

A GOOD PRACTICE GUIDE ●

**Attracting  
people  
who want  
to get in**

race equality  
in **Further Education Colleges**

**BOOK 1**  
Recruitment & selection



**Funding organisations**



**Sponsor organisations**



**Supporting organisations**



# Attracting people who want to get in

BOOK 1: RECRUITMENT & SELECTION



race equality  
in **Further Education Colleges**

# Contents

<b>Foreword: Further Education - challenging racism, leading the way</b>	<b>4</b>
<b>Acknowledgements</b>	<b>6</b>
<b>Chapter 1: Why this guide is needed</b>	<b>8</b>
Target group and aims	9
Diversity competence	9
Colleges in less diverse areas	9
Inspection	10
New developments	10
New priorities	11
<b>Chapter 2:: Commission findings and recommendations</b>	<b>12</b>
Findings from the Commission's research	13
Recommendations	14
<b>Chapter 3:: The case for race equality</b>	<b>16</b>
The benefits	17
The statutory case	17
The business case	18
The case for standardisation	19
The historical case	19
The case for asylum	19
The human rights case	20
Promoting equality and diversity: college vision and mission statements	21
The Macpherson Report	22
Recommendations for education providers	23
<b>Chapter 4: Race equality - the legal framework</b>	<b>24</b>
Race Relations Act (1976)	25
Positive action and positive discrimination	25
Genuine occupational qualifications (GOQs)	26
Religious discrimination	26
Contracted services	27
The Race Relations amendment Act (2000)	28
The general duty	28
Specific duties for further education institutions	29
The LSC's duties	29
Meeting the requirements	29
Suggested characteristics of a well-performing FE college meeting its duties under the Race Relations Amendment Act	31

<b>Chapter 5: Monitoring and setting targets</b> .....	<b>32</b>
Monitoring .....	33
Ethnic monitoring categories based on the 2001 census .....	34
Ethnic monitoring categories .....	34
Monitoring for impact assessment .....	36
Setting targets .....	39
Recruitment targets .....	40
Measuring progress .....	42
External benchmarks .....	42
Internal benchmarks .....	43
<b>Chapter 6: Race equality in inspection and performance review</b> .....	<b>46</b>
The LSC's remit .....	47
Performance review .....	47
Raising standards .....	48
Funding .....	48
The common inspection framework .....	48
Meeting learners' needs .....	49
Effective leadership .....	49
<b>Chapter 7: Tackling under-representation</b> .....	<b>52</b>
The evidence .....	53
The counter-arguments .....	56
Positive action initiatives .....	56
Positive or 'reverse' discrimination .....	57
Promoting positive action .....	58
Strategies for improving representation .....	58
<b>Chapter 8: Recruitment and selection</b> .....	<b>62</b>
The benefits of staff diversity .....	63
Recruitment and selection procedures .....	66
Targeted advertising .....	68
Constraints and options .....	70
Use of external recruitment agencies .....	70
Recruiting part-time, temporary or casual staff .....	71
Interviews .....	72
Using 'honest brokers' or race and equalities reps .....	73
Candidate assessment .....	73
Psychometric tests .....	74
Post appointment .....	75
<b>Glossary of key terms</b> .....	<b>76</b>
<b>Resources and websites</b> .....	<b>79</b>

## **Foreword**

# Further Education - challenging racism, leading the way

***'I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds and dignity, equality and freedom for their spirits. I believe what self centred (people) have torn down; other centred (people) can build up.'***

**Martin Luther King**

Education should lay the foundations for a better world. The focus of this Good Practice Guide is on practical ways in which the Further Education sector can address racism, enabling positive role models for all sectors of our society to emerge and be sustained at all levels.

The role of education is to equip learners with the knowledge, skills and understanding to form attitudes and make choices on the basis of what they know. Anyone involved in education has a duty to help learners to think critically, make informed judgements, to challenge stereotypes and to speak up for what is right. Racism is morally wrong and we have to address it in all its forms. This Guide seeks to identify ways of tackling the under-representation of Black staff in Further Education, which is one of the keys to raising achievement for all learners.

In many ways, the Commission's findings were not surprising. The numbers of Black staff at different levels within the profession show that progress has been made but there is still a long way to go. The witness day accounts of individual experiences were deeply moving and often painful. Some of the deep-seated problems that Black staff face in terms of racism were plain to see as members of the Commission listened to people from different parts of the country. Some anonymous examples of these accounts of both poor and good practice are set out in the Commission's final report.

This Good Practice series is evidence that it is not the Commission's intention to give dedicated and hard working people in the sector yet another kick by stating what is wrong yet offering no solutions. Quite the reverse! The Commission is encouraged that the sector is prepared to tackle this most invidious of problems;

and acknowledges that major progress has been made where learners are concerned. There is much good practice in the sector and it must become a beacon for everyone.

The Commission's Report sets out a number of issues concerning recruitment practices and race equality policies and procedures and makes recommendations that will help take the sector forward. The landscape has changed and we have needed to take account of this. The establishment of the Learning and Skills Council, the enactment of the Learning and Skills Act 2000, the Race Relations (Amendment) Act 2000, the national elections in 2001 and elections in other parts of Europe provide a greater imperative to address racism. The lessons from the Stephen Lawrence Inquiry have given added impetus to our work and to the legislation that followed.

The world post September 11<sup>th</sup> has become much less certain. Much thought has been given to the issue of Islamophobia and the public order disturbances in Bradford, Burnley and Oldham in the summer of 2001. What is certain is that all Colleges have a role to play in ensuring that institutional racism is eliminated. The Commission has chosen to work in partnership with the sector and it is remarkable how much common agreement exists on the issues that need to be addressed. If change is to occur, the Commission recognises that it must be a critical friend to the sector and participate in identifying solutions. To this effect we have prioritised the need to address the under-representation of Black staff in Further Education at senior management level. This will be advanced through a funded programme to support their professional development. Hopefully this scheme can be expanded in the future to support the career development of Black staff at all levels.

This Guide is dedicated to those who have helped to take forward the struggle for social justice and for the dignity of Black staff, especially those people who trusted us enough to come and give their accounts during the Commission's witness days in the hope and expectation that their evidence would help to make a difference. We are confident that assertive action by everyone will ensure that our shared goal of eliminating discrimination and promoting race equality is achieved.

**Michael Peters,**

*Chair, Commission for Black Staff in FE*  
July 2002

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## ● Information about the author

This guide was written and compiled by Stella Dadzie, an author and equalities training consultant with a national reputation in her field. She has many years' experience of working with staff and managers in colleges, schools and organisations throughout the country and is the author of a number of race and equalities publications including *Equality assurance : self assessment for equal opportunities in FE* (FEDA, 1998); *Equality in practice: a guide to mainstreaming* (LSDA, 2001); *Toolkit for tackling racism in schools* (Trentham Books, 2000); and *Equality & diversity in adult & community learning: a guide for managers* (LSDA/ NIACE, 2002).

## Chapter 1

# Why this guide is needed

***'It is incumbent upon every institution to examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of our communities.'***

**Macpherson Report, 1999**

## Target group and aims

This guide is targeted at Further Education Colleges and aims to provide practical guidance to a range of staff with responsibility for leading, planning, delivering and monitoring Race Equality. It is aimed in particular at

- governors and board members
- senior and middle managers
- staff with responsibility for recruitment & selection, staff development, personnel and other human resource functions
- members of College Equalities Committees
- members and facilitators of focus groups for Black and ethnic minority staff
- others with an active interest or stake in this area, including providers of Staff Training, Further and Higher Education and Adult and Community learning.

The Guide responds to important and challenging developments, in particular the requirements of the Race Relations Amendment Act (2000) and the findings and recommendations of the Commission for Black Staff in Further Education (2002). In doing so, it aims to highlight good practice within in the sector and to suggest some of the benefits to the diverse learning communities served.

## Diversity competence

Multi-cultural society and the impact of globalisation make the competent management of diversity an essential requirement for managers throughout the UK. This is as true for colleagues working in rural or mainly White areas as it is for those based in inner-city Colleges where staff and students are more likely to come from diverse racial, cultural, religious and social backgrounds. The monitoring of racial incidents at a local level has provided conclusive evidence that discriminatory attitudes, harassment, Islamophobia, racist attacks, and barriers to achievement can and do thrive in both contexts. Efforts in Colleges to develop Equal Opportunities policies, widen participation and promote Inclusive Learning have contributed to a heightened awareness of race and other equalities issues over the past decade. Most staff and managers should by now recognise the value of appointing staff who are representative of the College community and society at large. They should also have an understanding of the benefits to be gained from robust policies, equality-proofed procedures, explicit behaviour codes and properly trained staff.

## Colleges in less diverse areas

It is recognised that Colleges in less ethnically diverse areas of the country may find it more challenging to meet the new Race Equality agenda, yet it is clear from the Commission's Inquiry and investigations that there is much work to be done to tackle isolation, intolerance and under-representation in these areas. Calls for

good practice examples have confirmed that even Colleges with few Black staff and learners have begun rising to this challenge. Guided by principles of transparency and consultation, they have begun to find sensitive ways to reassure staff who fear change and to engage those who feel uncomfortable talking about 'race'. Some have set demanding recruitment targets; others have found innovative ways of attracting Black and ethnic minority staff or reaching a more diverse cohort of students. The guide includes several of these examples, as well as good practice points that will be of particular relevance to Colleges in predominantly White areas.

## Inspection

Commitments to '*challenging racial discrimination*', '*celebrating diversity*', '*promoting inclusive Learning*' or '*serving the whole community*' are an increasingly common feature of College Mission or Equalities Statements. However statutory guidance has, in the past, emphasised funding, strategic and inspection criteria, often at the expense of embedding good practice. Research by the Association of Colleges (AOC), the Learning & Skills Development Agency (LSDA) and the University of North London (UNL) has shown that in many Colleges the focus has been on producing numerical evidence of student recruitment, retention and achievement, and on obtaining good grades at inspection. While this has introduced strategic rigour into the sector, it has not been without a cost. Where Inspectors have looked at Equalities issues, they have assessed performance from a generic Widening Participation or EO perspective, with no particular focus on Race Equality. Generally, areas that did not feature explicitly in the self-assessment criteria, such as employee recruitment, diversity management, staff under-representation and Human Resource development, have received little or no scrutiny.

## New developments

A number of developments have helped to pave the way for change. In the aftermath of the Stephen Lawrence Inquiry and Macpherson's recommendations for tackling institutional racism (1999) Colleges have begun to look for practical ways to promote racial equality. This is a particular priority for Colleges with limited prior experience of the language, support and learning needs of Asylum Seekers. The specific duties for Colleges contained in the Race Relations Amendment Act came into force on May 31<sup>st</sup> 2002 and have accelerated these efforts. In the aftermath of the election of the British National Party candidate in Burnley, the riots in Oldham and Bradford in 2001 and the events of September 11<sup>th</sup> that same year, constructive ways to discourage or diffuse the tensions that can erupt in communities or between different groups of learners are a high priority. Colleges can play a pivotal role in this by helping to foster a more tolerant and inclusive society. The challenge will be met by appointing skilled staff who can respond to this agenda, and leaders with the confidence to manage the 'backlash' from staff who seek to subvert it or are resistant to change.



## New priorities

Whatever the specific or local challenges, no College can reasonably argue that the Race Equality 'agenda' is irrelevant. For some providers, tackling the under-representation of Black and ethnic minority staff, particularly at middle and senior management level and within the governing body, is now seen as a strategic priority. For others the priority is to equip their existing staff to deliver an ethos and a curriculum that promote racial equality in a confident, proactive way. For managers used to strategic planning, identifying 'quick-fix' actions or targets may prove relatively easy. Managing the diversity, raised awareness and good practice needed to achieve long-term cultural change is far harder to prescribe. While there are no easy answers, this Guide draws on the considerable good practice in the sector to demonstrate that, with effective leadership and commitment from the top, these challenges can be met.



## Chapter 2

# Commission findings and recommendations

***“This is not a simple issue with a simple solution. Nor is it helpful to point the finger of blame. Despite evidence from witnesses about the effects of racism in the sector, the Commission heard of much good practice within the sector that needs to be shared in a systematic way”.***

**Mike Peters, Chair, Commission for Black Staff in FE**

The Commission for Black Staff in FE is an independent body funded by the Further Education Funding Council (FEFC), latterly the Learning & Skills Council (LSC), and by the Department for Education and Skills (DfES). Its work is sponsored by the Association of Colleges, NATFHE, the Network for Black Managers. Following the Stephen Lawrence Inquiry and a subsequent conference at Lewisham College in 1999, the need to tackle institutional racism within the sector was widely recognised. Combining staff consultation, research by the Learning & Skills Development Agency (LSDA), specially commissioned research by the University of North London University (UNL) and the collection of evidence from individuals, 'expert witnesses' and key agencies, the Commission produced its final report in July 2002. Some of the key findings and recommendations from the report are summarised below.

## Findings from the Commission's research

### ● **Governors**

- A survey of 270 members of the clerks' network revealed that, of the 134 Colleges responding, only 8% of governors and one corporation clerk were Black.
- Fifty-eight colleges (43%) had no Black governors at all.

