

Single Equality Scheme Consultation

June 2010

 **For consultation**

Contents

1	Foreword and introduction	2
2	Executive summary	4
3	Our role and commitment to equality	5
4	How we are developing our Scheme	8
5	How the Skills Funding Agency is governed, and who is responsible/ accountable for equality	9
6	Where we are now	11
7	Equality objectives	15
8	Equality Impact Assessment	20
9	Action plan	21
10	Monitoring, reporting and updating	32
11	Consultation and involvement	33
12	Annexes:	35
	Annex 1: Full list of consultation questions	35
	Annex 2: Glossary and abbreviations	36
	Annex 3: Table of existing and expected equality duties and how we will meet each of them	40
	Annex 4:	
	Case study: Equality impact assessment of the National Commissioning Framework	43
	Annex 5: Complaints	45

1 Foreword and introduction



The Skills Funding Agency – and I personally – are committed to meeting the requirements of legislation; going beyond them where we can, to place equality and diversity at the heart of what we do. We will be ambitious yet practical and aim to be an exemplar to those we fund.

Learner equality is vital to the success of the Skills Funding Agency. We will not achieve our mission unless we support the sector to remove barriers to learning. As stated by the National Skills Forum, '...it is critical in the current economic climate that we seek to better engage... traditionally excluded groups in skills development and training. Greater emphasis on equality in skills policy will maximise the opportunities for all learners to achieve their potential and contribute to a more productive and skilled knowledge economy.'¹

It is also important that we develop a fair and diverse working environment within our own Agency. To achieve this, we will go beyond our statutory duties in relation to recruitment, staff development and reward. Better reflecting the diversity profile of our community will enable us better to understand our clients and their needs. It will also help us lead by example to promote equality and diversity.


This Scheme builds on the success of the Learning and Skills Council's Single Equality Scheme, but is a new scheme with new objectives aligned to the Skills Funding Agency's remit.

The Equality Act 2010 has now received Royal Assent. Different duties will come into effect gradually over the next two years and new codes of practice will replace the existing ones for gender, race and disability. This Scheme shows how we will meet our existing duties, and attempts to respond to the direction of travel by covering all protected characteristics under the new Equality Duty. However, we are conscious that we may have to update the Scheme as these codes develop.

This is a draft Scheme, and we are actively consulting on it to inform our full three-year scheme which we will publish later in 2010. In order to fulfil our legal obligation to have a scheme in place, this draft will act as our operational scheme until the final Scheme is published.

¹ National Skills Forum, Doing things differently: Step changes in skills and inclusion, 2010
<http://www.skillsandinclusion.org.uk/downloads/Intro-Recs-Appex.pdf>

We want to involve the learners, providers, stakeholders, communities and staff who are affected by our work. I invite you to respond to our consultation, either by responding to our online questionnaire, or by writing to us. We are looking forward to hearing your views.

A handwritten signature in black ink, appearing to read 'Geoff Russell', written in a cursive style.

Geoff Russell
Chief Executive

2 Executive summary

This consultation document sets out how we propose to meet our legal equality duties, and go beyond them where practicable. It covers all the protected characteristics in the Equality Act, and it covers both the learners we fund, and our staff.

We invite anyone who is affected by our work to respond to the consultation, and we have included questions throughout where we would particularly welcome your views. This consultation document will act as our operational scheme until we have heard your views and used them to inform the final version.

The evidence we have gathered to inform this draft Scheme shows that:

- Raising the skills of under-represented and under-achieving groups could have a significant impact on economic growth.
- Overall, adult learning is ethnically diverse and women are well represented. However, people with learning difficulties and/or disabilities are currently under represented.
- Many achievement gaps have diminished in recent years, but some groups continue to under-achieve. For example, adult learners from Black backgrounds have lower success rates than other ethnic groups.
- Apprenticeships reflect the existing significant gender segregation found within the occupations and sectors of the economy overall. People from Black

and Minority Ethnic backgrounds and people with learning difficulties and/or disabilities are also highly under-represented in some sectors.

- We currently have insufficient evidence about the experiences of learners with different religions and beliefs, and those who are gay, lesbian, bisexual or transgender.
- Our staff are ethnically diverse and we have an acceptable gender balance overall. However, disabled staff are under-represented, and – at lower grades – women are over-represented.

We are a funding body which makes up just one part of the learning and skills system. We cannot therefore resolve all of these issues alone. However, we will embed and promote equality across our business, placing it at the heart of what we do. We will also focus on a number of achievable objectives within our remit, through which we can make a real difference to equality. These objectives, outlined in section 7 and the action plan in section 9, are to:

- a Build equality into provider account management
- b Build equality into our decisions and activities
- c Support provider self-improvement and promote good practice
- d Develop a fair, inclusive and diverse working environment for our staff.

3 Our role and commitment to equality

The Skills Funding Agency is an agency of the Department for Business, Innovation and Skills (BIS). We fund and regulate adult further education and skills training in England. Our funding strategy is informed by policy set by BIS and by the needs of businesses, communities and regions, and sector and industry bodies. Our mission is to ensure that people and businesses can access the skills training they need to succeed in playing their part in society and in growing the economy. The Skills Funding Agency will swiftly, efficiently and securely fund FE colleges and other providers, primarily in response to customer (employer and learner) choice.

We operate through customer focused services:

- a **National Apprenticeship Service (NAS)** – which will have end to end responsibility for the Apprenticeship programme
- b **Employer Skills Services** – a national skills service to all sizes of business in all sectors via Train to Gain and the National Employer Service
- c **Learner Skills Services** – including an Adult Advancement and Careers Service, Skills Accounts, FE college and provider based funding, integrated employment and skills services for the unemployed, offender learning and informal adult learning.

The Skills Funding Agency works at a 'short arm's length' from BIS, which allows a fast and effective response to policy, while reinforcing the autonomy of the further education sector. The Agency is a

funding body rather than a facilitative organisation. We are national, not regional, and act as an implementation agency rather than a planning body. We are:

- a **operational** – we inform and implement policy by establishing and maintaining the mechanisms for an efficient and effective learning sector
- b **customer focused** – we provide the information, tools and funding to support customer choice and learning sector responsiveness to those choices
- c **high performing** – we apply funding policy fairly, consistently and professionally throughout England to meet Government and customer needs in a cost effective way
- d **accountable** – we demonstrate our accountability by regularly communicating with our stakeholders in a clear way about how we operate, what decisions we have taken and why, what our performance is against our objectives and how much we spend.

Success for us will be when:

- a the further education sector efficiently meets the current and future needs of learners and employers
- b we offer comprehensive advice to learners, enabling them to make more informed choices
- c we have improved access for employers to skills and access to skills training is simplified, efficient and effective; and

- d when more people have the skills that England needs to stay globally competitive.

Scope of the Scheme: The Scheme covers both workforce and learner equality, but in different ways, which reflect our remit:

- a The Skills Funding Agency is directly responsible and accountable for equality in its own workforce.
- b Direct responsibility for learner equality lies with colleges and learning providers. As guardians of public money, the Skills Funding Agency expects our funding to benefit the whole community. We will therefore take reasonable steps to ensure that our funding decisions promote equality. Learning providers are accountable to the Agency for how this money is spent. However, it is not normally our role to intervene in cases relating to individual learners.

We will embed equality across our business, placing it at the heart of what we do. As just one part of the learning and skills system, we acknowledge that we cannot do everything. We will therefore focus particularly on a small number of objectives through which we can make a difference to equality. This Scheme covers all our programmes and functional areas.

Over the last few years, support has been provided to colleges and providers to help improve equality and diversity practices, including a major support programme and the production of extensive guidance and resources. This has led to many significant improvements, and colleges and providers are now expected to take greater responsibility for their own self-improvement. The Skills Funding Agency therefore only intends to fund those providers which deliver the equality outcomes we expect. Account Managers

will therefore focus more on evidence of outcomes, rather than on supporting processes.

This draft Scheme shows how the Skills Funding Agency will address all nine protected characteristics in legislation:

- a Age
- b Disability
- c Gender Reassignment
- d Marriage and Civil Partnership
- e Pregnancy and Maternity
- f Race
- g Religion or Belief
- h Sex
- i Sexual Orientation

We recognise that the needs of learners and our employees may reflect any combination of different protected characteristics (sometimes referred to as 'multiple' or 'dual' disadvantage). We will avoid placing people into 'silos' reflecting individual strands or characteristics and we will expect the providers we fund to do the same. However, we also recognise that different characteristics can require different kinds of interventions, because:

- a Different groups are disadvantaged in different ways, and have different needs.
- b The data available for some characteristics is much more detailed than for others.
- c There are some different legal requirements relating to different characteristics.

