-set EDIMs were not necessarily relevant to the local offices within that region. Some stakeholders highlighted difficulties with adapting the SES itself on a regional level as it was constructed from a national perspective. Perhaps these concerns reflect wider tensions between the regional and national offices; as was highlighted in dialogue, there is a difficult balance between providing a clear direction and facilitating regional flexibility.

68 This is a hard issue to provide a judgement on and it should be noted that equality legislation makes the assumption that duties and responsibilities reside at the central/national/head office level. Therefore organisations such as the LSC have to secure a balance between ensuring that there exists a national approach to fulfilling equality duties – while providing opportunities for regional interpretation on directives. On the whole and in relation to the requirements set out in legislation, the organisation seems to be striking the right balance between national approaches and the importance of regional interpretation and engagement.

Embedding equalities

64 Equality and diversity staff training has been implemented, most recently with the Dignity at Work pilot conducted in the London region which is to be rolled out throughout all the regions. Though there were some positive comments about training, there were concerns expressed by some staff about the effectiveness of the training strategy. Questions were raised about the content of the equality training and whether courses were indeed fit for purpose or sat within the equality and diversity agenda.

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Progress against external priority areas

69 This section covers four of the six aims outlined in the SES: learning and skills; the performance of the system; impact assessment and information; and Equality and Diversity Impact Measures.

70 As has been noted, the LSC appears to have performed more effectively with regard to equality and diversity internally than externally. However, there have been some key areas of success in its outward-facing role. Implementation of the actions outlined in the SES has resulted in the LSC taking steps to becoming a more informed and responsive organisation in the way that it meets equality and diversity challenges for raising the standard of learning and skills for all. Examples of this include:

- research findings being used to inform LSC policy, such as the ‘Engaging Muslim Learners’ research;
- improved data collection, such as for offender learning; and
- implementing proactive measures such as the trial of subsidised access to Level 3 qualifications for women at a disadvantage in the labour market and the Learning for Living and Work Strategy (though this will not be evaluated until 2010).

71 Despite this positive trend, when interviewees were questioned about the impact that the LSC had had on the learning and skills sector they were more critical and identified some areas where success was less apparent including:

- influencing the learning and skills sector;
- taking an evidence-based approach;
- increasing the accountability of providers;
- responding to a demand/employer-led approach;
- implementing equality impact assessments; and
- working within a wider governmental context.

72 Each of these is considered in more detail below.

Influencing the learning and skills sector

73 There is evidence of good progress in many regions with regard to embedding equality and diversity within the LSC’s relationship with providers; both in relation to assurances that providers give priority to equality and diversity, but also that they meet their statutory duty. The LSC is in the process of developing the Framework for Excellence performance indicators with more progress targeted for 2010, although exactly how equality and diversity will be represented in the Framework is still being discussed. The promotion of the Race Equality in Employment Standard has also progressed reasonably well in many regions.

74 Strong progress has also been demonstrated in the Provider Support programme within the equality and diversity remit; this was cited as a real strength within the LSC’s external-facing role by providers. However, providers have also noted that this support appears to have waned since the restructuring of the LSC, and interviewees reported that this has been particularly missed by small providers. The move towards provider self-regulation has led to the perception that less capacity building with providers is now possible and this has particularly affected smaller providers with fewer resources and often a greater reluctance to prioritise equality in their work. Again it is important to note that this is a viewpoint expressed by those whom we engaged with and not supported by any explicit evidence.

75 However, there was a prevalent view throughout the LSC, committee members and providers engaged in the research that the degree to which providers effectively self-regulate in terms of equality is extremely variable. Research participants identified a number of barriers to effective equality self-regulation within some providers. These included that providers did not always have the desire to address equality because they were more concerned about meeting their funding conditions to ensure their future survival, or their infrastructure was not sufficient to meet these regulatory requirements. Wider concerns about meeting funding conditions were expressed both internally and externally, suggesting that the LSC concentrates only on outcomes that are measurable and that this creates tensions within provision. Providers have to achieve successful outcomes to receive funding and therefore some providers’ natural inclination was to consider engaging less challenging learners. Though difficult to evidence, this was certainly a prevalent fear articulated by providers. Views were also expressed that larger colleges did have the resources to be able to self-regulate; however, it was the smaller providers who required increased support, as without this they were unlikely to be able to fully meet their equality and diversity requirements. It should be noted that self-regulation is complex and within equality and diversity there is often a tension between centrally imposed targets and requirements and local discretion and flexibility. It should be noted that a number of those whom we interviewed were confident that the more rigorous approach to assessing equality and diversity within inspections proposed by Ofsted would help to address concerns about self-regulation.