### ● **Employment**

- Black Principals of mainstream colleges constitute less than 1% of the cohort.
- At senior managerial level, fewer than 3% of staff are from ethnic minority groups
- Black staff are over-represented in part-time lecturing posts (8.5%) and under-represented in more secure fractional posts (4.5%).
- One in four of all staff working in catering, cleaning, security and other contracted services are Black.
- In contracted positions, Black staff are three times more likely than White staff to be employed in security posts.

### ● **Staff qualifications**

- 55% of minority ethnic staff in FE have been educated to first degree level compared with 49% of White staff.
- 6% of minority ethnic staff have no formal qualifications compared with 8% of White staff who were similarly unqualified.

### ● **Curriculum**

- Black lecturers are concentrated in Basic Skills and English for Speakers of Other Languages and, to a lesser extent, in Maths and Science.

● **Employment procedures and policies**

A specially commissioned national survey showed that:

- Fewer than half (42%) of further education colleges use formal recruitment procedures when appointing part-time hourly paid teaching staff.
- Fewer than one in five of colleges nationally use target setting to address the under-representation of Black staff.
- Fewer than one in five colleges monitor the employment policies of contractors.
- Fewer than half of all colleges (45%) have organised specific equality training programmes for staff.
- 8% of colleges have Black staff support, focus or development groups.

● **Equality policies**

- Just over half of colleges (52%) have developed specific equality procedures to address the recruitment, selection, induction and progression of staff.
- Less than one in five College (18%) have specific policies or criteria relating to redundancies and/or restructuring.

● **Student numbers**

- The percentage of minority ethnic students in further education in England increased from 12% in 1997-1998 to 14% in 1999-2000.
- Four fifths of young people from minority ethnic groups remain in the education system compared with just over two thirds of White young people.
- Black FE students are three times as likely to live in deprived areas than White students.

● **Inspection**

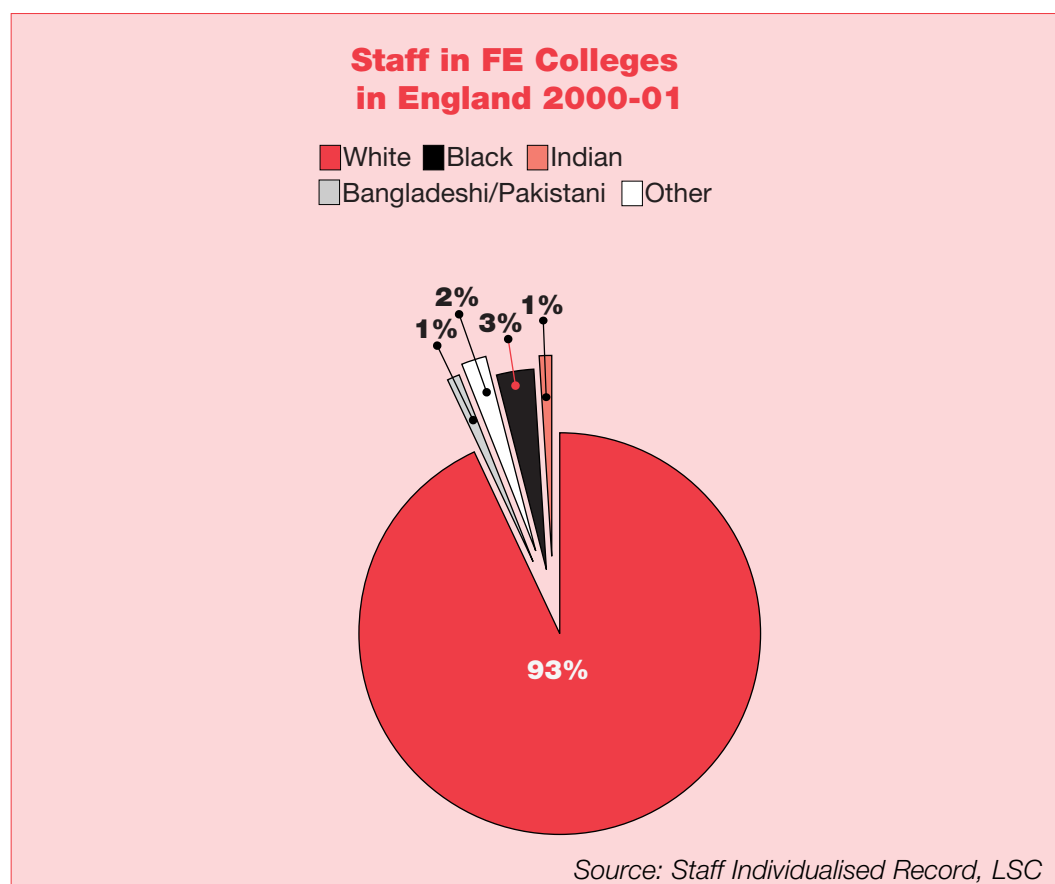
- In 2001 there were only two full-time Black inspectors (3%) and no senior Black inspectors (FEFC, 2001).
- Out of a total of 354 part-time inspectors, 26 (7%) were Black.
- Evidence from The Office for Standards in Education (OFSTED, 2001) revealed that the profile of minority ethnic staff has changed considerably since 1997 at certain levels.
- At HMI (inspector) level, the proportion of minority ethnic staff increased from 2.2% in 1997 to 3.6% in 2000.

## Recommendations

The Commission for Black Staff in Further Education having considered the key findings from its investigations to date, has identified a series of recommendations to address institutional racism in the sector. To achieve real and lasting change, all agencies involved in the delivery of education and training in the Learning and Skills sector are urged to:

- raise awareness of the Commission's findings and recommendations
- make sure that action is taken where necessary to eliminate discriminatory practices and procedures
- take proactive steps to change attitudes and organisational cultures
- provide training to ensure that staff are sensitised to identify and deal with institutional racism
- acknowledge, promote and share good practice in the sector
- set ambitious but realistic targets and timeframes for change.

The Commission has also proposed that immediate action be taken by stakeholder organisations, sector agencies, College Corporations, managers and individual staff on a number of targeted recommendations (for the full list of recommendations, see Final Report).





## Chapter 3

# The case for race equality

***“The Lawrence Inquiry brought home the reality of institutional racism to the majority of people in Britain in a unique way – and created a demand for change. It is the CRE’s mission, shared with Government, to ensure that there is a lasting step change in performance on race equality in the public sector...The task is to create public services that employ the very best people for the job and deliver the services that are actually needed by the diverse communities they serve. Modern Britain cannot manage with anything less”.***

**Gurbux Singh, Chair, CRE**

## The benefits

Moves to make Colleges more adult-friendly have consistently benefited from the cross-fertilisation of ideas and strategies to promote equality for different groups. Although they were originally responses to different minority interests, the development of outreach provision, pre-course guidance, accredited prior learning, modularised provision, flexible learner support and similar initiatives have ultimately benefited all learners. This is equally true for staff, whose entitlement to paternity leave, time off for sick children and a safe working environment free of harassment or discrimination are the direct result of Europe-wide lobbying by women, ethnic minorities, people with disabilities and other marginalized groups. Unions have also played a significant role. It is likely that efforts to develop good practice in promoting and delivering Race Equality will lay the basis for similar shared gains in other areas. It is no coincidence that the RRA Amendment links the promotion of good race relations with promoting equality of opportunity, for the two are symbiotic. Even the most resistant staff can be persuaded to support the Equalities agenda by making these links explicit. They may not understand the need for race equality, but old age and possible disability are conditions no one can avoid.

The case for Race Equality can be made in a number of ways:

## The statutory case

Colleges, like other education providers, must comply with an increasingly complex statutory Race and Equalities framework. The RRA Amendment is only one of several important statutory changes aimed at promoting equality of opportunity in recent years. It complements:

- existing legislation (Sex Discrimination Act, 1975/ Race Relations Act, 1976) that outlaws direct and indirect discrimination on grounds of race or gender
- new Disability legislation (Disability Discrimination Act, 1995/ Special Educational Needs and Disability Act, 2001) which makes it unlawful to treat someone less favourably for reasons relating to their disability
- the Human Rights Act (1998) which incorporates many of the Articles of the European Human Rights Convention into British law
- the EU Framework Employment Directive which will require the UK and other member states to introduce comprehensive anti-discrimination laws covering race discrimination, religion and sexual orientation by 2003 and age and disability by 2006
- DfEE guidelines contained in the *Code of Practice on Age Diversity in Employment* (1999)
- the generic Equalities Standard for Local Government (2001)
- Best Value and other Quality frameworks which include Performance Indicators relating to Race and Equality

- the new emphasis on EO leadership and management in the Inspection framework
- LSC quality criteria for Performance Review
- other funding body requirements.

The RRA Amendment is therefore only one of a number of 'sticks' or external drivers for a more coherent strategic approach to Equality and Diversity in management and service delivery.

## The business case

There is a strong and persuasive business case for Race Equality, sometimes described as the 'carrot' for organisational change. Often couched in the language of diversity management, which originated in the USA, employers are encouraged to recognise the many benefits to be gained from promoting and valuing diversity in the workforce and embracing the perceived benefits of globalisation. They include:

- enhanced competitiveness - attracting and retaining more competent employees who understand the needs of their clients and respect differences
- improved performance and outcomes - creating a working environment in which everyone is encouraged to perform to their maximum potential
- improved customer services –being able to reflect and meet the diverse needs of their clients
- increased market share - attracting a more diverse range of customers and improved global or international links
- enhanced and improved people management practices – using monitoring, impact assessment, staff consultation and other strategies
- improved organisational ethics and values
- increased understanding of race, diversity and Equal Opportunities issues
- improved staff relations
- reduced risk of costly tribunals - complying with anti-discriminatory legislation.

With the changing Learning and Skills agenda, which includes rationalising post-14 provision, achieving Basic Skills targets and extending opportunities for work-based training, the ability of Colleges to maintain their competitive advantage over other local providers will rely heavily on meeting the challenges of a more complex and diverse cohort of learners. Colleges will also feel more confident when bidding for funds in competition with smaller private and voluntary sector providers that can often demonstrate greater flexibility and responsiveness to local needs. They have a much greater chance of achieving these goals if they draw from all available talent rather than a restricted pool.

## The case for standardisation

With the development of the generic Equalities standard for Local Government and the merger of the Racial Equality, Equal Opportunities and Disability Rights Commissions, the trend is towards greater coherency across all Equalities areas. As in Northern Ireland, there is recognition of the importance of consistent approaches and outcomes, and an intention to standardise anti-discrimination laws in line with the EU directive by 2006. The monitoring and impact assessment requirements of the RRA Amendment are already echoed in Best Value performance indicators for local government relating to race, gender and disability. With the LSC taking steps to introduce Equality Impact measures, they may soon be applied more widely. The case for developing consistent, coherent, standardised approaches to meeting statutory requirements across all equalities areas, particularly in Human Resources, has never been stronger.

## The historical case

Outside the classroom, the historical arguments for race equality are rarely aired and therefore easily overlooked. They stem from Britain's long history as a slave-trading nation, and from her subsequent dominance of many parts of the world as an Imperialist power. They are also founded on the experiences of former colonial subjects, whose efforts to defend the 'Mother Country' during the 1939-45 war followed by post-war migration at the government's behest, contributed to levels of prosperity and democratic freedoms that are now taken for granted. The case for Britain and other Western powers to acknowledge this long-standing contribution and accept responsibility for past actions continues to underpin debates about Aid, reparations and reducing 'Third World' debt. Similar arguments apply for the fair and equal treatment of minorities in the UK, over 50% of whom were born here. Their parents' contribution to the national economy and to public institutions like the NHS, British Rail and London Transport is well documented.

## The case for asylum

The case for providing asylum is based on historical as well as moral and economic considerations. It includes:

- Britain's contribution - through its manufacture and trade in military hardware - to many of the wars and conflicts from which refugees have fled
- the continued benefits to Britain from the use of cheap labour and resources in countries that can no longer sustain their own population
- free market economic policies that promote the conditions for economic migration
- Britain's relatively small in-take of Asylum Seekers, compared with some of the poorest countries in the world.

For Colleges, with their remit to address skills shortages and under-representation, Asylum Seekers represent a largely untapped, frequently multi-lingual human

resource. Many arrive in the UK fully trained yet their skills, experience and professional qualifications continue to go largely unrecognised due to real or perceived language barriers. Far from lowering standards, they are among the most highly motivated employees and the most exceptional students. The current policy of dispersal suggests that attracting asylum seekers, both as employees and learners, could well become a sector-wide priority. Colleges also face the challenge of countering negative, xenophobic attitudes towards vulnerable individuals and isolated communities. This requires a raised awareness of the reasons why Asylum Seekers left home and the vital role FE can play in honouring Britain's commitment to the European Convention on Human Rights.

## The human rights case

The case for human rights was laid down in the aftermath of the Second World War in the Universal Declaration of Human Rights (1948). The European Convention on Human Rights (1950), drawn up in response to the holocaust and other human rights abuses, is one of a number of international treaties covering areas like discrimination against women, the rights of children, civil and political rights and the use of torture, inhuman or degrading treatment or punishment. The Human Rights Act (1998) incorporates most of the articles of the European



Convention on Human Rights into domestic law. As well as establishing the right to asylum, it enables anyone who considers that he or she has been a victim of a human rights violation to challenge a public authority (for example, local or central government) in the courts or tribunals. The Act became law in November 1998, although it came into effect in October 2000. Individuals have two ways of seeking redress or protection:

- by means of court action for judicial review or damages
- by using the Convention as a defence in civil or criminal proceedings brought against them by a public authority.