This holistic, person-centred approach will help us to address issues relating to the full range of inequalities, including those

not specifically identified in the equality duties, such as:

- rural inequality
- offenders
- mental health
- refugees and asylum seekers.

Some public bodies with strategic functions will be subject to a new specific duty to reduce socio-economic inequalities. Whether or not the Skills Funding Agency is directly subject to this duty, we recognise the complex inter-relationships between class and protected characteristics. A number of our activities are intended to have a particular impact on socio-economic inequality, for example:

- Learner support
- Programmes for the unemployed

Consultation questions

- 1 Do you agree with our overall approach to equality?
- 2 What do you think our role should be in holding providers to account for the equality outcomes of learners?

4 How we are developing our Scheme

Throughout this draft Scheme, we have indicated which of our activities respond to specific requirements in both current and expected legal duties. In particular, we have included columns in our action plan to show which actions are relevant to which duties and protected characteristics.

Our evidence base:

- a In developing our scheme we have gathered evidence from a number of sources to determine our starting point in terms of equality for the learners we fund and our workforce. A summary of this evidence is set out in section 6 below.
- b We have reflected on this evidence to inform the objectives and actions outlined in the scheme.
- c In 2009, the LSC published an independent review of its Single Equality Scheme. This was itself based on consultation with staff, stakeholders, providers and learners. We have reflected on the findings of this review in developing our approach. A summary of the critical success factors and lessons learned from the review is in section 6 below.
- d We are committed to consulting and involving widely in the development of this Scheme, to ensure it meets the needs of those affected. We will ask those we consult and involve how ongoing involvement can best be achieved. Most of this consultation and involvement will take place in spring and summer 2010, although some has

already started internally. Section 11 includes an open invitation to respond, and sets out in detail how we will involve different groups.

Consultation question

- 3 Do you agree with our approach to developing the Scheme? How could it be improved?

5 How the Skills Funding Agency is governed, and who is responsible/accountable for equality

Equality will be mainstreamed within the operations of the Agency. In this respect, therefore, equality will be governed no differently from other areas of our business.

Responsibilities of all staff: All Skills Funding Agency staff are responsible for mainstreaming equality across the organisation. Responsibilities will be set out in detail in our Equality and Diversity in Employment Policy. A new e-learning programme, 'Everyone Counts' will support all our staff to understand their responsibilities across all strands of equality. The Skills Funding Agency will take a zero tolerance approach to any discrimination, victimisation, bullying and harassment. All staff are expected to:

- a promote the principles of equality and diversity, and lead by example
- b take equality into account in any decisions which affect other staff, job applicants, learners or the communities we serve
- c treat colleagues, customers and partners with dignity and respect.

Responsibilities of the Chief Executive: The Chief Executive of Skills Funding has high-level responsibility for leading the Skills Funding Agency. This includes ensuring equality is embedded into our priorities, activities and reporting.

Key groups within the Agency: The following groups have specific responsibilities for equality:

- a The Organisational Development Group is responsible for driving equality activity through the Agency's workforce, including staff learning and development so that the Agency's staff understand their responsibilities for both internal and external-facing equality.
- b The joint Skills Funding Agency/ BIS Management Group is responsible for holding the Agency to account for external-facing equality.
- c The BIS Workforce Diversity Group is responsible for holding the Agency to account over its workforce practices.
- d The Provider External Advisory Group is responsible for supporting and advising the Agency.
- e The Single Equality Scheme Review Group is responsible for drafting this Scheme and managing the consultation and involvement process. It reports to the Organisational Development Group.

Equality champions: Senior champions will act as the business leads for equality within their functional areas. They will be responsible for:

- a developing proposals for action to deliver equality and diversity

- b assessing in advance the potential impacts of any new proposals on equality and diversity
- c monitoring the impact of decisions
- d leading and co-ordinating the implementation of agreed proposals
- e working with other champions to ensure coherence, consistency and coordination of equality and diversity practice across the Skills Funding Agency.

The Organisational Development Group will identify equality champions across the Agency, including:

- a Learner Skills Services
- b Colleges and Learning Provider Services
- c Employer Skills Services
- d National Apprenticeship Service
- e National Employer Service
- f Human Resources Shared Service

The Quality Systems team encompasses the areas of quality, equality and diversity and health and safety. It leads on the development and implementation of strategies to monitor provider performance and achievement, and aims to eliminate underperformance from Skills Funding Agency-funded programmes. For equality and diversity it leads on ensuring full compliance with the Skills Funding Agency's statutory duties for equality and diversity with regard to the learners and providers we fund, and going beyond these duties where practicable. It also leads on the duty of care for all learners funded by the Skills Funding Agency, on behalf of the government, with regard to their health, safety and welfare.

Human Resources Shared Service is responsible for creating, maintaining and developing the HR policies, procedures and practices to enable the Skills Funding Agency to meet its workforce equality and diversity objectives for all staff throughout their employment. This includes the promotion of good relations and equality of opportunity. The Service provides managers and staff with expert advice, resources and training to support the management and development of staff in line with legislation and the Skills Funding Agency's agreed equality objectives.

HR Shared Service manages the organisational relationship with the Public and Commercial Services Union and staff representative bodies to maximise engagement with the equality and diversity agenda. It is also responsible for reporting workforce equality and diversity performance data that will inform business and management decisions and form the basis for monitoring progress across the workforce.

Consultation questions

- 4 Do you agree with how responsibilities for equality and diversity have been mainstreamed across the Agency?
- 5 Do you have any other suggestions for how equality should be led and championed across the organisation?

6 Where we are now

This section gives a summary of the evidence used to develop this Scheme. It outlines the latest equality evidence relating to learners and our staff, and the business case for taking action.

Economic evidence

There is evidence that raising the skills of under-represented and under-achieving groups could have a significant impact on economic growth. According to the National Skills Forum:

- a 'raising the employment rate of disabled people to the national average could boost the UK economy by £13 billion
- b 'investment in prison education could cut reoffending by up to 5 per cent, resulting in a £325 million saving in the cost of incarceration.
- c 'The cost of the ethnic minority employment gap through benefit payments and lost tax revenue is estimated at £1.3 billion a year. The cost in terms of lost output is estimated at £7.3 billion...' ²

Similarly, according to the Women and Work Commission, 'while progress has been made in some important areas, much more can and should be done to unlock women's talent. If this is done, the UK economy could benefit by up to £23 billion.' ³

Learner participation

In January 2010, the LSC published a review undertaken by Ecotec ⁴ of progress against national equality and diversity impact measures for 2007-10. The review showed that:

- Adult learning is ethnically diverse, with around 23 per cent of learners on full level 2 and full level 3 courses declaring themselves to be from black and minority ethnic (BME) backgrounds.
- Women are well represented in adult learning, making up around 54 per cent of learners on full level 2 courses and 68 per cent of those on full level 3 courses.
- Only 8 per cent of adult learners declare a learning difficulty and/or disability. This is significantly lower than the equivalent proportion of 16-18 learners (17 per cent) and lower than the estimated proportion of disabled people in the working population (19 per cent). ⁵

In 2009, the LSC published research ⁶ on Apprenticeships from the Institute for Employment Studies, which found that:

- Apprenticeships reflect the existing significant gender segregation found within the occupations and sectors of the economy overall.
- Similarly, apprentices from Black and Minority Ethnic backgrounds and those

² National Skills Forum, Doing things differently: Step changes in skills and inclusion, 2010
<http://www.skillsandinclusion.org.uk/downloads/Intro-Recs-Appex.pdf>

³ Women and Work Commission: Shaping a Fairer Future, A review of the recommendations of the Women and Work Commission three years on, July 2009
http://www.equalities.gov.uk/pdf/297158_VWVC_Report_acc.pdf

⁴ http://readingroom.lsc.gov.uk/lsc/National/Final_report_EDIMs_analysis_19_January_2009.pdf

⁵ Office for National Statistics Labour Force Survey, Jan - March 2009

⁶ http://www.employment-studies.co.uk/pdf/library/lsc_1109.pdf

with learning difficulties and/or disabilities are significantly under-represented in some sectors.

Learner outcomes

The Ecotec review showed that many of the equality and diversity impact measures set by the LSC were achieved, with significant progress being made on the remaining measures. However, some significant gaps remain in adult learning. For example:

- Success rates for adult learners participating in full Level 2 qualifications vary from 63-76 per cent depending on the ethnic origin of the learners.
- At full level 3, this range was wider, from 61-80 per cent.
- Learners with LDD are less likely to succeed in full Level 2 and 3 programmes compared to those who do not have a learning difficulty and or disability. This is in contrast to younger learners, where those with LDD often have higher success rates than those without.
- The success rate at full Level 2 for adult female learners was slightly higher than for their male counterparts (71.2 per cent compared to 70.5 per cent).
- In adult Apprenticeships, women have higher success rates than men. This is particularly true of Advanced Apprenticeships, where there is a gap of around 5 per cent.
- In adult Apprenticeships, Black learners have significantly lower success rates than other groups, although the gap has narrowed in recent years.
- Adult apprentices with LDD have a success rate around 6 per cent lower than those without LDD.