76 The feedback from stakeholders both internally throughout all levels of the organisation as well as externally from providers is that the LSC is ultimately driven by overall participation rates and success rates; and furthermore, that equality and diversity is an aside to this. In the end, as long as the learning provider is achieving
performance targets overall, then equality and diversity is not prioritised. This perception has led to a need for, and indeed a reliance on, strong regional partnership teams throughout, to prevent diversity falling off the agenda. However, the inconsistencies in how these teams work to address equality have led to variable results. For example, some providers have complained that their LSC partnership team conducts monthly performance meetings and yet only addresses equality and diversity on an annual basis. Some argued that these teams had too wide a remit and so it was almost impossible to address all agendas.

77 There was a feeling that the real drive in equality comes from the regions themselves, and that if the regional manager places equality and diversity high on the agenda then that region will push forward its equality and diversity work. This is shown in the regional inconsistencies in the evidence supplied demonstrating regional skills partnerships, city region strategies and the implementation of Skills for Jobs as collated during the audit phase of this assignment. With regard to collation of performance data, the evidence supplied has been inconsistent, with relatively few regions providing information surrounding this aim. It is perhaps useful to note, as should be apparent from any reading of the review of progress made against the SES, that the regional variations have not in themselves impacted adversely on the LSC meeting its equality and diversity objectives.

Taking an evidence-based approach

78 As previously mentioned, the LSC developed the concept of Equality and Diversity Impact Measures (EDIMs) to provide evidence of performance indicators to measure improvements. However, though there appears to be good progress with regard to setting EDIMs with evidence provided nationally and from the majority of regions, they refer only to disability, gender, race and age, and do not cover sexual orientation and religion or belief. Although not verified through data, anecdotal evidence suggests that the LSC has decided not to push for the Information Authority framework and that informal discussions would achieve far more.

Increasing the accountability of providers

80 There was an overriding sense of disappointment in EDIMs expressed by committee members, staff members and indeed providers themselves. Many key stakeholders felt that though EDIMs could demonstrate direction they lacked the ‘teeth’ to be able to truly drive or stimulate change in provider behaviour. Furthermore, it was felt that national and regional EDIMs (in the regions where these existed) were often irrelevant to providers and their specific demographics. Anecdotal evidence suggested that though regions, as well as some local offices, set their own EDIMs to reflect their community, providers felt that these were inconsistently published or monitored by the LSC. Some providers expressed concern that their own organisational EDIMs had never been reviewed or even looked at by the partnership teams. Difficulties expressed about using contract negotiations as a bargaining tool in this area served to highlight the ineffective nature of EDIMs as an enforcement tool. There were, however, some positive examples of a region using funding to incentivise those providers who were performing well in relation to learners with learning difficulties and/or disabilities: they would receive extra funding in order for them to act as a beacon for other providers in this area and to encourage the business case for diversity. Such an approach could also be applied in relation to EDIMs.

Responding to a demand/employer-led approach

81 Interviewees expressed concern at the ability of the LSC to influence a learning and skills sector that is becoming increasingly dependent on employer-led provision, through Apprenticeships and Train to Gain. Many interviewees highlighted the difficulty which the LSC has experienced in challenging employer perceptions or behaviour regarding equality, particularly with regard to disability. The link with employers invariably involves brokerage firms, which in itself makes it difficult to get equality messages across; in addition, the process of getting employers to agree to their staff receiving training often takes a long time in any case without factoring in persuasion on the business case for diversity. Training of the intermediaries is occurring in some instances and this will help to take the equalities message to employers and identify different agendas. However, the LSC is still at one remove from the process due to lack of direct involvement with employers.
Implementing equality impact assessments

82 It would appear that the LSC has a robust process in place for implementing equality impact assessments. In a sample of three impact assessments examined, there appears to be good progress at a national level of Single Equality Impact Assessments (Implementation of the Framework for Excellence; Demand-led Funding and the UK Vocational Qualification Reform Programme; and Statutory Intervention Policy). There were concerns expressed within the committee that full equality impact assessments were rare, and this apprehension appears to be supported by the evidence. Out of 115 impact assessment screenings for changes in the sector, only the three mentioned above have required a full Impact Assessment. Not proceeding with a full impact assessment suggests that there are no equality implications to any of the organisational changes where an initial screening was conducted. The concerns expressed at committee level were that clearly this was unlikely to be the case and that staff lacked a full understanding of either the process or how it applied to them. Not only did this reduce the process to a tick box exercise, it also provided the organisation with little evidence of direct impact at ground level. A debate could be raised about only having these assessments conducted at the national level with suggestions being made that perhaps the real impact of any changes within the sector or with new initiatives could best be assessed at a regional or indeed local level, but that it appeared that there was no evidence of this taking place.