Most of the Convention rights have implications for FE Colleges, as well as for providers of other education, transport or social services,. It also affects corporate governance and the employment of staff. The EU Convention rights relevant to FE providers include:

- the right to education (Article 2)
- respect for private and family life (Article 8)
- freedom of thought, conscience and religion (Article 9)
- freedom of expression and assembly (Articles 10 and 11)
- the right not to be discriminated against in the enjoyment of these rights (Article 13).

### Promoting equality and diversity: college vision and mission statements

*'This College draws students from all over the world and is one of the most diverse places you will find anywhere. That diversity is one of our greatest assets – we are proud of it, and believe that it will enrich your experience here. We are just as passionate about equality of opportunity, and are working to create a College where everyone has a chance to learn and work, free from discrimination, prejudice or fear'.*

*'The College... will work to remove barriers that exclude local people from skills, qualifications, places in higher education and jobs. Our courses will be flexible so that students can start, stop and start again to suit the circumstances of their lives. At least 25% of our programme will be run in community centres and outside main College buildings'.*

*'We aim to promote equality, excellence and sustainability in education and training so that all learners achieve success and are thus empowered to contribute to the local, regional and national economy'.*

## The Macpherson report

The Macpherson Report was the outcome of a two-year inquiry into the racially motivated murder of the A-level student, Stephen Lawrence. It made a strong case for Race Equality in the public sector and gave rise to over seventy recommendations directed at public institutions including the police, local government and schools. The report provided some useful working definitions that many public authorities have adopted for strategic planning or monitoring purposes. Some Colleges have found it helpful to include Macpherson's definition of institutional racism in their Race Equality Statement or to use his definition of a racial incident as a shared starting point for College and community-wide monitoring of racial incidents. Others have developed Race Equality sub-committees or Stephen Lawrence Action Plans, using the recommendations as a basis for identifying College strengths, weaknesses and priorities.

- **Institutional racism**

***The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin.***

***It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people***

- **Racism**

***...conduct ... words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. Its more subtle form is as damaging as its overt form.***

- **A racist incident**

***A racist incident is any incident which is perceived to be racist by the victim or any other person. It may be perpetrated against individuals on the basis of their race, colour, nationality, culture, language or religion.***

**Macpherson Report, 1998**

## Recommendations for education providers

Macpherson's recommendations for schools and, by implication, other education providers included:

- amending the curriculum to promote valuing cultural diversity and prevent racism
- creating and implementing strategies to prevent and address racism, including recording all racial incidents
- reporting all recorded incidents to parents or guardians, governors and LEAs
- annually publishing the numbers of racist incidents and the numbers and ethnic identity of 'excluded' pupils
- including examination of the implementation of such strategies in OFSTED inspection
- encouraging and implementing community and local initiatives aimed at promoting cultural diversity and addressing racism.

Many Colleges have used the recommendations to re-ignite debates about racism and create more dialogue among staff and students about institutional priorities. This has proved an effective way of encouraging 'ownership' of Race Equality action plans and a better understanding of the need for Outreach or Positive Action initiatives or changes to the curriculum. Guidance from the Greater London Authority (GLA) to Local councils and other service providers gave a useful framework for this discussion by suggesting that, as a first step, organisations should prioritise

- producing a written commitment to racial equality
- mainstreaming race equality principles into all policies and practices
- providing effective racial equality training
- adopting and implementing a procedure for dealing with complaints of racial discrimination and harassment
- taking steps to address the under-representation of Black, Asian and other ethnic minority groups in the workforce
- publicising their commitment to racial equality and valuing cultural diversity
- regularly evaluating progress.

Similar guidelines underpin the new legislation that amends the 1976 Race Relations Act.



## Chapter 4

# Race equality - the legal framework

***'It is important to stress that the application of the new duties...should not be a huge burden on authorities. On the contrary, the best practitioners across the public sector are already doing much of this.'***

***The new Act is about putting a systematic framework for continuous improvement on race equality in place across the public sector'.***

**Gurbux Singh, Chair, CRE.**

## Race Relations Act (1976)

The Race Relations Act 1976 (RRA) defines three main types of discrimination:

- **Direct discrimination** - when a person is treated less favourably than others on grounds of their race, colour or nationality (including citizenship) or ethnic or national origins .
- **Indirect discrimination** - when a criterion or apparently neutral practice which applies equally to everyone has a disproportionately adverse effect on people from a particular racial group for which there is no objective justification.
- **Victimisation** - when a person is discriminated against for taking action under the Race Relations Act, or for supporting such action by another.

These legal requirements have not changed with the recent amendment to the RRA. Direct and indirect discrimination and victimisation continue to be illegal and Colleges must continue to comply with those parts of the Act that relate to discrimination in employment, education and training. Any employee, regardless of length of service, is entitled to make a claim under the RRA, as are applicants for employment.

## Positive action and positive discrimination

The law acknowledges the effects of past discrimination and the need for employers to take active steps to address the under-representation of certain racial groups. The legislation permits employers to take certain steps to seek to overcome that under-representation. In particular, section 38 of the RRA makes it lawful for an employer

- to address special educational, training or welfare needs identified for a specific racial group
- to provide training and special encouragement for people a particular racial group where they have been under-represented in certain occupations or grades during the previous twelve months.

Positive Action does *not* allow for racial discrimination in recruitment, selection or promotion, or for positive discrimination. The scope for lawful action is confined to encouraging job applications and/or offering training. It is unlawful for an employer to select a person for a job on the basis of their race, unless this falls within one of the narrowly defined exceptions, where the person's race is a *genuine occupational qualification* for the job as defined in section 5 (2)(d) of the Race Relations Act. It is also unlawful to use quotas, which would involve ring-fencing particular posts so that only candidates from a particular racial group could apply. The tendency to confuse targets with quotas is a common mistake, and can lead to much resentment if staff do not understand this important distinction.

## Genuine Occupational Qualifications (GOQs)

Just as it makes sense for the Director of a company with branches in Europe to specify that her PA must be able to speak French or German, it is perfectly legal for a College to specify the race or ethnicity of the applicant being sought if, and only if, this is a genuine requirement for the job. GOQs are narrowly defined by the legislation. Section 5 of the RRA lists 4 different circumstances where being of a particular race is a valid GOQ for doing a particular job, although only one of them is likely to arise with any regularity in the College environment. This is where the job involves 'providing personal services or promoting welfare, and these services can most effectively be provided by a person of the same racial group'. For this reason, managerial posts would normally be exempted. If being of a particular race is merely a 'desirable extra', this is not a valid GOQ. Section 5(4) provides that a GOQ is not established where within a particular section or site there are 'sufficient employees...capable of carrying out the duties (i.e. personal services) involved and it would be reasonable to employ them'.

The term 'racial group' applies to specific, identified ethnic groups, which should be clearly named in the advertisement by specifying the ethnic background, language or nationality of the person being sought – for example, Greek Cypriot, Sylheti-speaking, Somali etc. Umbrella terms like 'Black' are generally to be avoided when advertising an exempted post. It is also worth remembering that the job for which the GOQ is claimed does not have to be performed exclusively with people from the specified racial group. Under the law, a GOQ can apply even if only some of the duties fall within its scope, meaning that the post-holder is not confined to working with only one client group. However, the need to recruit someone from a particular racial background must be clearly demonstrated in the job description and person specification, as well as in the advertisement, which must claim exemption under the RRA Section 5 (2d).

## Religious discrimination

Existing UK legislation does not yet make it unlawful to discriminate on religious grounds. Nevertheless, in a context where the same term may be used to describe a person's religion and their ethnicity, less favourable treatment on religious grounds may actually amount to unlawful racial discrimination. At present, Jews and Sikhs are regarded as ethnic groups (and so protected by the RRA) while Hindus, Buddhists, Muslims, Rastafarians and Christians are not. The government plans to redress this anomaly by introducing new legislation in line with the European Employment Framework Directive by 2003. This requires member states to outlaw discrimination at work on the grounds of religion or belief. The full implications of this will become apparent when the legislation is drafted, but for Colleges, this is likely to mean:

- avoiding rigid dress codes that do not recognise religious dress requirements
- recognising non-Christian religious festivals and holy days
- providing for prayer, ablution and other religious observances
- meeting dietary requirements.

Single faith Colleges will be able to opt out of many of these requirements, which will apply only to employment and not to other areas of College life. Colleges must also observe Article 9 of the Human Rights Act, which applies to staff *and* students.

## Contracted services

*'The contract specification is crucial. For example, we specify that training in cultural awareness and the role of the security guard is a requirement for all security personnel, because they have direct contact with our students'*  
(Contracts Manager)

Colleges must observe the RRA's general prohibitions against discrimination in access or 'indirect access' to goods, facilities and services they provide. The term 'indirect access' refers to the actions of those providing services as contractors or franchisees of the College. It includes local employers providing work-based training, for example, and companies supplying Catering or Security services. To avoid the potential for vicarious liability, all contracts with external service providers should include reference to the College's Race and Equalities policies, and the procurement process should include scrutiny of their record and commitments in this area.

### **EXTRACT FROM CONTRACT SPECIFICATION:**

'The College serves a diverse community and is committed to eliminating discrimination and promoting equality of opportunity. It is essential, therefore, that all contractors support and reinforce the College's policies in this area and understand the need to take them into full account when designing and delivering services.

- a. The contractor shall not commit an act of discrimination rendered unlawful by the Sex Discrimination Act 1975, the Race Relations Act 1976 or the Disability Discrimination Act 1995
- b. The contractor shall seek to act at all times within the spirit of the College's Race Equality and Equal Opportunities Policies
- c. The contractor shall take reasonable steps to ensure where any of the contractor's obligations under this agreement are carried out by a sub-contractor, that they comply with the provisions of this clause'

## The Race Relations Amendment Act (2000)

### ● **RRAA compliance: an overview**



### The general duty

The RRAA has built on the findings of the Stephen Lawrence Inquiry by extending protection against racial discrimination and placing a new, enforceable GENERAL DUTY upon all public authorities to have due regard *in everything they do* to the need to...

- **Eliminate** unlawful racial discrimination.
- **Promote** equality of opportunity.
- **Promote** good race relations between people of different racial groups.

These duties are complementary and refer to all the relevant functions of a public authority. They are set out in section 2 of the RRAA 2000, and will be incorporated to become section 71(a) of the RRA 1976. 'Due regard' does not mean that race equality is less important in areas or organisations where the ethnic minority population is small. The new law requires all public authorities listed in Schedule 1A of the Act, including Further Education Colleges, to adopt a systematic and proactive approach to meeting the duties. However, it recognises that some functions will be more relevant than others in the requirement that Race Equality be given 'a weight proportionate to its relevance to a particular function'.

## Specific duties for Further Education Institutions

In support of this general duty, FE Colleges are required to discharge certain specific duties. These are set out in the Race Relations Act 1976 (Statutory Duties) Order 2001. Regulation 3 provides that FE institutions are required, before 31<sup>st</sup> May 2002, to prepare a written statement of their policy for promoting race equality; and to have in place for fulfilling, as soon as reasonably practicable, a number of specific duties. Each College has the duty to:

- assess the impact of its policies on staff and students of different racial groups (regulation 3(3)(a))
- monitor, by reference to those racial groups, the admission and progression of students and the recruitment and career progression of staff (regulation 3(3)(b))
- include arrangements in the written race equality policy for publishing the results of assessment and monitoring (reg 3(3)(c)).

Colleges are also required to take such steps as are reasonably practicable to publish annually the results of the racial monitoring and impact assessment referred to above.

## The LSC's duties

The LSC is also bound by the General Duty of the RRAA, and subject to specific duties that enable the general duty to be met. Its duty with regard to FE Colleges is to ensure their compliance with the duties placed on them, although governing bodies are legally responsible for the College's compliance and are liable if there is a breach of the law. The LSC is also required to publish annually an analysis by ethnicity of FE teaching staff. Colleges will therefore have to ensure that they are able both to collect and report such data. The CRE, which has powers to enforce the Act's duties, has published a statutory code of practice to guide Colleges in their implementation of the Act. The provisions of the code can be taken into account in legal action that may be taken against a College under the Act.

## Meeting the requirements

Meeting the requirements of the Race Relations (Amendment) Act may seem onerous to some staff, particularly in Colleges where Race Equality issues have traditionally been ignored or regarded as a low priority. However, it is clear that compliance with the new law will empower Colleges to respond to other statutory equalities requirements as they come into force. This demands a strategic rigour that some Colleges have yet to achieve. It is recognised that meeting the specific duties will call for a planned, considered response and cultural changes that could take several years to implement fully.