Learner experience

Data on learner views and learner destinations is currently being analysed for trends by gender, ethnicity and disability and/or learning difficulty, and will be reported in the final version of this Scheme.

Learners: other protected characteristics

We currently have insufficient evidence available for those protected characteristics which are not monitored through the Individualised Learner Record. The following evidence has informed this Scheme:

- In 2006, the Centre for Excellence in Leadership published a report on *Equality and sexual orientation: the leadership challenge for further education*. This identified that sexual orientation equality stands out as an underdeveloped policy area. It found high incidences of homophobic bullying and harassment of learners and staff, low recognition of the issues and a dearth of good practice.
- Since this research was published, a number of cross-sector initiatives have attempted to address these issues, such as work by the Forum for Sexual Orientation and Gender Identity Equality in Post-School Education, the Learning and Skills Improvement Service's Visible and Valued training resource and a number of events supported by the LSC.

Consultation question

- 6 Have we identified the most important evidence and issues relating to equality and diversity for learners? If not, please suggest additional sources.

Skills Funding Agency workforce: evidence

The latest data available on our workforce is LSC analysis from 30th November 2009 which predicted the likely composition of the Skills Funding Agency workforce. We will update this with actual data when the final Scheme is published. As of 30th November 2009, the LSC had made significant progress towards the five workforce goals set for March 2010, although the proportion of women in the lowest grades is still higher than our goal, and the number of employees who have declared a disability is still lower than in society at large.

- The percentage of women in senior manager posts (band 4 or above) was 50.2 per cent. This is a significant improvement on the 2002 baseline of 43.8 per cent but slightly short of the 2010 goal of 51 per cent.
- The percentage of men in the lowest pay grade (band 1) was 20 per cent. This is a slight improvement on the 2002 baseline of 19 per cent, but some distance from the 2010 goal of 28 per cent.
- The percentage of the workforce from an ethnic minority background was 14.2 per cent. This is significantly higher than both the 2002 baseline of 7.2 per cent and the 2010 goal of 9.1 per cent.
- The percentage of employees from an ethnic minority background in manager posts (band 3 or above) was 9.2 per cent. This is also significantly higher than both the 2002 baseline of 3.8 per cent and the 2010 goal of 7.6 per cent.
- The percentage of employees who declared themselves to have a disability was 4.18 per cent. The 2002 baseline was 3.37 per cent and the 2010 target was 6.7 per cent.

Monitoring has been undertaken for religion/ belief, sexual orientation and age, however these were not measured against specific workforce targets.

Our staff equality data and analysis is based on individual staff self-reporting in confidence using our management information system 'Oracle'. This confidentiality minimises any perceived risk of discrimination. We will continue to develop our systems and collate additional information in order to report on the full range of protected characteristics, including pregnancy and maternity and gender reassignment. We will promote to staff the benefits to both the organisation and to employees themselves of supplying this information.

Staff views

In 2007, the LSC conducted a staff survey in which 83 per cent of respondents felt positive about the LSC's commitment to equality and diversity.

Consultation question

- 7 Have we identified the most important evidence and issues relating to equality and diversity for Skills Funding Agency staff? If not, please suggest additional sources.

LSC Single Equality Scheme Review

As one of the successor bodies of the LSC, the Skills Funding Agency aims to build on its equality successes. In June 2009, the LSC published a review and evaluation of its Single Equality Scheme ⁷. The review stated 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'. This was true both in terms of its own workforce, with 'employees consistently

⁷ <http://www.excellencegateway.org.uk/page.aspx?o=277497>

stating that they considered the LSC to be a good employer', and in relation to the provision it funded, with providers 'being more responsive to the needs of different groups'.

The review made a number of recommendations to support the new agencies to build on this starting point, all of which are accepted by the Skills Funding Agency:

- a appoint senior champions for equality
- b organise practical awareness sessions for staff
- c focus on embedding and continuing existing successful processes
- d recognise the experience and expertise of LSC staff
- e address concerns around the transition process from youth to adult provision
- f target the most disadvantaged groups, even if that means putting the needs of some groups above others
- g address multiple disadvantages faced by learners.

7 Equality objectives

This section includes the objectives of this Scheme. These objectives are aligned with the overall strategic objectives of the Skills Funding Agency.

Objective 1: Build equality into provider account management

As noted above, colleges and providers are responsible for learner equality. The Skills Funding Agency expects the funding it distributes to promote equality for all. We will take steps to assure this.

We will use our account management process to identify and address under-performance and under-representation by particular groups. We will be objective and focus on the outcomes of different groups of learners, not the processes by which these outcomes are achieved. We will use existing quantitative and qualitative evidence to assure ourselves that providers are meeting the needs of different groups of learners. This will include, but not be limited to:

- Equality and diversity inspection grades
- Success rates of, and the gaps between, different groups of learners
- Participation of different groups, compared with what might be expected given the provider's location
- Evidence from the Framework for Excellence.

Our expectations will be closely aligned with those set out by Ofsted in the *Common Inspection Framework*. As appropriate, we will share information and

data with Ofsted about how providers are meeting the needs of different groups of learners.

We are implementing the recommendations from the *Equality Impact Assessment of the Framework for Excellence*⁸, in order to:

- recognise provider efforts to support under-performing groups
- enable a more holistic assessment of provider performance
- act as a counter-weight to any potential perverse incentives to increase selectivity, and
- support learners and employers to choose providers which are most likely to meet their needs.

In particular, we plan to:

- a explore the possibility of a new indicator for educational inclusion which would disaggregate provider performance in existing indicators by gender, ethnicity, learning difficulty and/or disability, and compare them with national norms
- b explore the potential for the presentation of contextual information about social inclusion, based on data about the participation of different groups
- c implement the recommendations from the report *Testing the Case for Contextualisation*

We will expect the providers we fund to set themselves stretching goals in relation

⁸ http://readingroom.lsc.gov.uk/lsc/National/Single_Equality_Impact_Assessment-Implementation_of_the_Framework_for_Excellence.pdf

to equality. Where these goals are insufficiently stretching, or are not being met, we will use account management to challenge progress.

We will seek assurance from all providers that they have in place policies and schemes to promote equality, whether or not they are subject to specific legal duties. However, it is not our role to approve or offer advice on the development of such schemes.

Objective 2: Build equality into our decisions and activities

The Skills Funding Agency is not a policy-making organisation, but implements policy which is set by the Department for Business, Innovation and Skills. We will therefore work with the Department to agree how equality will be built into policy making and implementation.

As noted in *Skills for Growth: The national skills strategy*, the UK Commission for Employment and Skills will use a national scorecard approach to measure skills progress. Underpinning indicators will be used to monitor the impacts of the Skills Strategy on different groups, including by race, disability and gender. The Skills Funding Agency will use these indicators to ensure that in implementing the Skills Strategy, our decisions and activities meet the needs of different groups of learners.

As illustrated by section 6 above, the Skills Funding Agency has access to extensive data and analysis about the participation and achievement of learners broken down by gender, learning difficulty and/or disability. We will include equality data within the analysis we use across the organisation to make decisions. Because experience shows that too much detail can be overwhelming, we will review:

- how much equality data is currently

available and used to support decision-making

- which information is most important for understanding the experiences of different groups
- which reports and analysis should include equality data.

Our decisions and activities will be responsive to the views of all kinds of learners. We will empower learners to tell us about their experiences and give us their views:

- a In partnership with the Young People's Learning Agency and Department for Business, Innovation and Skills, the Skills Funding Agency funds the new online Learner Panel. The Panel gives learners the opportunity to tell providers and policy makers about their experiences and views of learning, to improve the learning environment. The Panel has around 10,000 members, which means it is highly representative, and we can use it to find out the views of specific equality groups where necessary. We will continue to support the Panel's activities and will use it to consult learners on important decisions.
- b The Framework for Excellence includes a Learner Views indicator which captures learner's perceptions about their levels of satisfaction, for example with the quality of teaching and the quality of information, advice and guidance. We will analyse national Learner Views data according to learners' gender, ethnicity, disability and/or learning difficulty, and take action where there are significant differences between the responses of different groups.

The Skills Investment Strategy 2010-2011 set out how we will continue to support

provision which meets particular equality needs. For example:

- Investing in FE and skills training for learners with learning difficulties and/or disabilities remains a priority and we have a continuing commitment to maintaining the opportunities for these learners.
- The newly established approach to English for Speakers of Other Languages (ESOL) looks to Local Authorities, working in partnership with local ESOL providers and partners, to articulate ESOL need in their locality. This approach aims to support greater social inclusion and increase the employability of those who want to make their lives here and those who are already settled but want to make a greater contribution to society.
- In the 2010-11 financial year we will invest £135 million in learning to support offenders.