83 We are not in a position to ascertain the full reason why only 3 of the 115 were full impact assessments. We recommend that this is something that the National Office needs to investigate.

Working within a wider governmental context

84 Interviews with key stakeholders frequently highlighted the potentially negative influence that other national policies can have on LSC activities in equality and diversity and in particular on its ability to influence the sector. For example, concern was expressed about how the emphasis on completion rates and qualifications to receive funding created tension with the providers’ ability to meet their requirements on equality and diversity. Anecdotal evidence suggested that providers’ priorities within the funding system were to engage learners who would be less of a challenge to meet these funding requirements, and that those providers who had traditionally engaged with more challenging learners were struggling within this environment. This was an opinion widely held by providers and a risk frequently highlighted in dialogue with staff and committee members, though it is difficult to find evidence to support this fear.

85 It was strongly felt the LSC needed to have the weight of government departments behind it to strengthen its equality and diversity approach. Priority for equality and diversity remained high and the organisation responded well in terms of impact assessments and ensuring that diversity was at the forefront of the restructuring process. Though praise was widespread as to how well the organisation had responded to losing a third of its workforce, there are mixed opinions about its current performance in light of the forthcoming changes within the learning sector.
Priorities for 2010

86 This section explores the priorities for the year until April 2010 for the Single Equality Scheme (SES).

Overall priorities

87 A key concern emerging from the consultation was the need to clarify as soon as possible where equality and diversity will fit into the new learning and skills system when the LSC is no longer in existence. This is a priority that has been acknowledged by those who currently champion equalities within the Learning and Skills Council (LSC) with the following options being considered:

- requesting the development of an equality and diversity/inclusion team that has a central function and therefore works across the new agencies; and

- ensuring that equality and diversity is adequately embedded into the Framework for Excellence.

88 With respect to activities related to the LSC’s current SES, findings from the review highlight a need to be realistic about what is achievable within the LSC’s remaining operating time, particularly given that the majority of staff will be taking on new responsibilities associated with the new agencies throughout 2009.

89 A clear concern expressed by a number of key stakeholders was to ensure that the Machinery of Government changes do not impact negatively on the successes of the scheme. As a consequence, a view was emerging that the LSC needed to start influencing the process in terms of equality and diversity. One such view was that the LSC should focus on information sharing to ensure that lessons learnt regarding promoting equality and diversity are transferred to any new agency.

90 Another key finding emerging from this review was that staff emphasised the need to prioritise internal communication to minimise the impact of transition and uncertainty about employment opportunities in the new agencies. It was recognised that capacity issues will arise as the LSC loses staff and this could lead to the demoralisation of the workforce. Against this backdrop, people recommended a focus on sharing knowledge across the organisation so that everyone can take responsibility for the equalities agenda. This would help drive equality and diversity forwards and create more collaborative working on the SES and ensure that good practice is not lost. In one region a professional development scheme has been introduced which was felt to demonstrate good practice. A panel can award up to 50 per cent of the training costs to undertake a development programme if there is support from management. Likewise, the LSC also offers three days for employees to work elsewhere (‘Widening Experience’) which helps staff to decide what they want to do post-LSC.

91 It was also suggested that the LSC could be involved in, or at least contribute towards, equality impact assessments for the Machinery of Government changes, to be undertaken by the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS). This stemmed from a concern that there was a potential for some groups to incur an adverse impact due to the pace of some of the changes.

92 The key priorities emerging from the review are detailed below.

Key priorities

93 The following were identified through our research as key priorities for the remaining period of the LSC’s existence. At the end of each section we link the priority to the six aims outlined in the Single Equality Scheme Action Plan.

Identify key disadvantaged groups

94 The interviews and focus groups revealed a range of views regarding the key disadvantaged groups for the LSC to focus on over the coming year, reflecting differences across the regions. Groups mentioned frequently in the consultation were people over 50 and white working-class communities. In fact, the needs of white working-class communities were regular points of discussion both in interviews with key stakeholders and in focus groups. The over-50s and the white working-class communities were felt to be particularly vulnerable to the impact of the recession and in need of focused investment in developing skills from the LSC.

95 There was a request for the LSC to utilise the baseline of current levels of engagement with different groups across the regions to act as a measure for future agencies. This could identify gaps and barriers and thereby provide recommendations for improving participation in the future. Once key disadvantaged groups have been established, the LSC should consider how best it can provide support that will have a lasting impact on these communities and the providers that seek to meet their needs.
It was acknowledged that implementing this priority might result in the needs of some groups/equality strands being put before those of others. Those interviewed felt that this was necessary to ensure that the most disadvantaged were targeted appropriately.