Further information and advice on meeting the specific duties of the Act, including more detailed guidance on ethnic monitoring and core training messages can be found on the Commission for Racial Equality's website [www.CRE.org.uk](http://www.CRE.org.uk). The website includes a document entitled *The duty to promote race equality: A Guide for Further and Higher Education Institutions (Non-statutory)*. This provides valuable guidance that supports the CRE's statutory *Code of Practice on the Duty to Promote Race Equality*. The Guide has been written mainly for the governing bodies of FE and HE institutions that are bound by the legislative duties. Unlike the Code, the Guide does not have legal standing. Nevertheless, the CRE explains that it is important as it is 'based on tried and tested experience in FE and HE institutions that have been working towards race equality'. The Guide includes:

- an explanation of the benefits of complying with the general duty to promote race equality
- an explanation of the scope of the general and specific duties, including what the general duty means in practice
- an explanation of the specific duties, including coverage of a number of useful examples derived from the experience of various Colleges
- an outline of the specific duties that arise in the employment field, which, although not applicable to FE Colleges, are applicable to some institutions in the FE sector (e.g., LSC, HEFCE)
- an appendix which explains in some detail a framework for a race equality policy
- an appendix that provides a guide to the Race Relations Act 1976.



## Suggested characteristics of a well-performing FE college meeting its duties under The Race Relations Amendment Act

### ● Leadership

- **High-level leadership:** Governing body and senior managers make clear public commitment to tackling racial discrimination and promoting race equality.
- **Equitable leadership:** People from a diverse range of ethnic backgrounds are well represented on the governing body and within management.

### ● Policies, services and processes

- **A Race Equality Policy:** This is an engine for development and implementation setting out the practical measures being taken to achieve race equality. Has clear targets and projected outcomes. Is regularly reviewed.
- **Mainstreaming:** Race equality aims and objectives are integrated into all strategies and policies. All staff understand what race equality policy means for them.
- **Impact Assessment:** Assessing the impact of policies on race equality at every stage of development, using the views of students and staff and using such feed back to shape policy.
- **Monitoring:** Using established systems and where needed, establishing new systems to monitor the impact of policies on students and staff from different racial groups. Particular attention is given to recruitment, retention and achievement of students and the recruitment and career progression of staff. Monitoring data used to identify targets.
- **Achieving improvement:** Using data to identify problems, establish targets, underpin and guide intervention and evaluate effectiveness of improvement programmes.
- **Safe Learning and Working Environment:** Robust, fair and easy to use systems deal well with complaints of discrimination and harassment.
- **Recruiting and selecting a diverse staff:** Monitoring and reviewing recruitment procedures regularly to ensure fairness and their appeal to a broad range of potential applicants.
- **Supporting staff:** High quality training supports all staff to deliver race equality.
- **Using positive action:** Using data on local communities and comparable data on staffing in further education nationally to identify disparities and possible barriers to equality of opportunity. Taking action to remedy inequalities including the use of positive action to target disadvantaged racial groups as appropriate – for example, the provision of management training for any groups under-represented in management.

From: Initial Guidance to local LSCs on implementing the Race Relations Amendment Act (LSC Equality & Diversity Guidance 03/02)



## Chapter 5

# Monitoring and setting targets

***‘Black senior managers in the college are represented in higher proportions than they appear in the local population and within the college community. We have monthly data analysis of HR performance, staff recruitment and disciplinaries and management meetings to devise actions to address any inequalities’***

**(Vice Principal)**

## Monitoring

*'If I receive an application without the data I need for monitoring purposes, I send it back to them with a polite letter saying that although this isn't a legal requirement, it is very useful for the College to have this information. The letter explains that we need it so that we can make sure we do not discriminate against anyone because of their race, gender or disability. Most people fill it in and return it. If they refuse, it's a clear signal to me that this person probably doesn't understand the equalities agenda' (HR Manager)*

*"The College uses Compel and can now reproduce all this information on the intranet, so that it can be accessed (though not altered) by anyone in the College who needs it. For example, Heads of Department and members of different committees can use it for planning, review and target-setting activities. We are also planning to include local labour market data and the 2001 Census data will go in when it's available, for comparison and benchmarking purposes. We are hoping that having ready access to this kind of information will help staff understand the case for taking steps to improve our staff profile, and encourage managers to think more actively about recruitment, retention and progression issues as they affect Black and other ethnic minority staff. Access to such information has the potential to make a real difference in staff attitudes and perceptions, although more training will be needed to raise awareness of the underlying causes." (HR Manager)*

Monitoring is a continuous process that enables Colleges to collect, store and analyse data about people's ethnic and social backgrounds. Without ethnic monitoring, the College has no objective evidence that its policies are working. As well as helping the College to determine its overall ethnic profile and how this compares with its students and the local populations served, monitoring can be used to

- analyse staff applications, appointments, retention and progression
- identify occupations, grades or areas of provision where people from a particular racial group are under or over-represented
- highlight possible barriers to equality
- investigate the underlying causes
- correct stereotypical assumptions based on guesswork and speculation
- take steps to remove the barriers or disadvantages identified

It is important to feed back the results of ethnic monitoring, so that those who supplied it can see how the information is being used to identify adverse impact

and promote equality. High profile displays showing the results of College-wide surveys in an accessible format can be an excellent way of encouraging people to complete monitoring forms and demonstrating the value of the information supplied.

## Ethnic monitoring categories based on the 2001 census

**What is your ethnic group?**

Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.

<p><b>A WHITE</b></p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other White background (please write in) .....</p> <hr/> <p><b>B MIXED</b></p> <p><input type="checkbox"/> White and Black Caribbean</p> <p><input type="checkbox"/> White and Black African</p> <p><input type="checkbox"/> White and Asian</p> <p><input type="checkbox"/> Any other Mixed background (please write in) .....</p>	<p><b>C ASIAN OR ASIAN BRITISH</b></p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background (please write in) .....</p> <hr/> <p><b>D BLACK OR BLACK BRITISH</b></p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background (please write in) .....</p> <hr/> <p><b>E CHINESE OR OTHER ETHNIC GROUP</b></p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other (please write in) .....</p>
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## Ethnic monitoring categories

Because they were ambiguous and no longer adequate, the 2001 Census redefined the categories that have been used for ethnic monitoring purposes over the past decade. All public authorities are expected to use the new core categories to facilitate the process of comparing like with like. Colleges, schools, local authorities and other public institutions may choose to broaden any of the core categories listed to more accurately reflect the communities they serve by including specific ethnic or national groups under the existing headings. However, it must be possible to map them back. For example:

- ANY OTHER WHITE BACKGROUND could specify TURKISH CYPRIOT, KOSOVAN, ROMA, etc.

- ANY OTHER BLACK BACKGROUND could specify SOMALI, GHANAIAN, NIGERIAN, etc.
- ANY OTHER ASIAN BACKGROUND could specify VIETNAMESE, SRI LANKAN etc.

Despite these changes, many of the ambiguities and practical difficulties associated with ethnic monitoring have yet to be resolved. They include:

- the blurred distinction between national, 'racial', national and ethnic groups - the legislation refers to monitoring 'by racial group' which covers citizenship and nationality, yet more relevant information is often revealed by data about people's ethnic, religious or social background
- concerns about staff and learners who choose not to disclose their ethnic background - this 'skews' the data and gives an inaccurate picture of the College's profile
- difficulties with self-classification, which encourages people to use their own preferred terms to describe their identity but can prove a nightmare for data analysts!
- confusion over which box to tick – for example, how far back are people expected to go? And what if a person's ethnic background is so diverse that they could tick any number of boxes?
- a general lack of awareness of the reasons for monitoring, which can lead to suspicions about how the data will be used
- the need to comply with Data Protection law in the way information is requested, accessed and stored
- the problem of untrained HR and frontline staff having to explain the importance of completing monitoring forms to others and respond to complex queries.

These difficulties will undoubtedly be ironed out as we develop more sophisticated responses and categories or decide that the exercise is no longer relevant. Meanwhile, Colleges will need to find practical ways of addressing them. As a first step:

- application forms and surveys requiring data for monitoring purposes should explain clearly why the information is needed, how it will be used and where it can be accessed
- the personal data provided by job candidates must be detached from applications, to ensure that this information does not influence short-listing decisions
- performance appraisals, staff supervision and interim employee surveys may need to be used to verify existing data
- key staff involved in the monitoring process should be trained and properly briefed.

## Monitoring for impact assessment

***‘Because discrimination can be very arbitrary sometimes, it’s just as important for us to know who doesn’t get appointed and who is deselected at each stage of the process. Details are logged on application, on short-listing and on appointment so that we can see who’s dropped out and try to establish why’.***

**(HR Manager)**

Whether the number of Black and other ethnic minority staff and students in the College is small or significant, the data from monitoring activities and surveys provides managers with invaluable performance indicators as well as helping to highlight significant differences that suggest unlawful discrimination or adverse impact on particular groups. The College’s Quality Review cycle should already include provision for the scrutiny of key policies either annually or every three years, according to the area covered. This Review process can be readily adapted to include the following questions:

- Could this policy or procedure affect some racial groups differently?
- What does available statistical data tell us?
- Does the policy or procedure promote good race relations?
- Have we taken account of all relevant and available information, including staff/ student surveys and feedback from staff focus groups, responsible managers, the Equalities Forum and other key committees?
- Does the policy or procedure need to be revised in the light of this assessment?

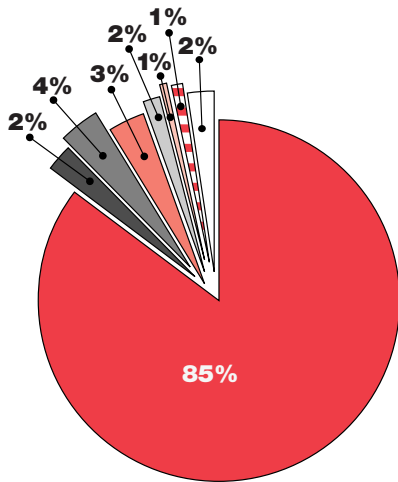
If existing quality systems are effective, it should not be necessary to ‘reinvent the wheel’ when assessing and reviewing the impact of policies. In many Colleges, Black staff focus groups, Equal Opportunities or Equality & Diversity Committees already play a key role in the monitoring and scrutiny of policies. The use of College websites, intranets, annual reports, prospecti and staff or student newsletters to publicise the results and highlight achievements is also increasingly common.

<b>MONITORING AND REVIEWING POLICIES FOR ADVERSE IMPACT</b>		
<b>WHAT?</b>	<b>HOW?</b>	<b>WHO?</b>
<p>MONITOR all policies that are relevant to general duty for effects on different racial groups</p>	<p>AGREE a review cycle that includes scrutiny of all relevant policies and procedures , including</p> <ul style="list-style-type: none"> <li>● Race / Equalities</li> <li>● Staff Recruitment &amp; Selection</li> <li>● Employment</li> <li>● Staff Development</li> <li>● Contracting and Procurement</li> </ul> <p>Ensure all Review committees DISCUSS the key review questions (see page 36)</p>	<ul style="list-style-type: none"> <li>● Governing Body</li> <li>● Subcommittees</li> <li>● Heads of their the Department</li> <li>● Review Committees</li> <li>● Staff/ student focus groups with a scrutiny role</li> </ul>
<p>CHECK whether there are any differences</p>	<p>IDENTIFY any significant differences in the number of staff from different racial groups who...</p> <ul style="list-style-type: none"> <li>● apply for/ are offered employment</li> <li>● take part in staff training</li> <li>● receive appraisals</li> <li>● pursue formal grievances</li> <li>● decide to leave</li> </ul>	<p>Managers responsible for...</p> <ul style="list-style-type: none"> <li>● Human Resources/ Personnel</li> <li>● Staff Development</li> <li>● Staff Appraisals</li> <li>● Management Information</li> <li>● The line management of staff</li> </ul>
<p>ASSESS whether these differences have an adverse impact on any particular racial group</p>	<p>ESTABLISH whether these differences have a negative or adverse affect on people from different racial groups - for example, on</p> <ul style="list-style-type: none"> <li>● Staff trained overseas</li> <li>● Asylum seekers</li> <li>● Support staff</li> <li>● Part-time/ contract workers</li> </ul>	<ul style="list-style-type: none"> <li>● Human Resources/ Personnel/ Staff Development Managers</li> <li>● Senior Management Team</li> </ul>
<p>SUMMARISE data and circulate findings</p>	<p>PUBLISH main findings for inclusion and consideration in Annual Reports and Reviews; for staff to access via College intranet, staff newsletter and/or team briefings; and to inform partners and other external groups</p>	<ul style="list-style-type: none"> <li>● Head of Human Resources</li> <li>● HR Sub-committee</li> <li>● Departmental Heads</li> <li>● Marketing/ Communications</li> <li>● Senior Management Team</li> </ul>

**Figure 2: A college's staff profile by ethnic group**

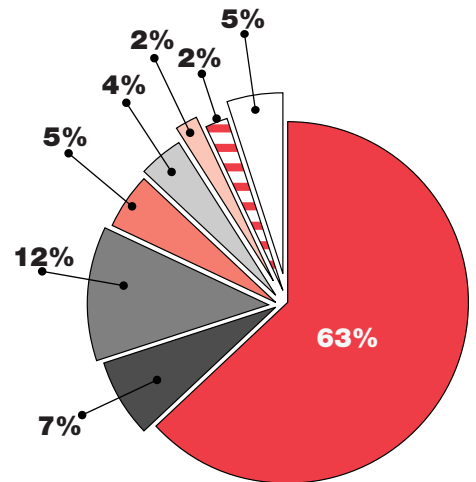
**Full-time staff profile**

- White Black Caribbean Indian
- Black African Mixed Not known
- Pakistani Chinese