Where evidence suggests that the needs of particular groups of learners are not being met by the programmes we fund, we will assess how well our procurement and funding policies are supporting the most inclusive providers. We will consider a range of options for addressing any imbalances, for example improving incentives for delivering the types of provision which support the most disadvantaged learners.

We will also use the European Social Fund (ESF) to contribute to sustainable economic growth and social inclusion. In each region, we will work with partners, including local authorities and the YPLA, to develop a co-financing plan for 2011-2013. These plans set out priorities and initiatives which are in addition to our mainstream programmes.

In line with ESF priorities, we will focus on helping people who are unemployed or inactive in the labour market, and in particular those who are most likely to face disadvantage or discrimination. Gender equality and equal opportunities are also embedded as a cross-cutting theme in the delivery of all ESF provision. Key target groups include:

- disabled people
- lone parents
- people aged over 50
- people from ethnic minorities, and
- people without good qualifications.

The adult advancement and careers service will be accessible to every adult in England. The Skills Funding Agency will monitor and act on equality and diversity analysis of individual take-up and outcomes. Key performance indicators will require prime contractors to gather data, meet challenging targets and monitor outcomes to ensure that all customers have equal access to the service. Contractors will be expected to monitor the impact of the service on priority groups including:

- low-skilled adults
- people from ethnic minority communities
- older people
- carers
- offenders and
- people with learning difficulties and/or disabilities.

The National Apprenticeship Service has published a prospectus calling for proposals from delivery partners for potential 'Diversity in Apprenticeships' pilots. These pilots will trial different ways

of improving access for under-represented groups, for example by supporting them through the recruitment process and by working with employers.

We do not currently propose to collect quantitative data about learners' sexual orientation, religion/belief or gender identity. This is because we do not believe the case for doing so is currently strong enough to outweigh the risks. In particular:

- Learners may feel uncomfortable disclosing such sensitive details.
- There are significant confidentiality and data protection issues which would be complex to overcome.
- Low disclosure rates are likely to result in data which are not robust enough to be useful, and may even be misleading.
- We believe that qualitative research is more likely to yield meaningful results.
- We will use this first year to consult with learners and stakeholders on how to monitor and gather evidence on the protected characteristics for which we currently have no data.

Objective 3: Support provider self-improvement and promote good practice

Colleges and learning providers are themselves responsible for improving the quality of provision, and the Learning and Skills Improvement Service (LSIS) is responsible for developing and providing resources to support them. The Skills Funding Agency does not therefore have a lead role for improvement. However, where we can add value, we will work with our partners to support their equality improvement activity. For example, as appropriate, we will:

- share equality data and intelligence

- take an active role in cross-sector groups
- provide support and expertise to specific projects

As appropriate, this will include working with:

- Department for Work and Pensions
- Equality and Human Rights Commission
- Jobcentre Plus
- Learning and Skills Improvement Service
- Local Authorities
- National Offender Management Service
- Ofsted
- Third Sector organisations
- Provider representative groups
- Regional Development Agencies
- sector equality groups
- Sector Skills Councils
- YPLA

Objective 4: Develop a fair, inclusive and diverse working environment

The Skills Funding Agency will work in partnership with the BIS Diversity team to share best practice, maximise the use of resources and align our commitment to creating an inclusive and diverse workforce. Work will be based around the Cabinet Office's four themes of diversity:

- Representation
- Leadership and Accountability
- Behaviour and Culture
- Talent Management

We will promote equality across all the protected characteristics. In addition, we will go beyond our duties and consider how we can address the challenges faced by other individuals or groups who may experience discrimination, for example offenders and ex-offenders. A criminal record will not normally exclude a candidate or employee from employment or development opportunities and we will assess each situation on the basis of facts rather than assumptions.

Internally, the HR Shared Service will develop and deliver the HR and Learning and Development functions to ensure that all staff, irrespective of background or characteristics, have an equal opportunity to learn, progress their careers, contribute to success and raise concerns about the workplace. Policies, procedures, resources and advice will be accessible, transparent and free from bias.

The Skills Funding Agency will monitor representation within the workforce profile alongside specific management activities such as recruitment, access to learning and development, performance management, turnover and formal case management. In order to build a fair pay and reward structure for our employees, we will also conduct regular Equal Pay Audits and publish the results. Whilst monitoring will provide us with valuable information to inform our decisions and actions, our primary focus will be on truly valuing diversity within the workforce and preventing any bias or discrimination within the workplace. To do this, equality and diversity must be integrated into all policies and practices and all employees must understand the equality, diversity and inclusion agenda and its impact on individuals and the workplace. There must be a shared commitment to improving the working environment for all staff taking account of their personal circumstances

and characteristics. Bullying, harassment, bias, victimisation or discrimination on any grounds will not be tolerated. HR Services and line managers will ensure that all employees receive essential training and information to enable them to embed equality and diversity in all aspects of their work and we will also offer additional opportunities to develop more detailed understanding and expertise around specific priority areas.

The Skills Funding agency will develop partnerships and maximise expertise both within the organisation and externally. Key internal stakeholders will be HR Services, Legal Services, the Public and Commercial Services Union, staff representatives and line managers, who will contribute to the agenda through their professional expertise and lead by example. We will develop external partnerships with BIS and the Cabinet Office and develop wider networks across the Civil Service to share best practice and maximise use of resources. We will ensure that all employees have an appropriate forum to discuss equality and diversity issues and influence progress towards our objectives.

Consultation questions

- 8 Do you agree with the four objectives we have identified? If not, please suggest how they should differ.
- 9 Do you agree with the steps we have outlined to achieve these objectives? If not, what should we do to meet them?
- 10 Do you agree that qualitative research is currently a more effective way of gathering evidence about 'newer' protected characteristics than data collection through the Individualised Learner Record?
- 11 Can you suggest how we should go about collecting such evidence?

8 Equality Impact Assessment

Equality Impact Assessment (EIA) is the formal process by which the Skills Funding Agency will ensure equality is considered in our decisions. The Skills Funding Agency is an operational, not a policy-making body. However, for the purposes of EIA, the legal definition of 'policy' is very wide and includes practices, functions, services, procedures, strategies, programmes, projects and decisions.

We will:

- a review and adapt the LSC's EIA framework
- b agree a process with BIS to ensure policies are impact assessed before implementation.

All staff have intranet access to training materials and guidance on conducting Equality Impact Assessments and two levels of training course are offered at regular intervals for beginners and those needing refresher training.

As appropriate, we will either publish full EIAs on our website alongside the relevant policy, or link to an EIA conducted by BIS.

In early discussions on the development of this Scheme, staff commented that the Scheme should show how equality impact assessment can be a useful, vibrant and practical part of decision-making. The case study at Annex 4 shows how the LSC used equality impact assessment to improve the National Commissioning Framework.

Consultation question

- 12 Do you agree with our approach to Equality Impact Assessment? If not, please suggest what we should do differently.

9 Action plan

This section sets out our action plan for 2010/11 and some longer-term aspirations. We will develop the plan into a three-year plan, but have focussed initially on the first year as:

- a We are a new organisation, and it is too soon to plan in detail beyond our first year.
- b External developments such as the equality codes of practice may require us to revise our actions.

The actions within the plan are mapped to the objectives in section 7, which are themselves aligned with our organisational mission and remit. These actions are intended to be specific, measurable, achievable, relevant and timebound. The plan sets out the responsibilities of individual Agency staff and teams. It identifies which actions are relevant to which protected characteristics and duties.

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Objective 1: Build equality into provider account management							
Ensure equality obligations in provider contracts reflect latest equality legislation	Review and update contract terms	Summer 2010	Head of Commissioning and Procurement and Quality Systems team	All providers understand their obligations to support Skills Funding Agency equality agenda		Procurement	All
Define approach to provider assurance, and align equality and diversity with quality and health and safety	Compare approaches taken for different aspects of quality and align as appropriate	March 2011	Quality Systems team	A robust, objective approach to assuring equality		Procurement	All
Include equality and diversity indicators within provider risk matrix	Use Ofsted grades initially; Identify other measures to be used	March 2011	Quality Systems team	Skills Funding Agency will be alerted to equality risks in individual providers		Procurement	All
Ensure Account Managers understand their responsibilities in assuring provider equality	All Account Managers (along with all staff) will undergo essential equality and diversity training during the first year of operation. This training covers all of the mandatory diversity strands and also focusses on wider topics, for example social inclusion. They will also have access to the new Respect equality and diversity organisational toolkit	By March 2011	Organisational Development Group	Equality and diversity will be a full part of provider account management		Procurement	All

⁹ This column is intentionally blank as it will be used to monitor progress in reviews and updates to the Scheme.