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<th>SES aim</th>
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<tr>
<td>2: Learning and skills</td>
<td>Analyse baselines for levels of participation, retention and success for relevant groups and set improvement targets</td>
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<tr>
<td>3: The performance of the system</td>
<td>Provide support to build providers’ capacity for equality and diversity activity</td>
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**Consider how providers can be encouraged to address equality and diversity**

The consensus emerging from the consultations was that unless providers are confident in addressing equality and diversity, learners will experience only a limited impact in the sector’s ability to respond to equality-related disadvantage. This point was seen to be particularly important in light of the fact that the LSC was required to take a step back from providing extensive/direct support to individual providers but would instead encourage and assist providers to become self-sufficient in terms of the equalities agenda.

Where the LSC is involved with renegotiating contracts with providers in the near future, this engagement offers an opportunity to consolidate the influence of the LSC by helping providers to embed equality and diversity within their provision. This could create a strong base from which the providers will be in a position to work with the new agencies.

Concern was raised by some staff that although the LSC has done well in promoting providers that had responded to equality and diversity challenges, these tended to be the larger providers. It was recommended that the LSC should focus on how to engage with smaller providers to ensure they are responding to different communities. This would help ensure that small as well as larger providers take the issue seriously, and it would also provide a level of consistency across all local authority provision.

There was also a feeling that the LSC needed to be equipped with knowledge and skills it could pass on to providers encouraging them to set their own Equality and Diversity Impact Measures (EDIMs). Actions already being taken by the LSC involve presentations to providers on the equality and diversity agenda, supporting providers to collect their own statistics and showing how they can use these statistics to inform their provision.

There was a feeling that the increased emphasis on equality and diversity within the remit of Ofsted inspections may create a resurgence of interest in equalities among providers. Those engaged as part of this review felt that the LSC could make use of this momentum to offer specialist training and support to providers, as well as acting to persuade them to focus on key equality issues. A key message from the consultations was the need for the LSC to emphasise the business case for diversity. Again, respondents felt that where data was available, this should be used to develop a clear case to demonstrate to providers that by promoting the equalities agenda they are more likely to reach their targets.

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<td>Provide support to build providers’ capacity for equality and diversity activity</td>
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Work with key agencies and public authorities to ensure that they can both assess and support providers in terms of equality and diversity

A key priority emerging from the consultations was the need for the LSC to work closely with Ofsted, the Learning and Skills Improvement Service (LSIS) and local authorities to ensure that equality continues to move forward and the new agencies are in a position to assess and support providers in terms of the equality agenda. This included working to position equality and diversity appropriately within the new agencies as well as working with them to develop processes for knowledge transfer from the LSC to ensure that good practice is built upon.

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<td>Assure ourselves that providers comply with statutory requirements in respect of their provision and services</td>
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<td>3: The performance of the system</td>
<td>Provide support to build providers’ capacity for equality and diversity activity</td>
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<td>3: The performance of the system</td>
<td>Support colleges and providers in developing high-quality provision for learners with learning difficulties and/or disabilities</td>
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<tr>
<td>3: The performance of the system</td>
<td>Develop capacity of the third sector, particularly black and ethnic minority organisations, to enable them to enter and compete in the provider market</td>
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</table>
Understand the impact of the recession on providers and learners

A common fear expressed by stakeholders concerned the recession and the changing focus of priorities. Providers were worried that, in a more challenging economic climate, equality and diversity would be less of a priority than meeting participation and success targets. There was a concern raised by both staff and providers about the funding approach pertaining to learners with disabilities, introduced across further education colleges as part of the agenda for change, and how this would be affected by the recession. Furthermore, stakeholders identified areas of concern with regard to older learners and their ability to access the learning sector in light of a worsening economic climate, and the potential to include the white working classes within the remit of equalities and diversity. As one committee member noted, this was important ‘given their increasing disengagement in society and the learning sector in particular’.

Understand how best employers can be influenced to respond to equality and diversity challenges

A further priority for the LSC in the next 12 months is to focus on understanding how best employers can be influenced to respond to the equality and diversity challenges associated with employer-led skills and training provision, such as Apprenticeships. As the learning and skills sector becomes more employer-led, some respondents in the review felt it was becoming increasingly important for the LSC to consider how it exerts influence on employers in terms of offering learning opportunities to their employees in a non-discriminatory manner. Apprenticeships will grow in importance and therefore their equality dimension needs to be assessed and monitored.