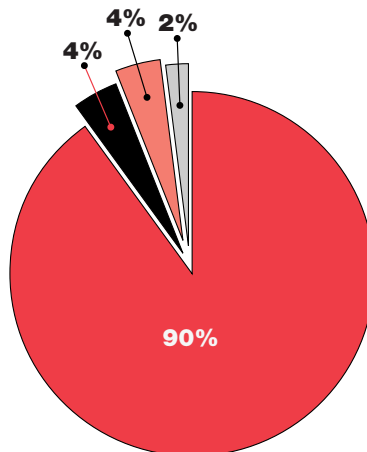
**Part-time staff profile**

- White Black Caribbean Indian
- Black African Mixed Not known
- Pakistani Chinese



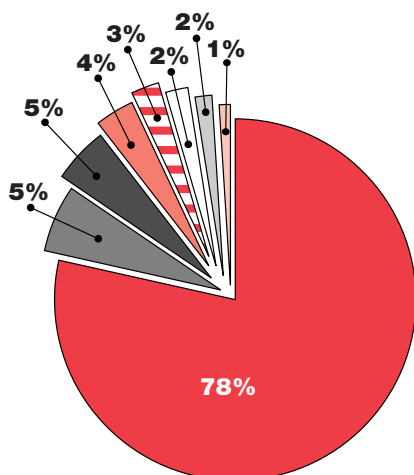
**Management profile**

- White Black Indian Pakistani



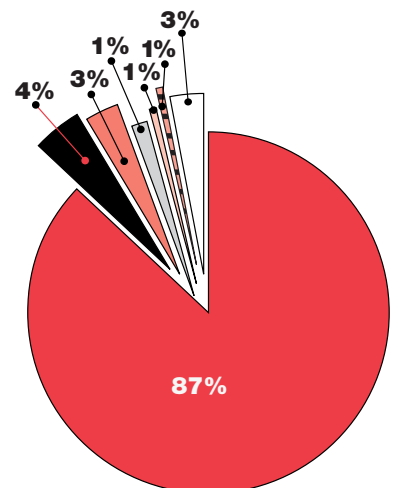
**Full-time support staff profile**

- White Black Caribbean Indian
- Black African Mixed Not known
- Pakistani Chinese



**Full-time teaching profile**

- White Black Indian Pakistani
- Chinese Other Not known



## Setting targets

***‘You can’t manage what you can’t measure’***

**(Anonymous)**

***‘We set targets not just for ethnicity but for disability, gender and so on and then we monitor progress every Personnel Committee towards meeting those targets and look to see if we need to revise them...’***

**(Personnel Manager)**

Setting targets is vital if the College is to make progress, not just towards redressing under-representation to comply with the RRAA, but in other areas that will help promote Race Equality. College-wide, departmental and personal targets can provide incentive and direction to managers and key staff, particularly when tied to strategic aims, quality assurance and/ or individual appraisals. When benchmarked against local, regional or sector-wide performance, they also serve as useful indicators when reviewing progress. Target setting is only a means to an end, however, and should not be seen as an end in itself. The most effective targets are:

- closely tied to the College’s mission and strategic aims
- derived from carefully analysed MIS data
- based on the percentage of ethnic minority groups within the local population in ethnically diverse areas, or on national benchmarks in areas where they are under-represented
- developed in close consultation with Governors, staff and relevant committees or focus groups
- ‘SMART’ – i.e. Specific, Measurable, Achievable, Realistic and Timed
- actively used to inform College self-assessment and (e)quality assurance activities
- subject to regular monthly, bi-annual or annual review, as appropriate
- informed by external data from lead organisations like the LSC, AOC, CRE and Runnymede Trust and/ or local labour market information, as appropriate
- based on internal data derived from College monitoring activities
- expressed as a desired percentage increase or decrease in one or more specified areas
- used to measure progress.

**STRATEGIC OBJECTIVE**

*'The College will actively support the recruitment, retention and up-skilling of teaching and support staff from ethnic minority groups'*

**OPERATIONAL TARGETS**

- To increase the representation of Black and ethnic minority managers to 10% by July 2005
- To increase the representation of Black and ethnic minority teaching staff to 20% by July 2005
- To increase the representation of Black and ethnic minority support staff to 25% by July 2005
- To increase the number of staff to have participated in Recruitment & Selection Training to 90% by July 2003

**ACTIONS PLANNED**

- Further analysis on the current position of ethnic minority staff within the College structure to form the basis of a report to Governors and SMT by the end of Autumn Term 2002
- Positive action interventions to be agreed with the aim of increasing the current % of ethnic minority staff within identified departments/ divisions
- Recruitment & Selection Procedures training for Managers (goal: 100% participation)
- Race & Equalities training for Interviewers (goal: 90% participation)

## Recruitment targets

In the context of Race Equality, recruitment targets are a way of expressing the College's short or long-term employment goals for recruiting Black and ethnic minority staff into departments, occupations or grades where they are currently under-represented. They should not be confused with quotas (see page 25, *Positive Action & Positive Discrimination*). They enable the College to address the need for more Black teaching and support staff in a way that mirrors the profile of learners and their representation in the local community. In the case of Colleges in predominantly White areas, they should aim to match or exceed the profile of ethnic

minorities nationally, as appropriate. Targets do not need to be confined to recruitment. They can be used to promote Race Equality in other ways too – for example, when:

- establishing priorities for individual managers and key staff
- measuring or reviewing progress in teams, departments and cross-College committees
- informing governors and senior managers when analysing and reviewing progress
- monitoring the take-up of Staff Development to promote awareness and good practice in this area
- evaluating and improving participation by targeted groups of staff in appraisals and employee reviews
- improving response and resolution rates for complaints and grievances by targeted groups of staff
- taking steps to reduce the number of racist incidents
- seeking to improve the results of staff/ student satisfaction surveys.



## Measuring progress

*'The College's Operational Plan includes Quality and Equality Targets for addressing under-representation in identified areas and to reflect the College's students and local community. These are used to monitor progress in three forums – the Race Equality Action Group, Senior Management Team and Operational Management Team. Targets are captured in both the College's SAR and in area SARs' (Manager)*

Achieving organisational change requires a clear and well-communicated implementation strategy, staff ownership of action plans and cross-College support for the goals the College has set itself. A degree of realism is also needed, based on careful analysis of available data and regular review of actual progress towards achieving them. There is no point in setting targets that the College has little hope of achieving. This undermines their credibility and can de-motivate staff who are responsible for their delivery. It is far better to measure progress by means of targets or performance indicators that define small achievable steps.

### EMPLOYEE PROGRESS: WHAT TO MEASURE

- Proportions of employees by ethnic group in departments, occupations and grades over a specified time - are the differences narrowing, increasing or staying the same?
- The proportion of employees and applicants from different ethnic groups at each stage of a particular process - are some groups performing better or worse when involved in selection, appraisal or promotion?
- The proportion of staff by ethnic group who are involved in disciplinaries or lodge complaints about discrimination - are some minority ethnic groups over-represented?
- The proportion of staff by ethnic group who participate in development or appraisal activities - are some minority ethnic groups under-represented?

An effective database and Management Information System will assist the monitoring process and make it much easier to measure progress in a systematic way. Regular 'sampling' and targeted consultations, particularly where the numbers involved are small, can also be a useful way to determine whether the College is moving forward.

## External benchmarks

*'Although Black and ethnic minority groups have certain common features, they have different levels of employment, earnings, family structures and conditions and their communities are evolving in different ways. They cannot therefore be considered a single unified group, and policy and practice needs to recognise this diversity and difference' (CRE)*

External benchmarks are a prerequisite if Colleges are to set meaningful targets. Achieving an overview of the national, regional and local picture helps to establish where the College is now by comparing its performance against relevant labour market data and national, regional or local indicators. To interpret College data, responsible managers should 'benchmark' or compare the College's own staffing profile against:

- 2001 National Census data sets showing ethnic minority populations by region
- LSC/AOC data sets showing the number of teaching, support, managerial and part-time staff in FE by racial group
- findings from the National Labour Force Survey showing labour market activity and occupational data by ethnic group, with reference to type of work, qualification rates, earnings levels and employment or unemployment
- LLSC labour market information showing local or regional economic participation by ethnic group
- other relevant sources – for example, data from the local authority, Education and training providers, lead bodies or voluntary sector organisations, where this is relevant.

When identifying benchmarks for recruitment purposes, comparisons should take account of the different markets for different jobs and whether they are more likely to be recruited locally, regionally or nationally; historical under-representation in management roles and particular professions; and 'ghettoisation' in certain vocational areas such as ESOL or security work.

## Internal benchmarks

Data is not produced merely for external consumption by the LSC or the ALI/OFSTED Inspectorate. The College's monitoring activities should provide some invaluable internal benchmarks, as well as assisting staff involved in planning and review activities. For example, College data can be used by staff in Personnel or Human Resources to:

- compare the proportion of employees from different ethnic groups by department, grade or length of service to see whether the differences are narrowing, increasing or staying the same
- compare what happens to employees or applicants from different ethnic groups at each stage of an identified process (e.g. recruitment or career progression)
- compare the trends, results or outcomes for staff from different ethnic groups to help verify perceptions of equal or unequal treatment
- inform staff and students how well the College, department or area is performing compared to previous years
- provide evidence of progress or achievement.

**USEFUL FACTS & FIGURES**

**NATIONAL PROFILE**

- Minority ethnic groups currently make up 7% of the total population of England, Scotland and Wales; and 8% of the total population of England (*Labour Force Survey, 2000-01*)

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- 97% of minority ethnic people in Britain live in England, with only 1% resident in Wales and 2% resident in Scotland

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- The highest percentage of people from minority ethnic groups reside in London, where nearly 2 million people from minority ethnic groups make up 28% of the population

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- 52% of all minority ethnic people live in London

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- In all but two London boroughs (Bexley and Havering) the minority ethnic population is higher than the national average

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- In some London boroughs, minority ethnic populations make up the majority of the population: Newham (66%); Brent (60%) and Tower Hamlets (57%)

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- Outside London the minority ethnic population is unevenly distributed. At least one in five people comes from a minority ethnic group in the following areas:
 

Leicester	37%
Slough	32%
Birmingham	32%
Wolverhampton	26%
Manchester	21%
Bradford	21%

**EMPLOYMENT & UNEMPLOYMENT**

- 85% of White men of working age are economically active compared to 77% of minority ethnic men

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- 74% of White women are economically active compared to 56% of minority ethnic women (*DfEE, 2000*)

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- Nationally, the unemployment rate is 4% (Family Resources Survey, 1999-2000), with the unemployment rate amongst White people slightly below the national average, at 3%

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- The unemployment rate for minority ethnic groups was above the national average, as follows:
 

Pakistani/Bangladeshi	10%
Black	9%
Indian	5%
Other minority ethnic	5%

**USEFUL FACTS & FIGURES****FURTHER EDUCATION**

- 7% of staff of known ethnicity in FE Colleges in England are from minority ethnic groups (*Learning and Skills Council, 2000-01*)

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- 3% of staff in FE are Black African/Caribbean, 1% are Indian, 1% are Bangladeshi/Pakistani and 2% are from other ethnic backgrounds

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- The proportion of people from minority ethnic groups as a percentage of total numbers of people in each staff group is:
 

Teaching staff	7%
Support staff	6%
Other support staff	7%

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- The representation of staff from minority ethnic groups in Further Education Colleges is consistently below the national average in England of 8% (*LSC Statistical Evidence, 2000-2001*)

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- Individual Colleges across the country employ less than 5% minority ethnic staff (*UNL Research, 2002*).

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- In nearly two thirds of London Colleges, the proportions of Black staff are less than the London average minority ethnic population of 28% (*UNL, 2002*).

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- The percentage of minority ethnic students in Further Education in England has increased from 12% of the total in 1997-98 to 14% in 1999-2000 (*LSC Statistical Evidence, 2000-2001*)

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- Minority ethnic young people are more likely to remain in full-time education than their White peers (*DfEE, 2000*)

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- In 1998, four-fifths of all young people from minority ethnic groups remained in the education system compared to just over two thirds of White young people

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- In 1999-2000, the proportion of White FE students living in deprived areas was 22%; the proportions of students from minority ethnic groups were far higher:
 

Bangladeshi students	76%
Black African	73%
Black Caribbean	67%
Pakistani	68%
Black Other	64%

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- Despite a significant percentage improvement in their achievements, students from all ethnic minority groups are still under-achieving in comparison to their White counterparts

(For sources, see References & Websites)



## Chapter 6

# Race equality in inspection and performance review

***'I expect the Council to build  
equality of opportunity into all  
its policies, programmes and actions'***

**The LSC Remit Letter,  
Secretary of State for Employment, Nov 2000**

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## The LSC's remit

The national Learning & Skills Council (LSC) has a statutory duty to have due regard to the need to promote equality of opportunity between people from different racial groups, as well as between men and women and for people with a disability. It is publicly committed to achieving this both internally, through its personnel policies, and externally, by mainstreaming and embedding equal opportunities in all its policies, programmes and actions. As such, the LSC is expected to be a 'champion' of Equality both nationally and locally. The LSC is also bound by the General Duty of the RRAA, and subject to specific duties that enable the general duty to be met.