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Implement recommendations from Equality Impact Assessment of the Framework for Excellence	Explore the potential for an educational inclusion indicator in the longer term Explore the potential for the presentation of data on social inclusion Implement recommendations from <i>Testing the Case for Contextualisation</i>	To be confirmed	Framework for Excellence team	A more holistic assessment of provider performance; presentation of appropriate contextual information		Procurement; Demonstrate the impact on equality of policies and services	Race, disability, gender
Share information and data about provider equality performance with Ofsted	Regular meetings between equality leads	Ongoing	Quality Systems team	Shared understanding of state of equality in the sector, and where the risks are		Procurement	All, but particularly race, disability and gender
Work with Ofsted to improve how our performance assessment and performance management systems reflect provider efforts to support those learners who are hardest to help	Regular meetings between equality leads	Ongoing	FfE and Quality Systems teams	Providers will not be penalised for supporting learners who are hardest-to-help		Procurement; socio-economic; take steps to take account of disabilities, even where that involves treating disabled people more favourably than other people	All, particularly disability

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Objective 2: Build equality into our decisions and activities							
Use national and regional strategic analysis to identify which groups are under-represented and under-performing overall	Standard reporting	Ongoing	To be confirmed	Better information to inform policy implementation and allocations		Report on progress in achieving equality objectives	Race, disability, gender
In line with the Skills Investment Strategy, continue to maintain opportunities for learners with learning difficulties and/or disabilities	Maintain the current funding available for additional learning support (ALS) Enable learners with LDD to follow the Foundation Learning Curriculum, as appropriate	2010/2011	Director of Specialist Programmes	Programmes tailored to take account of the needs of individual learners Improved employability Improved independent living		Take steps to take account of disabilities, even where that involves treating disabled people more favourably than other people	Disability
Focus English for Speakers of Other Languages training on the hardest to reach groups	Give Local Authorities, working in partnership with community and voluntary sectors as well as Job Centre Plus, the key role in identifying priority groups for ESOL provision in a particular locality Make discretionary learner support available to support ESOL learners within two priority groups to meet the cost of course fees: <ul style="list-style-type: none"> Spouses, particularly in the settled communities, that are unable to evidence their entitlement to full fee remission, or are unable to make a financial contribution to their fee costs Low paid workers who are unable to demonstrate receipt of an income based benefit 	2010/2011	Director of Specialist Programmes	ESOL provision will be more focused on the hardest to reach groups who want to make their lives here and those who are already settled but want to make a greater contribution to society		Advance equality of opportunity and foster good relations	Race, gender

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Invest in learning to support offenders	Ensure offenders remain part of Leitch ambitions around Level 2 and Level 3 qualifications and, especially, around functional literacy	2010/2011	Director of Specialist Programmes	Improved employability		Advance equality of opportunity and foster good relations	All
Use the European Social Fund (ESF) to target the most disadvantaged communities	In partnership with regional stakeholders, develop and deliver co-financing plans in each region, including specific targets for target groups Oversee the awarding of grants to small community organisations	2010-2013	Portfolio Provider Account Management Director (Central), Provider Services ESF policy team and ESF leads in each of the English Regions	Sustainable economic growth and social inclusion through specifically targeted provision Skills and support programmes to engage learners into further learning or employment		Advance equality of opportunity, socio-economic	All, but particularly race, gender, disability and age
Analyse the impact of the adult advancement and careers service on the learning and employment outcomes of specified national priority groups	Analyse customer destination outcome data gathered by contractors Commission qualitative and quantitative research and evaluation	To be confirmed	Director of the Advancement Agency	Better understanding of the impact of careers and skills advice and information on priority groups to feed into ongoing improvements to service design and delivery		Advance equality of opportunity	All, particularly gender, race and disability
Promote equality in Apprenticeships	Commission Diversity in Apprenticeships pilots	2010-2012	National Apprenticeships Service	Increased numbers of apprentices from atypical groups		Advance equality of opportunity	All, particularly race, disability and gender
Explore options for addressing under-representation and under-achievement, including funding incentives for providers	Dependent on budgetary constraints	To be confirmed	To be confirmed	Participation in line with national demographics; close equality gaps in outcomes		Procurement	All

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Ensure all decisions have been assessed for their impact on equality before implementation	Review and update our EIA framework Agree a process with BIS	Autumn 2010	Policy to Implementation Gateway Group	Meet legal duty; make better decisions; address potential impacts		Demonstrate the impact on equality of policies and services Involvement and consultation	All
Embed equality and diversity within the Skills Funding Agency's new Business Cycle	To be confirmed	December 2010	To be confirmed	Colleges and learning providers will know when they can expect to be challenged on equality and diversity		Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Bill Advance equality of opportunity and foster good relations	All
Improve the evidence base for sexual orientation, religion/belief and gender identity equalities, and act on findings	Consult on the best ways of doing this Commission qualitative research Work with partners; involve representative groups Revise action plan based on findings	Ongoing	Quality Systems team	An improved understanding of learners' experiences Identification and dissemination of good practice		Report on progress in achieving equality objectives	Sexual orientation, religion/belief, gender reassignment
Agree an accessible communications policy	Review BIS and former LSC policies	December 2010	Communications team and Quality Systems team	All communications available in accessible formats		Take steps to take account of disabilities, even where that involves treating disabled people more favourably than other people	Disability, race
Trial approaches to measuring socio-economic impacts	Commission analysis of learner participation and outcomes against indicators such as the Index of Multiple Deprivation	To be confirmed	Quality Systems team/ Management Information	Better understanding of how the services we fund meet the needs of different socio-economic groups		Socio-economic	N/A
Support the Learner Panel	Fund it jointly with YPLA and BIS Consult it on important decisions	Ongoing	To be confirmed	The FE system will be more responsive to the needs and views of learners		Involvement and consultation	All

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Objective 3: Support provider self-improvement and promote good practice							
Support partners' equality activities	Take an active role in cross-sector equality groups, such as the Forum for Sexual Orientation and Gender Identity in Post-School Education, the Workforce Equality Implementation Group and Disability Equality Implement Group	Ongoing	Quality Systems team	Better co-ordination of activity; improved efficiency; reduced duplication		Advance equality of opportunity and foster good relations	All
Support LSIIS project on good practice in supporting deaf and hearing impaired learners	Join project reference group	By December 2010	Quality Systems team	Spread good practice through Excellence Gateway; fill gaps in existing resources Identify issues regarding learner age transition points		Take steps to take account of disabilities, even where that involves treating disabled people more favourably than other people	Disability
Support Lifelong Learning UK project to develop an Equality Framework for the lifelong learning sector	Join project reference group	By March 2011	Quality Systems team	All providers have access to a clear framework showing how they can become outstanding in relation to equality		Advance equality of opportunity and foster good relations	All
Work with Sector Skills Councils to share and promote good practice	To be confirmed	Ongoing	Sectors team	Reduction in stereotyping and occupational segregation		Advance equality of opportunity and foster good relations	Gender, race, disability
Role model ourselves as a good employer	To be confirmed	Ongoing	All	Raised expectations of equality practices across the sector		Procurement	All

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Objective 4: Develop a fair, inclusive and diverse working environment							
Create and maintain a fair framework to pay and reward staff for organisational contribution and high performance	Conduct and publish an annual equal pay audit analysing salaries across gender, ethnicity, part time / full time hours, disability and other areas of potential discrimination	October 2010	HR – Pay and Reward Management	Monitor the impact of the organisation's pay and reward scheme and identify any pay anomalies Inform management decisions relating to pay and reward to ensure equality		Report annually on pay gaps linked to gender, race or disability	Gender, race, disability Others as identified
Establish a diverse workforce, at all levels, which reflects the community we serve	Recruitment: Record, analyse and monitor recruitment diversity data from advertisement to appointment reporting to management teams and union representatives Regularly review and equality impact assess recruitment and selection policies, procedures and practices to support delivery of organisational equality and diversity objectives Turnover: Monitor and analyse diversity data for leavers including reasons for leaving and onward destinations Representation: Encourage all employees to record personal equality and diversity data for the purposes of confidential analysis Analyse and monitor the diversity profile of the organisation reporting to management teams and union representatives	Quarterly As appropriate Quarterly As appropriate Annually	HR – Recruitment HR – Recruitment HR Services HR Services Head of HR, Workforce Diversity	Monitor the impact on diversity of the organisation's approach to recruitment & selection and identify areas for improvement. Inform management decisions relating to recruitment to ensure equality Ensure our policies, procedures and practices are legally compliant and contribute to our equality and diversity objectives Identify potential discrimination and inequality of opportunity. Inform areas for intervention or improvement Maximise the data available to inform organisational decisions and equality and diversity priorities Monitor our organisational profile against the community we operate in		Promote equality of opportunity Eliminate discrimination	All