The review showed that a clear aim of the LSC is to work towards involving more disadvantaged client groups into Apprenticeships and Train to Gain; for example, increasing the number of learners with learning difficulties and/or disabilities (LDD) and the number of participants from black and minority ethnic (BME) communities. The latter could be encouraged through closer liaison with minority ethnic business groups and forums, resulting in access to harder-to-reach employers. The critical mass pilot programme proposed for promoting access to Apprenticeships from underrepresented groups could also provide a useful avenue to increase numbers.

Those interviewed suggested that the LSC needs to promote equality and diversity as a way of helping employers build their capacity and reach their targets. There was a feeling that this could be done through contractual links and obligations. In addition, there could be greater partnership working with the third sector, to help bring disadvantaged learners forward. The LSC could act as a broker to bring the third sector together with employers and providers, building on and strengthening existing networks.

<table>
<thead>
<tr>
<th>SES aim</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2: Learning and skills</td>
<td>Make a business case to employers for the benefits of promoting equality and diversity and plan provision accordingly</td>
</tr>
<tr>
<td>3: The performance of the system</td>
<td>Provide support to build providers’ capacity for equality and diversity activity</td>
</tr>
</tbody>
</table>
Assess the key equality challenges that the new agencies face

108 In order to assess the key equality challenges that the new agencies face, those interviewed felt that the equality and diversity impact of the LSC needs to be assessed in order to provide a baseline from which further action can be prioritised and monitored. The review of EDIMs provides an initial indication; however, the new agencies should also understand the limitations of current learner monitoring data.

109 Again there was a feeling that the LSC should develop a list of areas of concern that can be taken on by the new agencies and prioritised – for example, the lack of atypical learners in Apprenticeships.

110 When the scheme was drafted, the governmental changes to the learning and skills sector were not known and therefore this was not an action included in the SES. However, the priority does relate to the following actions.

<table>
<thead>
<tr>
<th>SES aim</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>2: Learning and skills</td>
<td>Analyse baselines for levels and patterns of participation, retention and success for relevant groups and set improvement targets</td>
</tr>
</tbody>
</table>
The Learning and Skills Council legacy

111 This section looks at the lessons learnt from the experience of the Learning and Skills Council (LSC) Single Equality Scheme (SES) based on the findings of our review and consultation with key stakeholders. The LSC is seen as a good role model in terms of equality and diversity but it recognises that the equality agenda is a work in progress and always has room for improvement.

112 The views of stakeholders, staff, providers and learners consulted in the review highlight the key success factors contributing to the LSC’s progress in terms of equality and diversity. It also details the areas where the LSC’s experience has drawn attention to the difficulties emerging from the scheme, highlighting areas for future consideration.

Key success factors

113 Through the audit, interviews and focus groups we have identified the following areas where the LSC’s equality approach has been particularly successful.

Senior-level leadership

114 A consistent message from the review is that strong ‘leadership from the top’ is crucial in ensuring that equality lies at the heart of an organisation. The commitment at a senior level, from the Chief Executive and Chair, is seen as having driven the equalities agenda from the start, cascading the need to address equalities issues to every level. Their continuing support, for example, in attending several Equality and Diversity Committee meetings, reflects the importance given to the equalities agenda. Many contributors to the review felt this was a key factor in enabling equality issues to be addressed by the LSC and for the subsequent success of the scheme. Both internal LSC employees and committee members noted the importance of the message that equality is an organisational imperative which should be maintained in future agencies. They felt that this supported approaches to embedding equality and diversity across the organisation as well as providing those who champion equality and diversity with some leverage.

115 The commitment of senior-level management and the Equality and Diversity Committee from the commencement of the scheme has meant that these issues have been pushed forward at every level, both internally and externally. This structure is seen as effective in establishing a culture where equality and diversity can develop within an organisation.

116 The focus at a senior level, with a dedicated staff team both nationally and regionally, has resulted in a commitment to learning and development for staff within the LSC. It is also seen as providing the confidence for regions to do things differently and work innovatively. There is a common perception that the strong leadership and drive from the top combined with the regional managers’ role have enabled the LSC to push forward the equalities agenda locally. The strong internal culture regarding equality and diversity has enabled the LSC to tackle the external equality agenda with confidence.