Local Learning & Skills Councils (LLSCs) have an important strategic role to play in delivering this remit by ensuring that Race and Equality are 'live' issues for all local providers. Through local EO strategies, local Learning Partnerships and their funding role, LLSCs are ideally placed to make Race Equality and Equal Opportunities an integral feature of local provision. Still relatively young, they are expected to work towards becoming beacons of good practice, promoting wider participation by hard-to-reach groups and mainstreaming Race and Equalities into all their functions. It is recognised that some LLSCs are more 'EO-friendly' than others. This disparity must be addressed, for by working in close partnership with local providers, LLSCs are in a position to make a genuine difference to learners as they take steps to rationalise post-14 provision, Basic Skills and work-based training. They also have a key role in supplying local census data and labour market information that providers need for benchmarking and target setting purposes.

## Performance review

Race and equalities considerations are integral to the list of criteria (*still subject to consultation at the time of writing*) used by LSCs to review the effectiveness and quality of local provision:

<b>PERFORMANCE REVIEW – 2002-2005</b>
<b>QUALITY CRITERIA</b>
<b>PARTICIPATION &amp; RECRUITMENT</b>
Guidance given to learners
Achieving Widening Participation targets
Initiatives to recruit particular target groups
<b>LEARNER EXPERIENCE &amp; PERFORMANCE</b>
Retention
Achievement data
Benchmarking data, where available
Progression and destination data
Learner Satisfaction Surveys
<b>MANAGEMENT</b>
Equality and diversity policy documents
Equality and diversity monitoring data and reports

Although the focus of Performance Review is on outcomes and achievements for learners, the wider implications for staff recruitment and development are self-evident. Many of the requirements will be far harder to achieve without access to the positive role models, language and advocacy skills, local knowledge and community links that are among the benefits of an ethnically diverse workforce. Although the difficulties of attracting Black staff to rural or predominantly White Colleges may be greater, this consideration is just as important in areas where minority communities are small, scattered or isolated. The dispersal of Asylum Seekers has accelerated the need for more staff who are equipped to meet the support, guidance, language and accreditation needs of ethnic minorities.

## Raising standards

As well as promoting Race Equality and Equality of Opportunity *'through every aspect of their operation'*, LSCs will be looking for evidence that providers are taking steps to close equality gaps in learning and job outcomes. Local LSC quality managers and advisers are expected to evaluate the rigour of self-assessment reports and development plans with regard to Race and Equalities, and the extent to which quality and equality are seen as synonymous. The production of numerical data, disaggregated by race as well as by gender, disability and age, is now a standard requirement. 'Value-added' factors, such as increased learner confidence and qualitative evidence based on positive feedback from learners, staff, community groups and local employers will also influence the outcome of inspections and reviews. The LSC is currently developing Equality Impact measures to help organisations measure the effect of these interventions.

## Funding

Partnerships between the local LSC, strategic agencies and providers are essential when bidding for SRB and European funds. The community links fostered by staff are often at the core of partnerships to promote Neighbourhood Renewal and widen participation. Local LSCs have also been encouraged to use Local Initiative Funds to support innovative approaches to improving equal opportunities. The Standards Fund (02-03) includes a National Priorities Fund providing additional help for institutions wishing to improve quality through post-inspection action planning, sharing good practice and staff development. This includes pilot support for institutions wishing to encourage Black and ethnic minority staff into management training.

## The common inspection framework

The Common Inspection Framework places an equally strong emphasis on Race Equality and Equal Opportunities. The inspection framework applies to all learners "irrespective of...their age, ability, gender, ethnicity, learning difficulty and disability". Inspectors are expected to reflect the principles of race equality and equality of opportunity in all that they do. Race and Equalities are integral, and there is a strong emphasis on the role played by managers and College leadership in promoting EO and tackling discrimination. Managers must also ensure that teaching practice, learner support and materials reflect good practice.

## Meeting learners' needs

LSCs must ensure that local post-14 provision meets the needs of all learners and addresses the widest possible range of learning needs. Efforts to widen participation and meet neighbourhood renewal or Inclusion agendas will mean providers having to adopt innovative measures – and sometimes take calculated risks – to reach under-represented or socially excluded groups. The focus of these efforts will be guided by the demography of local populations and the identified needs and aspirations of the different communities served by the College. However, to achieve real and lasting change, Colleges will need to develop ways to promote and address Race Equality *in everything they do*. Efforts to develop a workforce that is representative – and equipped to meet learners' needs – will be foremost in any strategy to improve learner satisfaction and retention rates. This applies to the social background, gender, age profile and disability of staff as well as their ethnic background.

### COMMON INSPECTION FRAMEWORK

#### LEADERSHIP & MANAGEMENT

- How effective are leadership and management in raising achievement and supporting all learners?
- What evidence can the College produce to demonstrate that
  - Race Equality and Equality of opportunity are promoted and discrimination tackled so that all learners achieve their potential
  - There are explicit aims, values and strategies promoting equality of opportunity for all that are reflected in the provider's work
  - Demanding targets are set and met
  - There are effective measures to eliminate oppressive behaviour, including all forms of bullying and harassment
  - There are effective procedures for dealing with appeals and complaints

## Effective leadership

Effective leadership is vital if Colleges are to respond to DfES national targets and other important developments in the sector aimed at increasing Basic Skills, learner participation and achievement. The success of the new Learning and Skills strategic framework relies largely on the ability of providers to respond with flexibility and innovation to the changing cohort of learners. Widening participation – and ensuring the staff are equipped to meet the many challenges involved – will remain a key strategy. Managers cannot hope to bring about the necessary cultural changes in Colleges unless there is firm, far-sighted leadership and demonstrable commitment from the top. As has been shown through the CRE's Leadership Challenge initiative in the private sector, where Governors, Directors and Senior Managers are encouraged and seen to embrace the Race Equality agenda, there is far greater chance of success.

### ● **Changing college culture**

*'The Principal started to change the profile of the governors and set targets to match governors to the community profile. A Director of Widening Participation was appointed and all potential staff must demonstrate a commitment to EO if they are to be successful in their application for a position. Equality is given a high profile within the College. The new Principal set out to change the profile of the College's workforce, as it did not reflect the high proportion of Black students. This was done by establishing a community council, which represented a 'broad church' of the community. Through the council, the College was able to involve the local community in looking at available jobs and used its community links to assist with recruitment and selection. The Principal also ran an EO training unit for senior lecturers, focusing on race and gender equality. As a result the staffing profile of Black staff increased from under ten per cent to thirty-five per cent'.*

*(HR Manager)*

### ● **Tackling under-representation**

*'The new Principal had found it difficult to attract Black staff at any level. People were not attracted to this area of the country and it was hard to attract new staff. Advertisements were placed in the ethnic minority press in an attempt to target Black staff. Two new senior managers were appointed with responsibility Equal Opportunities: one to look at issues concerning staff; the other to examine equalities issues concerning students. As chair of the EO task group, the Principal set targets on a school-by-school basis in an attempt to change the staffing profile of the College, although she felt these had to be realistic targets in terms of the number of Black staff that could be recruited. The College then developed an action plan to reflect the targets set. She has also developed strong links with community liaison officers in an attempt to change the community's perception of the College and to widen participation in College activities, particularly since there were a large number of Asylum Seekers in the local community'*

*(EO Committee Member)*

### ● **Pro-active governors**

*'Following a race and sex discrimination grievance brought against the College, Governors were concerned about perceptions of more generalised racism and sexism. We asked the Principal to draw up a schedule of action points to address them. Part of the action plan involved seeking the views of Black workers. A number of suggestions were put forward to remedy the situation. They included ensuring that all staff development opportunities had an EO perspective and providing training that focused on managing conflict, raising staff confidence to deal with difficult or contentious issues, and raising awareness of prejudice and perceptions.'*

*(College Governor)*

### ● **Encouraging staff 'ownership' of the college's race equality statement**

*'Following the development of our Diversity Action Plan, which was endorsed by the Equality and Diversity Committee, a College-wide strategy was agreed by SMT for staff to discuss the Race Equality Statement and school/service targets via a series of centre-based staff development days. Each division was allocated a half day of training. An external speaker was invited in to explain the context and give the bigger picture. The Principal gave the College perspective and laid out what had been done and what was being planned in order to deliver the various targets and commitments outlined. Staff then took copies of the Race Equality Statement, the Action Plan and a list of suggested targets and split up into teams to discuss any amendments they'd like to see and agree their own team's priorities. Their suggestions were used to amend the Plan, which encouraged staff ownership. The SMT Committee has now finalised the Action Plan based on staff feedback. By mid-July, we will have met one of our targets which was to train all 1000 staff in Institutional Racism by the end of this academic year.'*

*(Staff Development Manager)*



## Chapter 7

# Tackling under-representation

***'In an interview given before the (Damilola Taylor trial) verdict was returned the Met's Commissioner, Sir John Stevens, admitted that his force found it difficult to talk to people "down on an estate" and many cases had become "massively difficult to investigate... Sir John speaks for a force still struggling to recruit officers diverse enough to reflect modern London and sufficiently attuned to all its communities to gather the evidence necessary to see justice done. For reasons of efficiency in crime-fighting, not political correctness, the Met must quickly develop a much more diverse recruiting base'.***

***The Times, 26.04.02***

*'I don't know if we are looked to Black communities as a place that's sympathetic. I don't know if that's an issue, I can't tell' (Senior Manager)*

*'The College has historically not accepted targets for recruiting Black staff and I think that's been a real stumbling block because then you have nothing to measure against and no objectives'. (Manager)*

*'We get very few applicants for teaching jobs. I have to say that we have very few Black staff. That's not because I believe that maybe people discriminated against applicants who come from that sort of group. We just get very few applicants'. (Manager)*

**From: UNL Case Study Research, 2002**

## The evidence

There is compelling statistical evidence of under-representation across the FE sector. Nationally Black students make up 14% of the total student population (LSC 00-01). In some urban areas, particularly Colleges in and around London, this figure rises to well over 50%. Yet the UNL survey showed that:

- Black staff represent 6.8% of all staff in the sector
- Black lecturers are mainly concentrated in part-time and fractional posts, with many still concentrated in ESOL and former Section 11 posts
- there is an over-representation of Black staff in administration, estates, care-taking and security roles
- only 3.7% of heads of teaching departments and 0.1% of the total lecturing staff are Black
- Black support staff are mostly concentrated in Grades 1-6
- over 75% of Colleges have no Black heads of support departments.

This is evidence both of institutional discrimination as defined by Macpherson; and of structural discrimination in society generally, which makes it all the more difficult for some Colleges to recruit. Under-representation within the teaching profession and on PGCE and Cert Ed. courses reflects a combination of factors including under-achievement, the lack of positive Black role models in schools and difficulties in teacher recruitment. Among support staff, Black staff are slightly better represented yet predominantly in lower grades. Their access to jobs still tends to be confined to catering, security and administrative roles. While there are several steps Colleges can take to address these problems, it is widely acknowledged that it will require a sustained effort both within and beyond the sector to effect real change.

**TACKLING UNDER-REPRESENTATION: A CHECKLIST OF OPTIONS****TARGETED ADVERTISING**

- Where minority ethnic groups are under-represented in the local population, target governor and staff recruitment initiatives in towns or cities with more sizeable communities
- Include a standard statement in all College advertisements welcoming applications from ethnic minorities and other under-represented groups
- Target recruitment materials at universities, Colleges and private training providers with significant numbers of Black and other minority students
- Send staff into local schools, universities or those in nearby cities to talk about the work of the College and provide careers information on the full range of College employment opportunities
- Advertise vacant posts in the local press and through local voluntary agencies, advice and guidance agencies, Adult & Community Learning networks and other local providers
- Use Community Liaison Officers, Outreach workers and others with a similar remit to circulate information
- Try using alternative media most likely to attract ethnic minority applicants – for example, local radio stations that target minority audiences, Community Information websites, Cable TV and the internet
- Promote the College as a potential employer in communications with ethnic minority groups and organisations using targeted literature, posters in local community venues and recruitment stalls at local careers events
- Consider other ways of reaching Black and other minorities such as targeted open evenings, careers or ‘taster’ events
- Use inductions, tutorials, student newsletters or other appropriate contexts to encourage students to consider FE as a potential career option
- Use staff newsletters and professional networks

**RECRUITMENT**

- Make active use of monitored data to inform planning and set recruitment targets
- Make tackling under-representation and/or awareness of diversity an explicit requirement when negotiating external contracts
- Consult with existing Black and ethnic minority staff about ways of targeting ads and improving the recruitment and selection process
- Include positive messages about diversity in College mission statement, recruitment packs and other promotional literature

**TACKLING UNDER-REPRESENTATION: A CHECKLIST OF OPTIONS****RECRUITMENT (continued)**

- Produce recruitment material that includes welcoming messages in relevant community languages to give a positive message to potential applicants
- Encourage existing Black and ethnic minority staff to apply, particularly part-timers, staff on fractional appointments, contracted staff and support staff who have expressed an interest in progression
- Actively encourage former students from minority groups to consider applying for full-time vacancies
- Offer pre and post-entry training opportunities in work or specialist vocational areas where Black and other ethnic minority staff are under-represented, using the Standards Fund or TPI (Teachers' Pay Initiative) where appropriate
- Use Section 5(2d) of the RRA to specify language or cultural requirements in job descriptions and advertisements, where appropriate
- List publications used for advertising vacancies on the College website
- Highlight vacancies and secondments in staff newsletters and on the College intranet
- Headhunt Black people with particular skills or qualities and encourage them to apply

**RECRUITING TO SENIOR POSTS**

- Provide governor training to raise awareness of their role in tackling under-representation in 1st, 2nd and 3rd tier management posts
- Develop and maintain active links with Black professional networks, using them to circulate information about management vacancies
- Include the College's commitment to tackling under-representation and promoting Race Equality when specifying the College's requirements to professional recruitment agencies
- Review job requirements and relocation policies to ensure that they do not actively discourage or discriminate against ethnic minority candidates
- Consider alternative incentives or options for Black candidates who may be reluctant to relocate families and children to predominantly White locations
- Use the appraisal process to encourage potential managers to take up relevant management training opportunities, using Standards Fund where appropriate

## The counter-arguments

The reasons for under-representation are complex. Although individual managers may be fully committed to tackling under-representation, institutional complacency still exists. The jargon used in recruitment literature and the wording of advertisements may unwittingly exclude people, especially where potential candidates have past experience of Colleges as unwelcoming or isolating. These barriers can be tackled if there is sufficient will to do so. However, the barriers posed by managers themselves may be harder to counter. Some may argue that nothing they or the College does can change things. Others may have found that, despite their best efforts, Black applicants have proved difficult to attract, particularly into teaching and managerial posts. The cost of advertising in ethnic minority newspapers is quoted as an added disincentive where response rates may not justify the outlay. Others argue that ethnic minorities are not attracted to jobs or salaries in FE, aren't sufficiently qualified or are more likely to be interested in support roles. In institutions where local demography or low staff turnover is an issue, these counter-arguments often provide the excuse for doing nothing. Yet Colleges and other organisations with similar concerns have found some innovative ways around them.