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Provide and promote equality of opportunity to employees for development, performance and during employee relations case management	Record, analyse and monitor diversity data in relation to: <ul style="list-style-type: none"> • Learning and development • Performance management • Employee relations case management Report to management teams and union representatives Regularly review and equality impact assess policies, procedures and practices to support delivery of organisational equality and diversity objectives	Quarterly As appropriate	HR – Learning and Development HR – Pay and Reward HR Consultancy	Monitor the impact of the organisation's approach to equality of opportunity and identify areas for improvement. Inform management decisions and interventions relating to training, performance and employee relations to ensure equality and respect for individual differences Ensure HR management policies, procedures and practices are legally compliant and contribute to our equality and diversity objectives		Eliminate discrimination, victimisation and harassment Promote equality of opportunity	All protected characteristics
Embed equality, diversity and inclusion principles and practices into all aspects of our work Create a management team and workforce who are confident about equality and diversity	Deliver essential and comprehensive training and information to all staff about their responsibilities within the equality and diversity agenda Offer additional programmes to develop more specialist understanding and expertise for managers and staff with specific responsibilities. For example Equality Impact Assessment training for policy owners and management development for those who recruit or manage people Develop and deliver organisational behaviour programmes which support employees and managers to review their own behaviour and perspectives around equality and diversity. For example Dignity at Work and Respect	From June 2010 and ongoing	HR – Learning and Development	All staff receive the necessary learning and development to enable them to support, deliver and promote the organisation's equality and diversity commitments within their own sphere of work Staff with specific equality and diversity responsibilities are adequately trained to undertake their role		Eliminate discrimination, victimisation and harassment Promote equality of opportunity	All

Action	How	Timescale	Responsibility	Expected outcomes	Progress ⁹	Relevant duties	Relevant protected characteristics
Engage, involve and consult with key internal stakeholders to continuously improve equality and diversity within our working environment	Develop and maintain open and constructive relationships with key internal stakeholders to share information and best practice, resolve issues and maximise use of resources, including: <ul style="list-style-type: none"> • PCS • Management teams • Employee representatives This will include resources such as the intranet site, regular forum discussions, reports and updates and equality and diversity champions	Ongoing	Head of HR Workforce Diversity Employee Relations Manager	Maximise contributions and resources to make faster progress towards the organisational equality and diversity objectives Equality and diversity issues can be understood and addressed more quickly and effectively		Eliminate discrimination, victimisation and harassment Promote equality of opportunity Involvement and consultation	All
Engage, involve and consult with key external stakeholders to continuously improve equality and diversity within our working environment	Develop and maintain open and constructive relationships with key internal stakeholders to share information and best practice, resolve issues and maximise use of resources, including: <ul style="list-style-type: none"> • BIS • Cabinet Office • Civil Service/employers networks 	Ongoing	Head of HR Workforce Diversity	Maximise contributions and resources to make faster progress towards the organisational equality and diversity objectives The organisation's inclusion agenda is aligned with the wider employer and civil service strategy and approach		Eliminate discrimination, victimisation and harassment Promote equality of opportunity Involvement and consultation	All
Create and maintain a fair framework to pay and reward staff for organisational contribution and high performance.	Conduct and publish an annual equal pay audit analysing salaries across gender, ethnicity, part time/full time hours, disability and other areas of potential discrimination	October 2010	HR – Pay and Reward Management	Monitor the impact of the organisation's pay and reward scheme and identify any pay anomalies Inform management decisions relating to pay and reward to ensure equality		Report annually on pay gaps linked to gender, race or disability	Gender, race, disability Others as identified

Consultation questions

- 13 Do you agree with the actions in the Action Plan?
- 14 Can you suggest any further actions to address equality, particularly relating to sexual orientation, transgender, religion/belief, age, marriage and civil partnership, and pregnancy and maternity?
- 15 Are the timescales realistic and sufficiently stretching?
- 16 Are there any other ways we should be meeting our duties?

10 Monitoring, reporting and updating

We will review this scheme annually. This will include:

- a a summary of progress against our action plan
- b an update of the action plan and other sections as necessary.

Our reviews will be informed by:

- a Data analysis using the measures in the 'Where we are now' section as a baseline and aligned with the Agency's strategic objectives
- b Internal consultation with Equality Champions and the groups identified in the 'How the Skills Funding Agency is governed' section
- c External involvement/consultation with those affected, as appropriate

We will regularly monitor evidence and data on participation, achievement and experiences of different groups of learners throughout the organisation, to feed into the annual review.

We will embed equality reporting within the Skills Funding Agency's mainstream reports, for example our performance reports to BIS and our published Annual Report.

We will publish our reviews and evidence openly on our website unless there is an over-riding reason not to, for example a conflict with data protection or confidentiality.

Consultation question

- 17 Do you agree with our approach to monitoring, reviewing and updating the Scheme? Do you have any suggestions for how it could be improved?

11 Consultation and involvement

We will be as inclusive as possible in consulting and involving on this Scheme, and we welcome your views. We will target particular groups with whom to engage, based on their interest, expertise and identification with particular protected characteristics. We would particularly welcome involvement from the following groups:

- a Adult learners
- b Skills Funding Agency staff and PCS Union
- c People working in colleges and providers
- d Our partners and stakeholders
- e Equality groups

In this Scheme, we define 'consultation' as the opportunity to submit views and evidence to inform the final version of the Scheme. We welcome responses from everyone. Throughout the document and summarised below, we have suggested a series of questions you may wish to use as the basis for your response.

We define 'involvement' as a continual two-way dialogue. As far as possible, we will aim to start with a 'blank piece of paper', to enable you to shape the discussion.

Process

The consultation will run for twelve weeks from June to September 2010. See the table on page 34 for different ways you can get involved.

We will publicise these methods of consultation and involvement through:

- The Skills Funding Agency Update to colleges and learning providers
- The Skills Funding Agency internal bulletin
- The newsletters of our partners.

We aim to make this process as transparent as possible. In autumn 2010, we will publish:

- a all written consultation responses (unless otherwise requested)
- b an analysis of the results
- c a summary of how we have amended the Scheme as a result
- d a final, amended version of the Scheme.

The email address and internal discussion board will continue to be maintained and publicised beyond the end of the formal consultation, to inform future updates of the Scheme.

Consultation questions

- 18 Is the process outlined for consultation and involvement suitable and sufficient?
- 19 Are there any other ways you would like to be involved in future updates to the Scheme?

Form of involvement/ consultation	How	When	Who
Written and online consultation	Complete the online questionnaire at www.bis.gov.uk/skillsfundingagency , or Email: equality@skillsfundingagency.bis.gov.uk or write to: Jo Barkham Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry CV1 2WT	June to September 2010	Open to all
Learner Panel	We will use either an online survey or focus group, as appropriate	To be confirmed	Existing adult members of the Learner Panel
Skills Funding Agency External Advisory Group	When it is set up, we will offer to hold a discussion with the Group	To be confirmed	To be confirmed
FE Communications Gateway Panel	The Panel has reviewed this draft and their feedback has informed it. We will do the same with the final Scheme	April 2010 and August 2010	Staff from colleges and independent training providers
Skills Funding Agency staff events	Events in Coventry, Sheffield and London advertised to all Skills Funding Agency staff	To be confirmed	Open to all staff; targeted at those identifying with protected characteristics
Intranet discussion board for Skills Funding Agency staff	All Skills Funding Agency staff will be able to raise and discuss issues on a discussion board on the Agency's intranet	Ongoing	Open to all staff
Other targeted involvement	We aim to involve a range of specific organisations and groups who may be affected by our work. We will be flexible in the ways we involve them. Email: equality@skillsfundingagency.bis.gov.uk to get involved	To be confirmed	For example: <ul style="list-style-type: none"> • Provider representative bodies such as Association of Colleges, Association of Learning Providers and Association of National Specialist Colleges • National Union of Students • Public and Commercial Services Union • Forum for Sexual Orientation and Gender Identity Equality • Race Equality Implementation Group • Disability Equality Implementation Group • Faiths and Beliefs in FE
Skills Funding Agency's staff representative forum	We will involve the Skills Funding Agency's new staff representative forum	May 2010 and ongoing	Skills Funding Agency staff