Visible champion of equality and diversity

117 The findings of the review not only highlight the need for strong leadership but also the requirement for a visible champion of equality and diversity issues. This could be in a separate department or embedded within another directorate. Either way, feedback from the review showed that the perception of some committee members, regional managers and staff was that equality and diversity was far more effective when there was a dedicated director with a remit for equality and diversity as this provided a clearer sense of direction and made the equality agenda more visible. The presence of a champion meant that the organisation was more proactive on issues of equality and diversity. It is important to state that this view was a perception rather than a fact and it needs to be counterbalanced with a viewpoint within the wider equality and diversity world that securing the mainstreaming of equalities is essential. It is clear that equality has been mainstreamed when its functions and responsibilities are incorporated into high-profile directorates. The salient point is that the LSC is performing robustly against its stated equality and diversity objectives and targets. These objectives and targets exceed what is currently required. If, as part of our review of the LSC, we had seen a failure to ensure that targets and objectives were met, then we would have reflected significantly on the organisational location of its equality and diversity functions. There is no reason for us to reflect on their location.
Strong regional presence

118 A significant contributory factor to the successful external impact of the LSC on learners and providers in terms of equality and diversity has been its strong regional presence. A key finding emerging from the consultations was that the LSC has been most effective when there have been strong links between national, regional and local offices.

119 The LSC has had a major role in building strong relationships with key partners to meet the needs of local populations. It is seen as having been effective in pulling different organisations and people together. For example, the LSC in the South West notes that colleges have taken learners with profound disabilities – something which would never have happened before – and in the North East the work of the LSC with the TUC has funded a number of union representatives who spread the benefits of English for speakers of other languages (ESOL) to migrant workers.

120 The findings from the review showed that many considered that the LSC structure has done well in bringing together key players across regions at a strategic level, allowing arrangements to be made with specialised colleges and providers. The benefits of such networks included information exchange, sharing best practice and peer support.

121 The regional teams have also provided a ground-level view of the needs of the local population which has been seen as a crucial factor in the success of the LSC SES. Participants in the review stressed the need to understand and respond to the demographics of local communities and referred to the positive outcomes that have occurred through regional-level funding, allowing local areas to try out different initiatives relevant to the particular demographics of their population. A level of autonomy within regions is seen as essential, even if this sometimes conflicts with national priorities.

Equality and diversity measures included within business cycles

122 The inclusion of Equality and Diversity Impact Measures (EDIMs) within business cycles was seen as a strength of the LSC experience. The review reflected the need to embed the importance of equality and diversity measures into the business plans at all levels of the organisation and within providers. However, while the process for embedding equality and diversity measures into business cycles was seen as a positive step in developing accounting around equality, the appropriateness of EDIMs as the means to do this was questioned; a point explored in more detail at paragraph 80.

Project funding targeted at specific equality and diversity groups

123 Many research participants felt provision for learners with learning difficulties and/or disabilities (LDD) had shown a clear improvement due to a tougher approach to ensuring quality provision and developing effective partnerships/networks to support providers offering training to this group of learners. Some interviewees considered that this success was largely due to the attachment of provider funding to this group of learners, which encouraged providers to improve their services and gave greater weight to LSC improvement measures. Conversely, many of those interviewed felt that the funding mechanisms did not sufficiently stimulate providers to improve their provision for disadvantaged groups and the emphasis on completion rates could act as a disincentive for engaging learners whom providers felt were less likely to complete the course. These concerns have also been highlighted within the Framework for Excellence Single Equality Impact Assessment, which includes a recommendation that the LSC should re-examine the rules of combination for the Framework measures to take account of the risk of unintended provider behaviour arising from the strong influence of success rates on the overall performance rating. It is expected many of the recommendations from this impact assessment will be addressed during the second phase of the implementation of the Framework for Excellence due for completion in summer 2009.

Areas for improvement

Equality and diversity can be the last priority

124 A key message from some of the participants in the review is that competing demands and targets can dilute the equality and diversity agenda in some regions. Staff may be working to the requirements of many agendas and find they do not have enough time to address fully the issues of equality and diversity. For example, partnership teams working with providers are required to discuss performance targets and achievements regularly whereas a dialogue focused on equalities and diversity occurs once a year.

125 There is a concern also that the LSC concentrates only on outcomes that are measurable, which creates tensions within provision. Providers have to achieve successful outcomes to receive funding; and there was a sense that there was an incentive for providers to engage with less challenging learners. In addition, the LSC focuses on overall participation rates and less on which groups of learners are engaged in specific programmes. As cited above, it is hoped that these concerns will have been examined further when the recommendations from the Framework for Excellence Single Equality Impact Assessment are adopted.
Influencing providers requires a clear remit and tools to do so

Feedback from the review showed that enthusiasm for equality and diversity among providers is inconsistent. Experience has shown the importance of understanding what drives different audiences and people to respond to equality and diversity, and for specific strategies to be designed to meet these needs. Responses suggested that the LSC has been less effective in engaging with smaller providers. Reasons for this included a lack of resources within smaller organisations and also the view that private providers, particularly smaller ones, traditionally do not like to share information about themselves for fear of losing any competitive advantage.