## Positive action initiatives

***'Positive Action is about fair competition – not removing competition.'***

**(CRE)**

*'We've just appointed two middle managers, ethnic minority candidates, both women, and they happened to be the best people for the job. What we have got to ensure that in more circumstances like that, the best person for the job is a Black person' (Manager)*

Positive Action as defined in Section 38 of the RRA allows employers to provide 'special encouragement' to apply for particular jobs and training in order to meet the special needs of people from a particular racial group, who are under-represented in certain grades or occupations. This applies to initiatives such as

Targeted advertising, recruitment literature, initiatives and incentives at identified groups of under-represented staff:

- reserving a quota of places for people from a particular racial group on training courses
- offering 'fast-track' or sponsored training to ethnic minority employees wishing to gain new skills or access middle and senior managerial posts
- organising focus groups for Black and other minority staff

- offering progression training to staff on how to improve applications, interviewing and communication skills
- providing mentoring, secondment and work-shadowing opportunities
- placing more emphasis in job advertisements and assessments on candidates' transferable skills and experience and the accreditation of overseas equivalent qualifications
- providing opportunities for post-appointment qualification.

## Positive or 'reverse' discrimination

Positive Action has nothing to do with positive or 'reverse' discrimination, as is commonly believed. To give someone a job simply to help meet College targets when they have not satisfied the panel that they are up to the task, is to set them up to fail. Where applicants from different racial backgrounds end up with identical scores at interview they must, by law, be appointed on merit. All staff, whatever their background, need to feel confident that their appointment was made on the basis of having successfully demonstrated their ability or potential to meet the criteria outlined in the person specification. The objective is to attract the widest field of potential candidates by encouraging people who are unsure about their skills or their future to consider applying. The challenge for Personnel is to remove unnecessary barriers and ensure that every possible effort is made to make the recruitment and selection process as fair, objective and encouraging as possible.

- **Figure 3:**  
**Leaflet advertising sponsorship for Black staff on LSDA Leadership Programmes**



## Promoting positive action

Positive action strategies such as LSDA's sponsored leadership programme, staff mentoring schemes and moves to train and recruit more Black teachers are beginning to make an impact on the sector, albeit slowly. Yet Black staff often find they have to defend their entitlement to take part in such initiatives to colleagues or line managers. This 'backlash' can be avoided if managers are sensitive to levels of awareness amongst their staff, and give clear, unambiguous messages about the need and rationale for Positive Action. Their messages can be backed by quotes from the College's Race & Equalities policy, statistical evidence, success stories or other forms of internal marketing. External trainers can be given the information and encouraged to make use of it in their training. It can also be used by mentors and line managers. The aim is to promote awareness of the important difference between Positive Action, which is legal and positive discrimination, which is not.

## Strategies for improving representation

### ● **Outcomes of a recruitment & selection review**

*'The College has carried out a review of the advertising media it uses for vacancies. Vacancies are now routinely sent to a variety of Black community groups in the city. Our Equal Opportunities statement has been revised and is now included in all external advertisements, welcoming candidates from all sections of the community. Revised recruitment monitoring data is being collected, to enable the College to analyse recruitment by ethnicity, gender and disability. All job descriptions for posts with a line management responsibility include responsibility for Equal Opportunities. The person specification pro-forma has been revised to include a category asking for an understanding and awareness of equal opportunities issues and guidance has been issued to managers on reviewing the person specification more carefully each time they recruit for a vacancy. All job applicants now receive a guidance document drawing their attention to the significance of certain parts of the application form and encouraging them to complete it fully. A core of Black workers will be trained within an overall recruitment and selection training programme in order to achieve more balance in representation on interview panels'.*

### ● **Use of standards fund**

*'Increasing the representation of Black managers is one of our strategic aims. Staff can apply to go on in-house or external courses, as long as they conform to FENTO criteria and are job-related. Although this isn't targeted at Black staff, they have benefited greatly by being able to move into part-time or full-time teaching*

*if they want to, particularly admin and clerical staff, and learning mentors. Teaching staff are given the incentive of an additional increment for gaining a teaching qualification. We have been involved in discussions with the local LSC to identify funding for day-release training for Black staff who aspire to becoming middle or senior managers through a consortium of Colleges in our region.'*

### ● Targeting black staff

*'Fifty per cent of all Management Development places are allocated to Black staff via targeted letters, and all training requests, even if they don't relate to College priorities, are considered by the Staff Development Committee. The targeted letter reads:*

Dear Colleague

#### **Re: Certificate/ Diploma in Management (Education & Learning)**

As part of the College's commitment to supporting Black staff who have expressed an interest in career progression, I would like to make available to you the opportunity to apply to undertake the above management programme..The Programme focuses on key practical concerns for managers in the post-16 education sector and is mapped against FENTO standards..The programme will enable you to

- Build a critical understanding of the contrasting theoretical perspectives underlying the study of management
- Adopt an approach to organisational/ managerial learning, change and development
- Evaluate the processes and factors determining organisational capability and success
- Evaluate personal and professional development needs
- Research a series of management problems or issues of your choice, which will benefit the organisation

The programme is to be run at the College in collaboration with a consortium of post-16 providers, including the local HE institution.

If you are interested, please contact...

Human Resources Manager

**● Targeting funding**

*‘The College managed to increase the number of Black staff considerably over the years, appointing two Black senior management team members (out of nine members altogether), along with four Black heads of department. These changes were driven by specific initiatives, including a specially funded project working with Black communities. There was an opportunity for the College to access ‘growth funding’ for new initiatives in the community. This enabled the College to establish new centres in the heart of the community and classes were run in public and religious buildings, closer to people’s homes. Teaching staff were employed under a direct contract and the number of Black staff went up during this period’.*



### ● **Thinking long-term**

*'In the mid-80s I worked in a Community College that was finding it hard to recruit Black staff, despite some very positive messages to potential applicants. We didn't have targets in those days and people weren't as obsessed with 'number-crunching', but we did have commitment from the top to diversify the staff. The College was in a racially mixed area and about half the students were from minority communities. It was decided that instead of going for short-term measures that weren't particularly helpful, like targeted ads in the Voice, it would be better to go for a longer-term solution. The College had no problems recruiting adult students onto part-time evening courses, and vocational and craft subjects were already popular. So we put our marketing efforts into targeting students and local people with practical skills like car mechanics, carpentry or catering skills and offered them a conversion course that would give them guaranteed access to the College's part-timers' register if they completed the course successfully and met the criteria when interviewed.'*

### ● **Strategic partnerships: a local authority overview**

*'The Council aims to close the gap... so that employment levels in the Black and ethnic minority communities are equal to their representation in the city's population... Evidence nationally and locally shows that Black and ethnic minority communities are disadvantaged in the labour market, with men in particular experiencing higher levels of unemployment and lower levels of full-time employment... Local Strategic Partnerships need to be conscious of the particular labour market participation characteristics of specific local groups. Second and third Black and ethnic minority generations will have expectations, which are similar to their White contemporaries. The Council recognises these disparities in employment...and will encourage partner agencies to establish a baseline position, promote employment best practice and... raise skill levels of the city's Black and ethnic community. The Partnership will identify strategic milestones over the ten year programme through enhanced linkages with mainstream strategy and policy development.'*



## Chapter 8

# Recruitment and selection

***'One of my students would definitely not have got on without my support. I grew up in Jamaica where I was pushed on by the system and encouraged to succeed. Coming to England, I can see how people get battered by the system so they have less confidence in their own abilities.'***

**(Tutor)**

## The benefits of staff diversity

*'I speak five languages, so I communicate well at all levels and am often asked to act as an interpreter for the police. In my role as a security worker, I spend a lot of my time dealing with different local people. Because of this, I can diffuse difficult situations and act as the College's 'early warning system' when situations are brewing. I also have a role in supplying First Aid.'* (Security worker)

*'...Colleges need more Black teachers. Just being in front of the students is important'.* (Lecturer)

The advantages to the College of attracting a more diverse workforce are frequently lost in discussions about targets and strategies to address under-representation, yet they should be the starting point for reviewing recruitment and selection procedures or introducing staff training in this area. Many Colleges have benefited enormously from the dynamism, energy and creativity of Black staff. Their visible presence conveys an immediate message to local communities that the resources and services on offer are intended for them, too. Where Black staff are conspicuous by their absence, the message to local people – however unwitting – is that College's Race & Equalities policies lack credibility.

As well as enriching the College's social, political and cultural life, the benefits of appointing a diverse workforce with staff from different Black and other minority communities, can include:

- positive role models - not just for Black learners, but for White learners too
- specialist skills such as the ability to speak one or more community languages or to work with asylum seekers
- first-hand knowledge of ethnic minority learners' needs and aspirations
- a counter to stereo-typical views
- a positive influence on learners' attitudes
- advocacy and empathic listening for staff and learners from similar backgrounds
- improved retention and achievement rates for learners from similar backgrounds
- closer links with local communities and interest groups
- in-house motivation for the College to listen and respond to learners' or community issues.

This 'Added Value' is not usually spelt out in job descriptions and often goes unrecognised. Yet where Colleges have succeeded in diversifying their workforce, the benefits are likely to be immediately apparent in the organisation's general ethos as well as in the retention and outcomes of learners from Black and other minority communities.