12 Annexes

Annex 1: Full list of consultation questions

- 1 Do you agree with our overall approach to equality?
- 2 What do you think our role should be in holding providers to account for the equality outcomes of learners?
- 3 Do you agree with our approach to developing the Scheme? How could it be improved?
- 4 Do you agree with how responsibilities for equality and diversity have been mainstreamed across the Agency?
- 5 Do you have any other suggestions for how equality should be led and championed across the organisation?
- 6 Have we identified the most important evidence and issues relating to equality and diversity for learners? If not, please suggest additional sources.
- 7 Have we identified the most important evidence and issues relating to equality and diversity for Skills Funding Agency staff? If not, please suggest additional sources.
- 8 Do you agree with the four objectives we have identified? If not, please suggest how they should differ.
- 9 Do you agree with the steps we have outlined to achieve these objectives? If not, what should we do to meet them?
- 10 Do you agree that qualitative research is currently a more effective way of gathering evidence about 'newer' protected characteristics than data collection through the Individualised Learner Record?
- 11 Can you suggest how we should go about collecting such evidence?
- 12 Do you agree with our approach to Equality Impact Assessment? If not, please suggest what we should do differently.
- 13 Do you agree with the actions in the Action Plan?
- 14 Can you suggest any further actions to address equality, particularly relating to sexual orientation, transgender, religion/belief, age, marriage and civil partnership, and pregnancy and maternity?
- 15 Are the timescales realistic and sufficiently stretching?
- 16 Are there any other ways we should be meeting our duties?
- 17 Do you agree with our approach to monitoring, reviewing and updating the Scheme? Do you have any suggestions for how it could be improved?
- 18 Is the process outlined for consultation and involvement suitable and sufficient?
- 19 Are there any other ways you would like to be involved in future updates to the Scheme?

Annex 2: Glossary and abbreviations

BIS:

The Skills Funding Agency is an agency of the Department for Business, Innovation and Skills (BIS), which was created to bring all of the levers of the economy together in one place.

Code of practice:

Codes of practice give practical guidance to public bodies on how to meet the equality duties. The codes of practice relating to race, disability and gender equality duties are statutory. At the time of writing, the Equality and Human Rights Commission is developing new codes of practice in response to the Equality Act 2010.

The Data Service:

The Data Service is the source of data for post-16 further education, with responsibility for its collection and dissemination.

Disability:

According to the Equality Act 2010, “a person (P) has a disability if:

- a “P has a physical or mental impairment, and
- b “the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.”

The Skills Funding Agency favours and promotes the Social Model of Disability, whereby disability is understood to be caused by the way society is organised, rather than by a person’s impairment or difference. The Social Model looks at ways of removing barriers which restrict life choices for people with impairments or differences. When barriers are removed, disabled people can be independent and equal in society, with choice and control

over their own lives¹⁰. The social model differs from the ‘medical model’ of disability, whereby a disabled person is seen as being ill or having a condition and is in need of some form of treatment.

Duty:

A mandatory and legal obligation to do something.

EHRC:

The Equality and Human Rights Commission (EHRC) has the responsibility to protect, enforce and promote equality across the seven ‘protected’ grounds – age, disability, gender, race, religion and belief, sexual orientation and gender reassignment.

EIA:

Equality Impact Assessment (EIA) is a tool which helps us comply with our General Duties to carry out our functions to eliminate unlawful discrimination and to promote equality of opportunity. It is also how we ensure compliance with the specific duty to assess policies for their impact, and monitor for any adverse impact.

ESF:

The European Social Fund (ESF) was set up to improve employment opportunities in the European Union and so help raise standards of living. It aims to help people fulfil their potential by giving them better skills and better job prospects.

ESOL:

English for Speakers of Other Languages.

¹⁰ Definition taken from Scope, In The Picture: http://www.childreninthepicture.org.uk/au_socialmodel.htm”

Ethnicity:

According to the Information Authority's Ethnicity Data Standard¹¹, "An ethnic group is one whose members share a distinct awareness of a common cultural identity, distinguishing them from other groups around them. Ethnicity relates to how a person feels not necessarily how they look or how they are perceived by others. For example, it is possible for a person of mixed Asian and white ancestry to look entirely white but to feel kinship with their Asian heritage."

FfE:

The Framework for Excellence (FfE) is the Government's performance assessment tool for further education colleges and post-16 education and training providers

Full level 2/ Full level 3:

Different qualifications are grouped together into various 'levels' to help learners and employers see how they compare and how one type can lead on to another. These levels are contained in the National Qualifications Framework, the Qualifications and Credit Framework and the Framework for Higher Education Qualifications.

Learners who achieve particular combinations of qualifications and credits (defined by volume of learning and qualification purpose) can be said to have achieved a 'full level 2' or a 'full level 3'. For example, a learner who achieves an Apprenticeship or five GCSEs at A*-C has achieved a full level 2. A learner who achieves an Advanced Apprenticeship or two A level passes has achieved a full level 3.

Functions:

The full range of a public authority's duties and powers including its role as service provider, policy-maker and employer.

Gender:

'Gender' can refer to two related aspects: gender identity, which is a person's internal perception and experience of their gender; and gender role, which is the way that the person lives in society and interacts with others, based on their gender identity.

ILR:

The Individualised Learner Record (ILR) is a collection of data about learners and their learning that is requested from learning providers in the FE system.

Information Authority:

The Information Authority is the gatekeeper for information standards and data reporting requirements across the FE system.

LDD:

'LDD' is sometimes used to refer to learning difficulties and/or disabilities.

LLUK:

Lifelong Learning UK (LLUK) is the independent employer-led sector skills council responsible for the professional development of staff working in the UK lifelong learning sector.

LSIS:

The Learning and Skills Improvement Service (LSIS) was formed to accelerate quality improvement, increase participation and raise standards and achievement in the learning and skills sector in England.

NCF:

The National Commissioning Framework (NCF), provides guidance on the process for planning and commissioning learning provision for young people in England.

¹¹ <http://www.escs-isb.org.uk/NR/rdonlyres/D693DE76-F98F-43CC-BE7A-BC557FD4C170/0/EthnicityDataStandard33.doc>

NOMS:

The National Offender Management Service (NOMS) is an executive agency of the Ministry of Justice, responsible for commissioning and delivering adult offender management services, in custody and in the community.

Ofsted:

The Office for Standards in Education, Children’s Services and Skills is responsible for the inspection and regulation of provision in the care of children and young people, and in education and skills for learners of all ages.

PCS:

The Public and Commercial Services Union (PCS) is the recognised Union for Skills Funding Agency staff.

Procurement:

The process by which the Skills Funding Agency enters into a contract with an external supplier for the latter to carry out works, or provide goods or services

Protected characteristic:

Legal term for the grounds on which a person is protected from discrimination, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Providers:

Organisations that provide education and training.

Public authorities:

Bodies providing a public service. They include government departments, local authorities, national agencies and non-governmental bodies including the Skills Funding Agency, and educational institutions; full lists are given in equality codes of practice. Work-based learning providers and many voluntary organisations are not included.

Public Sector Agreement (PSA) targets:

Targets for delivery agreed with the Government.

Race:

According to the Equality Act 2010, race includes colour; nationality; and ethnic or national origin.

RDAs:

Regional Development Agencies (RDAs) are non-departmental public bodies that lead on economic development, business growth and regeneration for their region.

SSCs:

Sector skills councils (SSCs) are employer-led organisations each covering a specific occupational sector, which work to reduce skills shortages, improve performance, and improve the supply of learning.

Stakeholders:

All those individuals or organisations who have an interest in, or could be affected by our activities.

Train to Gain:

A brokerage service managed by the Skills Funding Agency which offers employers impartial advice and access to training, by matching training needs with providers.

Trans/transgender:

'Trans' and 'transgender' are umbrella terms for people whose gender identity and/or gender expression differs from their birth sex. These may include but are not limited to transsexual people and others who define as gender-variant. Trans people may or may not choose to alter their bodies hormonally and/or surgically. Known as gender reassignment or transition, this is usually a complex process that takes place over a long period of time.¹²

UK Commission for Employment and Skills:

The UK Commission for Employment and Skills advises the Government on how improved employment and skills systems can help the UK become a world-class leader in productivity, in employment and in having a fair and inclusive society. It provides greater employer influence over the UK's employment and skills systems.

Work-based learning (WBL):

Vocational programmes where participants learn in a work situation to gain a qualification, including Apprenticeships and Advanced Apprenticeships

YPLA:

The Young People's Learning Agency (YPLA) is the Non-Departmental Public Body with responsibility for championing education and training for young people in England.