Some commented on a lack of confidence among LSC staff in tackling equality issues with providers and felt that the equality and diversity training could be improved further through an individual focus on how this affects their particular role. Expertise at a high level needs to filter down to every role in the organisation so that equality and diversity is seen as everyone’s responsibility. At present it may be held within specialist roles which don’t have the same exposure to providers.

There were mixed views on the effectiveness of the current use of EDIMs. Some regional equality and diversity managers as well as staff in focus groups commented that they need to be enforced and target-driven in a similar way to overall participation rates in order to drive change with providers and influence the wider sector. Other interviewees felt that they worked best when partnership teams worked closely with providers to set appropriate EDIMs and when both LSC partnership staff and provider representatives understood the importance of making progress on the equality agenda.

The revised remits of Ofsted regarding equalities and the Framework for Excellence were expected to be useful tools for providers to self-assess. The current pre-qualification questionnaire (PQQ) for new providers was, however, felt to be inadequate by some regional equality and diversity managers. This point was reinforced within internal focus groups: the PQQ simply asks a provider to tick a box rather than provide evidence of commitment. It was suggested that there should be more emphasis on equality and diversity at the procurement stage, and a greater onus placed on the provider to offer more than just a statement to verify their commitment to equality and diversity. Again we were not in a position to reflect on whether the procurement process was ‘adequate’ — what we can state is that it complied with equality obligations and requirements.

Focus on core messages

Feedback from the review showed that, at a senior level, it was felt there was a risk that if equality and diversity became too generic then core messages could be lost. Moreover, it was felt that the experience of the LSC demonstrated the need to focus on key areas of concern, to prioritise the issues within a specific context and not to try to do everything at once.

However, tensions surfaced, and opinion on this was divided. Some participants said that the equality agenda loses focus when trying to embrace all the equality strands, as each individual strand becomes diluted. Other commentators felt that limiting the scheme’s focus to the legal requirements of the three main strands posed risks not only for those affected by issues relating to wider strands, but also for individuals who could be considered within more than one strand (such as black women). We note that the adoption of an SES approach reflected the ‘direction of travel’ that equalities as a whole is engaging with. At a national level there is a sustained debate regarding the impact of an approach which incorporates all equality strands. These issues are likely to receive further attention at a national level in the parliamentary debate on the proposed Single Equality Bill currently before Parliament. However, we would contend that the concept of ‘dilution’ ignores issues concerning ‘double discrimination’. Again we saw no evidence that the LSC’s SES led to any dilution. What we did see was an approach that enabled the organisation to be at the forefront of national approaches to equalities.

Considerations for the legacy

The experience of the LSC with the SES provides relevant practice for future agencies. This section addresses some of the key questions facing the learning sector and provides suggestions and recommendations for the agencies to consider.

How best can the positive equality and diversity culture within the LSC be harnessed in the new agencies?

Taking forward the success factors highlighted above, there is a clear message that equality and diversity needs to have senior-level recognition within the organisation, a champion to focus actions and policies, and an internal structure which supports it. This managed approach must be established from the start. Leadership is seen as the key to embedding equality and diversity in the new agencies and ensuring a culture where training, development and raising the understanding of equality and diversity issues among the workforce can take place. A core leader at senior level, some suggest at the highest level, to champion equality and diversity is seen as essential. This would remind people of the importance of equality, ensure that activity is ongoing and providing a secure environment which allows work to take place at the cutting edge of equality issues.
Feedback from the review recommends that the new agencies need to understand the importance of equality and diversity as a cross-cutting theme and one that is related to mainstream policies. Some felt the debate has moved beyond equality and diversity and instead should focus on inclusion and exclusion. This wasn’t a substantive issue, but rather more a question of language and definitions.

Some participants in the review felt the new agencies should follow the example of the LSC and develop practical awareness sessions which make equality and diversity both real and applicable not only to working life but also to an individual’s personal life. One commentator noted a ‘huge shift in attitudes with staff discussing E & D issues as part of normal conversation whereas before when it was introduced in the organisation in 2002, E & D was known about in the same light as Health & Safety. A bit PC, and something that everyone had to follow though it was perceived as irrelevant to the learning environment. Now people understand equality of access, and can see why it is not just a legislative requirement.’

The apparent success of the LSC SES has resulted from an emphasis on combining both national and local-level drivers. It will be important for the new agencies to understand the demographics of their area profile and to provide equally for learner needs at a local level. This again is one of our recommendations.

How should knowledge transfer take place to ensure that success is built upon?