¹² Definition paraphrased from Equality and Human Rights Commission, <http://www.equalityhumanrights.com/your-rights/transgender>

Annex 3: Table of existing and expected equality duties and how we will meet each of them

Race Equality Duty	Disability Equality Duty	Gender Equality Duty	Equality Act 2010 and Expected Duties	Relevant Parts of Scheme
General duties to have due regard to the need to:				
<ul style="list-style-type: none"> eliminate unlawful discrimination promote equality of opportunity between people of different racial groups 	<ul style="list-style-type: none"> eliminate discrimination that is unlawful under the Act promote equality of opportunity between disabled people and other people eliminate harassment of disabled people that is related to their disability promote positive attitudes towards disabled people encourage participation by disabled people in public life take steps to take account of the disabilities of disabled people, even where that involves treating disabled people more favourably than other people 	<ul style="list-style-type: none"> eliminate unlawful discrimination and harassment on the basis of gender and gender reassignment promote equality of opportunity between men and women, and take active steps to promote gender equality when carrying out functions and activities 	<p>1(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by this Act</p> <p>1(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it</p> <p>1(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it</p> <p>3(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic</p> <p>3(b) meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it</p> <p>3(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low</p> <p>4(a) to foster good relations between persons who share a relevant protected characteristic & persons who do not share it – have due regard to tackling prejudice</p> <p>4(b) to foster good relations between persons who share a relevant protected characteristic & persons who do not share it – have due regard to promoting understanding</p>	All

Race Equality Duty	Disability Equality Duty	Gender Equality Duty	Equality Act 2010 and Expected Duties	Relevant Parts of Scheme
<p>Specific duties:</p> <p>Publish a Race Equality Scheme</p>	<p>Publish a Disability Equality Scheme and action plan</p> <p>Involve disabled people</p>	<p>Publish Gender Equality Schemes, including equal pay policies, showing how we will meet our general and specific duties and setting out our gender equality objectives.</p> <p>Implement the actions set out in the scheme within three years, unless it is unreasonable or impracticable to do so.</p> <p>Consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine gender equality objectives.</p>	<p>Set and review equality objectives</p>	<p>This Scheme meets duties to produce schemes for race, gender and disability</p> <p>Section 11 sets out our plans for consultation and involvement</p> <p>Section 7 sets out our objectives</p>
<p>Review this Scheme every three years</p> <p>Monitor staff by racial group for:</p> <ul style="list-style-type: none"> • staff in post • applications for employment • promotion • training • performance appraisals • grievances • disciplinary action • reasons for leaving employment <p>Publish monitoring findings annually</p>	<p>Review this Scheme every three years</p> <p>Map current performance on disability equality, in order to inform the DES and future improvements.</p>	<p>Monitor progress and publish progress reports every three years</p> <p>Gather and use information on how policies and practices affect gender equality in the workforce and in the delivery of services.</p>	<p>Report on progress in achieving the equality objectives</p> <p>Report annually on the gender pay gap, ethnic minority employment rate and disability employment rate.</p>	<p>Sections 10 and 11</p> <p>Objective 4</p>
<ul style="list-style-type: none"> • Assess and consult on the likely impact of proposed policies relating to the promotion of race equality • Monitor policies for any adverse impact relating to the promotion of race equality 	<p>Systematically undertake disability impact assessment</p>	<p>Conduct and publish gender impact assessments on major new legislation and policy</p>	<ul style="list-style-type: none"> • Demonstrate the impact on equality of policies and services • Involvement and consultation 	<p>Section 8 and Objective 2</p>

Race Equality Duty	Disability Equality Duty	Gender Equality Duty	Equality Act 2010 and Expected Duties	Relevant Parts of Scheme
Specific duties: cont'd				
			<p>Procurement:</p> <ul style="list-style-type: none"> a) when setting out equality objectives and the steps to achieve them, to include how equality factors are considered as part of public procurement activities to help contribute to the delivery of those objectives b) to consider the use of equality-related award criteria where they relate to the subject matter of the contract and are proportionate c) to consider incorporating equality-related contract conditions where they relate to the performance of the contract and are proportionate 	Objective 1
<p>Publish the results of any assessments, consultations and monitoring</p> <p>Ensure public access to information and services is provided</p>				Sections 8 and 11
Train staff on the Race Equality Duty			Socio-economic duty	Objective 4 Objectives 1 and 2

Annex 4

Case study: Equality impact assessment of the National Commissioning Framework

The issue

- 1 In winter 2009, the LSC carried out an initial equality impact screening of the new National Commissioning Framework (NCF) using the LSC's impact assessment framework.
- 2 The initial screening identified that the NCF might potentially have different impacts on different groups of learners.
- 3 In line with the LSC framework, the LSC therefore carried out a full impact assessment.
- 4 To ensure the findings were authoritative and independent, the LSC commissioned VT Research to carry out this work.

Specification

- 5 The LSC Framework helped to inform the specification given to the researcher, who was required to:
 - a evaluate the extent to which the proposals for the introduction of the NCF could have positive or negative impact on learners by race, gender and disability, or other equality areas where evidence is available
 - b identify and evaluate specific areas of implementation that may impact adversely on particular learner groups
 - c recommend actions to address or monitor any potential benefits or adverse impacts, including key performance indicators
 - d identify a process and schedule for future monitoring.

Method

- 6 41 telephone interviews were undertaken with a wide range of stakeholders, including:
 - a local authority officers and members
 - b LSC and Young People's Learning Agency staff
 - c members of the LSC Equality and Diversity Committee
 - d representatives from the 14-19 learner panel
 - e provider representative bodies including the Association of Colleges, and
 - f expert groups such as Skill and Nacro.
- 7 In addition, the contractors undertook a policy review and secondary data analysis of the Individualised Learner Record and National Pupil Database to provide indicative baseline measures for gender, disability and ethnicity.

Findings

- 8 Key findings included that:
 - a Overall, the NCF would have few major adverse impacts on learners
 - b Positive impacts were found for both equalities in general and for particular learner groups
 - c The learner group for which most potential adverse impacts were found was learners with learning difficulties and/or disabilities (LDD)
 - d Learner groups that may experience benefits include travellers and socio-economically deprived and multiply disadvantaged learners
 - e Most stakeholders felt there should be more explicit references to equality and diversity in the NCF.

- f Local flexibility has the potential for great equality benefits but also inequalities of access and treatment across the country.
- g The inclusion of young offenders within the commissioning framework provides a step towards alignment with mainstream provision.

Outcomes

- 9 The policy leads found the impact assessment helpful and used the findings to amend the NCF in the following ways:

Equality Impact Assessment Finding	Outcome
<p>“The major potential negative impacts identified were in differing approaches taken by local authorities to different learner groups, and around the placement process for young people with LDD.”</p>	<p>The YPLA acknowledges the potential risks identified in the Single Equality Impact Assessment around the placement process for young people with LDD. Those risks arise, not from the NCF itself, but from the transfer of responsibility for that group of learners from the LSC to local authorities from April 2010.</p> <p>In order to mitigate those risks:</p> <ul style="list-style-type: none"> • In 2010/11 and, if necessary 2011/12, the YPLA will contract with Independent Specialist Providers (ISPs) on behalf of local authorities. • As well as a specialist team at the centre, each region of the YPLA will have a senior adviser for inclusion, together with a team including specialists in LDD. • Guidance for local authorities on placements for learners with LDD at ISPs is being developed. • In addition, the LSC has for some time worked closely with LAs and React to build capacity in this area of work.
<p>“The references to partnership working are clear throughout the document. However, several stakeholders recommended that the reasons why LAs must collaborate and work with others (particularly the Third Sector) should be made explicit. That is, that certain organisations will have a better understanding and ability to work with certain groups than local authorities and will help to achieve success in the hardest ‘gaps’ in participation.”</p>	<p>The main document now states that:</p> <p>“It will be important for local authorities to be aware of the contribution that providers other than schools and colleges make to 16-19 education and training. Private and Third Sector providers not only offer learning but are also key players in the design and planning of services to young people. They often have particular skills and experience in engaging young people who are not yet ready for more formal education or training, and those who are not in education, employment or training, or who need additional support to re-engage, working holistically with both them and their families.”</p>
<p>“There were differing views on the use of Annexes for commissioning for particular learner groups. Some consultees reported that they found it helpful. Others, particularly stakeholders concerned with learners with LDD, stated that the use of annexes constituted marginalisation of these learners.”</p>	<p>That annex has been substantially reworked and re-titled, with an overview making clear that the majority of young people with special educational needs are in mainstream settings, and that they pursue qualifications at all levels.</p> <p>Throughout the NCF, the term ‘LLDD’ has been removed, as it can be seen as a label. Instead, the term ‘learner with LDD is used’, as this begins by expressing that the young person is, first and foremost, a learner.</p>

Annex 5: Complaints

Learners and public

- 1 Details of how to make a complaint about the Skills Funding Agency itself or about providers of education and training we fund are available at:

<https://skillsfundingagency.bis.gov.uk/aboutus/contactus/complaints>

Staff

- 2 An interim grievance procedure based on that of the LSC is available to all Skills Funding Agency employees on the staff intranet. It will be reviewed in 2010.

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