Change needs to be managed and the feedback from the review recommends a focus on embedding existing equality and diversity policies and procedures. The consensus is for a continuation of current themes during the transitional stages as the previous input of the LSC will have driven developments which need be to carried on.

Knowledge about equality and diversity among existing LSC staff transferring to the new agencies could act as an important and valuable resource in establishing a positive culture. Responses in the review suggested that the new agencies should recognise the experience and individual talents of LSC staff in the equality agenda and build on these within the new learning sector structure.

Training and development sessions of members of the workforce in the new agencies would raise understanding of equality and diversity issues and enable staff to feel more confident in taking the equality agenda forward with providers. Taking forward the lessons learnt from the LSC’s experience, the training should, in part, relate directly to an individual’s role in the organisation.

Future proofing of the SES prior to transition would also act to minimise any marginalisation of areas that have already been addressed. Concerns expressed within the review relate to the need for a clear transition process between youth and adult provision as there is potential for learners to fail to make the move to a different funding and provider base.

Where should equality and diversity be placed in the new agencies and how should it be built into priorities?

The experience of the LSC’s SES provides a strong case for a champion of equality and diversity whose role is to provide direction and visibility to the equality agenda. This needs to be established early in the development of the new agencies. It is less clear whether there needs to be a separate equality and diversity directorate within the new agencies or whether it can be part of another directorate.

Views expressed in the review suggest a second key issue for the new agencies is the importance of embedding an equality and diversity culture. Again the positioning of equality and diversity within the organisation is not seen as the critical factor but rather the internal culture it creates. Strong senior leadership is seen as crucial to driving this forward. Although there is no legal requirement for the new agencies to develop an SES, people suggested that an SES would help to embed equalities within the organisation. This would help to ensure equalities are integral to the new successor bodies both ‘politically’ and ‘operationally’.

Tangible equality and diversity elements could be incorporated into individual performance reviews in order to raise awareness and ensure that equality and diversity is incorporated at all levels. In addition, the internal structure could be developed to provide a process whereby staff members can evaluate their own performance, for example by focusing on building the capacity of providers to enable them to cater to more learners. This methodology could be used to train staff and incorporate the process into their standards. Furthermore, equality and diversity should be incorporated into business cycles.

Feedback proposed the approach to the new agencies should be to develop a ‘risk management strategy’ in which the successor bodies are informed of the consequences (not simply in terms of legal requirements) if they fail to respond to the equalities agenda.
Who should provide equality and diversity support to providers?

145 The experience of the LSC with the SES demonstrates the need to be proactive around equality and diversity and has shown the benefit of selling the business case for equality to providers. One area for potential discussion in the near future could be for new and old agencies, providers and provider representative bodies to work together to agree a sector-led vision of how equality and diversity can be embedded and promoted.

146 It is clear from the research findings that many consider Ofsted, despite its increased role in terms of equality and diversity, will maintain its key focus on teaching and learning. It is recognised that Ofsted will focus more on practice than policy. This offers an opportunity for Ofsted staff, sufficiently trained in equalities, to drive change and raise the equality agenda bar within providers.

147 Suggestions emerging from the review put forward a number of ways in which equality and diversity support could be offered. The Learning and Skills Improvement Service (LSIS) is seen as essential in picking up on some of the support activity. In addition, both local authorities and the Skills Funding Agency will need to develop a direct relationship with providers. This relationship will need to be developed within the context of the Machinery of Government changes currently taking place within the sector. This is likely to be through the role of an account manager who would be the main point of contact for the provider. It is recommended that this role includes an element of empowering the provider regarding equality and diversity issues.

148 There is a concern that equalities may be diluted by the complexity of the system at local authority level, resulting in tick box exercises rather than meaningful drivers for change. Combining the role of empowering a provider as well as monitoring their equalities agenda could act to minimise this.

How can partnership working at regional level be maintained?

149 Learning from the successes of the LSC, views expressed within the consultation recognised that there needed to be a national steer on equality and diversity issues with a regional aspect ensuring that it is embedded locally. Some considered there was a strong case for a champion of equality and diversity within each region. The role of the regional champion could be co-funded by the new agencies providing a co-ordinated approach at a strategic level, maintaining and developing networks and linking both within the region and at a national level. This would provide coherence regionally and avoid duplication within the sub-regions. This role may be needed in addition to an equality and diversity champion within the new agencies.

150 A key recommendation from the review is that it is essential to allow regions a level of autonomy so that they can respond to the equality and diversity issues of learners in their local area and tailor their strategy to address those priorities. Processes should be developed which allow sharing of regional initiatives and mainstreaming good practice.