RECRUITMENT & SELECTION: WHERE GOOD & BAD PRACTICE OCCURS		
	RECRUITMENT & SELECTION TIMETABLE	
<ul style="list-style-type: none"> <li>● Consult with members of the team or department affected to establish any new requirements</li> <li>● Review all vacancies centrally</li> </ul>	<b>IDENTIFY VACANCY</b> <ul style="list-style-type: none"> <li>● Seek clearance from HR to advertise the vacant post</li> </ul>	<ul style="list-style-type: none"> <li>● The post is filled before being advertised</li> <li>● No exit interview with departing post-holder to establish why they're leaving</li> </ul>
<ul style="list-style-type: none"> <li>● Ensure all new job descriptions include responsibility for race &amp; equalities</li> <li>● Remove any non- essential requirements or hurdles</li> </ul>	<b>PREPARE THE JOB SPECIFICATION</b> <ul style="list-style-type: none"> <li>● Analyse skills, knowledge, experience required (Person Specification)</li> <li>● Analyse key roles and responsibilities (Job Description)</li> <li>● Use to review existing job specification or to prepare a new one</li> </ul>	<ul style="list-style-type: none"> <li>● Job description is out of date or full of exclusive jargon</li> <li>● Job description is based on abilities of previous post holder rather than team/dept. needs</li> <li>● No Person Specification</li> </ul>
<ul style="list-style-type: none"> <li>● Quality assure the advertisement to ensure appropriate language and wording</li> <li>● Include statement encouraging people from under-represented groups to apply</li> </ul>	<b>DRAFT THE ADVERTISEMENT</b> <ul style="list-style-type: none"> <li>● Draft job advertisement to reflect the requirements of the post</li> </ul>	<ul style="list-style-type: none"> <li>● Advertisement is inaccurate or badly worded</li> <li>● Advertisement contains unnecessary jargon or requirements</li> <li>● Advertisement does not include explicit EO statement</li> </ul>
<ul style="list-style-type: none"> <li>● Quality assure the Candidates pack to ensure appropriate language and wording</li> <li>● Include Race/EO statement and info about the College's ethos, its staff and learner profile and the communities served</li> </ul>	<b>PREPARE THE PAPERWORK</b> <ul style="list-style-type: none"> <li>● Prepare Info pack containing job specification, relevant policies and background information for prospective candidates</li> </ul>	<ul style="list-style-type: none"> <li>● Candidates' Pack contains too much/ too little information</li> <li>● The information is badly written or poorly presented</li> <li>● The information contains inappropriate or exclusive jargon</li> </ul>
<ul style="list-style-type: none"> <li>● Use staff networks to encourage applications from ex-students or part-time staff, if appropriate</li> <li>● Monitor enquiries by ethnicity or conduct follow-up sampling</li> <li>● Advertise post internally</li> </ul>	<b>ADVERTISE THE VACANCY</b> <ul style="list-style-type: none"> <li>● Place advert giving a minimum of 2 weeks to closing date</li> </ul>	<ul style="list-style-type: none"> <li>● Job not advertised externally</li> <li>● Recruitment takes place with no interviews</li> <li>● Advertisement is not circulated locally or in ethnic minority newspapers, as appropriate</li> </ul>
<ul style="list-style-type: none"> <li>● Include detachable race/ equalities monitoring form and explain why the information is needed</li> <li>● Actively encourage all applicants to complete ethnic monitoring form</li> </ul>	<b>MANAGE THE RESPONSE</b> <ul style="list-style-type: none"> <li>● Send out application form and info pack in response to enquiries</li> <li>● Log applications received and acknowledge receipt</li> </ul>	<ul style="list-style-type: none"> <li>● Application form asks for irrelevant details</li> <li>● Candidates not required to complete monitoring form</li> </ul>
<ul style="list-style-type: none"> <li>● Unsuccessful applicants are offered feedback</li> <li>● Unsuccessful internal candidates offered interview training, where appropriate</li> </ul>	<b>PREPARE SHORTLIST</b> <ul style="list-style-type: none"> <li>● Identify short-listing panel</li> <li>● Ensure race/gender balance and availability for interview</li> <li>● Send out papers in advance</li> <li>● Read applications</li> <li>● Shortlist and record decisions</li> <li>● Write to unsuccessful applicants</li> <li>● Book a suitable interview room</li> </ul>	<ul style="list-style-type: none"> <li>● Not enough time allowed for short-listing</li> <li>● Insufficient time allowed for completion and return of written references</li> <li>● Interviewers not involved in shortlisting</li> </ul>

<b>RECRUITMENT &amp; SELECTION: WHERE GOOD &amp; BAD PRACTICE OCCURS</b>		
	<b>RECRUITMENT &amp; SELECTION TIMETABLE</b>	
<ul style="list-style-type: none"> <li>● All briefings give prominence to College values and the Race &amp; Equalities policy</li> </ul>	<b>ARRANGE FOR CANDIDATES TO VISIT</b> <ul style="list-style-type: none"> <li>● Arrange for candidates to visit workplace where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>● Candidates are not met or offered refreshments</li> <li>● Candidates are kept waiting</li> <li>● Informal chats take place with individual candidates</li> <li>● Different candidates are given different information or insights</li> </ul>
<ul style="list-style-type: none"> <li>● Information sent to referees includes the College Race/Equalities statement</li> </ul>	<b>WRITE OFF FOR REFERENCES</b> <ul style="list-style-type: none"> <li>● Send copy of job specification to referees, allowing adequate time for them to respond before the interview</li> </ul>	<ul style="list-style-type: none"> <li>● Referees asked to give a verbal or telephone response instead of a written reference</li> </ul>
<ul style="list-style-type: none"> <li>● Candidates with special needs including dietary or religious requirements are appropriately catered for</li> </ul>	<b>ARRANGE INTERVIEWS</b> <ul style="list-style-type: none"> <li>● Send out papers in advance to interview panel members</li> <li>● Write to candidates re: interview date, venue and arrangements</li> </ul>	<ul style="list-style-type: none"> <li>● Candidates not asked whether they have special needs or requirements</li> </ul>
<ul style="list-style-type: none"> <li>● Interview panel refers to questions that are prepared, agreed and allocated in advance</li> <li>● All candidates invited to answer an appropriate question to demonstrate experience or understanding of Race &amp; Equalities issues</li> </ul>	<b>CONDUCT INTERVIEWS &amp; ASSESSMENTS</b> <ul style="list-style-type: none"> <li>● Assess candidates against selection criteria using assessment activity where appropriate</li> <li>● Keep a record of individual scores</li> </ul>	<ul style="list-style-type: none"> <li>● Candidates are not met or offered refreshments</li> <li>● Candidates are kept waiting</li> <li>● Some interviewers were not involved in the short-listing</li> <li>● Candidates get different questions or length of interview</li> <li>● Some candidates given easier questions or unfair scores</li> <li>● No effort is made to establish candidates' commitment to equality within the scope of the post</li> <li>● Noise or distractions disrupt the interview</li> </ul>
<ul style="list-style-type: none"> <li>● References are considered once interviews are completed</li> <li>● Race &amp; Equalities considerations are integral</li> </ul>	<b>DECIDE WHO TO APPOINT</b> <ul style="list-style-type: none"> <li>● Reach and record the panel's final decision</li> <li>● Refer to references</li> <li>● Make formal offer of appointment</li> <li>● Check certifications, criminal convictions and medial clearance</li> </ul>	<ul style="list-style-type: none"> <li>● Panel uses arbitrary criteria that do not reflect the person specification</li> <li>● Interviewers make up their mind as they go along</li> <li>● Cloning – the panel chooses the person 'whose face fits'</li> </ul>
<ul style="list-style-type: none"> <li>● Arrange feedback for all candidates, if requested</li> <li>● Keep interview notes on file for minimum of 6 months</li> </ul>	<b>CONVEY THE DECISION</b> <ul style="list-style-type: none"> <li>● Telephone candidates and confirm appointment in writing</li> <li>● Keep all interview documents including panel notes on file in case decision is challenged</li> </ul>	<ul style="list-style-type: none"> <li>● Unsuccessful candidates are not notified</li> <li>● Interview notes are lost, altered or discarded</li> </ul>

## Recruitment and selection procedures

Apart from its learners, committed, well-motivated staff are a College's most important resource. It is in the College's best interest to attract the right people for the job and to ensure that the recruitment process is accessible, fair and objective. Recruitment and Selection procedures ensure that everyone involved understands what is expected of them. They should spell out clearly the roles and responsibilities of each person in the process and give clear guidance on how to avoid unlawful discrimination. The most effective R&S policies

- Give clear and comprehensive guidance on each stage of the procedure
- Clarify protocol and HR processes, up to and including induction
- Explain the use of different forms, tests and assessments
- Outline the legal requirements
- Specify the duties of the chair of the interviewing panel, interviewers and other key staff
- Give examples of good practice – for example, how to prepare for the interview, ask questions and debrief unsuccessful candidates
- Give examples of bad practice – for example, questions to avoid during interviews
- Explain the meaning of Positive Action
- Explain the rationale for avoiding judgements and decisions that could be discriminatory

Even the best Recruitment and Selection procedures cannot guarantee that the College will attract a more diverse range of candidates. Most HR departments will find it necessary to take additional steps – for example, regular training to ensure that the procedures are adhered to; and systematically reviewing pre-interview information so that applicants fully understand the needs of the job and can target their applications accordingly.

### EXTRACTS FROM COLLEGE RECRUITMENT & SELECTION PROCEDURES

#### ● **Introduction to code of practice for recruitment & selection**

*'This College believes that it can only provide services which are appropriate to the needs of all sections of the community by reflecting the diversity of the community throughout the entire structure of its own employment. It is therefore essential that its commitment to race equality and equal opportunities are positively and actively incorporated into each and every stage of the recruitment and selection procedure'.*

#### ● **Job descriptions**

*'All employees are required to work in a non-discriminatory manner. This is a minimum requirement and must be applied to all posts and included in all person*

specifications. Many posts will have further requirements relating to EO. These should be reflected by amending the minimum requirement (the ability to work in a non-discriminatory manner) or by including other requirements relevant to the post. Principle duties and Responsibilities for all posts to include:

*“To accept responsibility for the implementation of the College’s Race & Equalities policy throughout all personal contacts in the College and within the specified area of responsibility”*

### ● **Person specifications**

*‘Vague statements such as ‘a good attitude towards the public’ must be avoided and a more precise requirement included e.g. ‘a clear understanding of the needs of those with English as a Second Language’*

*‘Just as the Job Description must describe the specific tasks necessary to promote equal and fair treatment in that job, the person specification must state the particular skills, knowledge and understanding needed by the post-holder in order to enhance and improve services to the multi-racial community that the College serves.’*

*‘For all posts, the weighting given to the EO requirements must never be the lowest’.*

### ● **Qualifications**

*‘Unless there is a statutory requirement, experience can be as valuable as a formal qualification. Degree level qualifications may be discriminatory and managers should think carefully about their relevance to the duties of the post...If qualifications are included, the job requirement should specify ‘or equivalent’ to ensure that all appropriate qualifications are considered, including those gained overseas.’*

### ● **Notes to candidates on how to complete application forms**

*‘Do not worry if you have gained your qualifications overseas. If relevant, they will be taken into account....You have the right to complain if you feel you have been unfairly discriminated against at any stage of the recruitment and selection process on grounds of your race, colour, nationality, ethnic or national origins...Any complaints should be submitted in writing and addressed to the Principal’*

### ● **Standard job description: principle duties & responsibilities**

*‘To accept responsibility for the implementation of the College’s Race Equality and Equal Opportunities policies throughout all personal contacts in the College and within your own area of responsibility’*

- **Selection**

*‘Selection decisions must not be influenced by the traditional racial or gender profile of previous post...Selection tests must be standardised, reliable and free of racial or sexual bias’*

- **Sample EO question for teaching staff and college managers**

*‘We will not be asking you a specific question about Race and other Equalities issues, but we’d like you to bring these considerations in to all your answers, wherever you think they are relevant’.*

- **Sample EO question for administrative, security and front of desk staff**

*‘You have had a chance to read the College’s Race Equality and EO statement. What do you think are the implications of the College’s EO commitment for someone dealing with the public?’*

## Targeted advertising

Positive Action allows for ‘special encouragement’ in the way jobs are targeted and advertised. Many people from under-represented groups – including older people and people with disabilities - acknowledge the added incentive to apply for jobs where the advertisement includes a clear commitment to tackling under-representation in the workforce. The wording of these statements may vary according to the requirements of the post, but the statement should always convey the message that, because of under-representation, the identified group is particularly encouraged to apply.

Advertisements contain many messages, both overt and subtle, about who is or is not considered suitable for the job. For example, the requirement that a candidate must have GCSE English or Maths may be impossible to meet if a person was educated overseas, even though they may have other evidence of their literacy, including a relevant degree. Qualifications are merely a way of evidencing skills or knowledge. An emphasis on equivalent qualifications, transferable skills or relevant experience in job advertisements, person specifications and candidate assessments conveys a powerful message to people who may be used to de-selecting themselves because of past discrimination or assumptions about the kind of candidates Colleges want to attract. Emphasising opportunities for post-appointment qualification will provide similar encouragement.

Welcoming or targeted advertising will be most effective if it is supported by recruitment literature and background papers that are consistent with these messages. All candidate packs should include information about the values and ethos of the College, as well as a copy of the College’s Race & Equalities statement and information about the way the College meets its commitments in this area. The aim is to convey a positive message that the College values diversity. Application forms should also be vetted for unnecessary questions or requirements.

**RAISING  
ACHIEVEMENT,  
REMOVING  
BARRIERS  
FOR EVERYONE.**

## Receptionists/Administrators (3 posts)

**Ref: AA22 Programme Administrator  
(Community language desirable)**  
**£18,539 - £20,009 per annum inc.**

You will provide a high quality support service to the Head of Programme for English as a Second Language (ESOL) at our Arbour Square Centre. You will be involved in ensuring the accuracy and authenticity of data and help to maintain and monitor budgets. With two years' relevant experience and strong IT skills, you will be able to communicate positively, particularly with students who are beginner language learners. Organisation and self motivational skills are essential.

**Ref: PO09 Receptionist/Administrator  
(Bengali/Sylheti speaking)**

**Ref: PO06 Receptionist/Administrator  
(Community language desirable)**  
**£16,517 - £18,151 per annum inc.**

Tower Hamlets College is a large and very successful provider of education and training. At our Poplar Centre, students study for a range of qualifications in a variety of subjects, including Art, Humanities, Information Technology and Hair & Beauty.

Working on one of two busy reception desks, you'll be the first point of contact for students and visitors. You'll also assist with the administrative arrangements for student awards and undertake general administrative duties to help our Centre Office run smoothly.

Your excellent communication skills will enable you to interact effectively with staff, students, and the general public. You'll also be experienced in the use of IT, particularly the MS Office suite, and be able to work with established office systems.

The ability to communicate in Bengali/Sylheti is essential for applicants for post PO09. The ability to communicate in a community language e.g. Bengali/Sylheti or Somali is desirable but not essential for applicants for post PO06.

**Closing date for both posts: 7 December 2005.**

For further details and an application form please contact Human Resources,  
Tower Hamlets College, Poplar High Street, London E14 0AF. Tel: 020 7510 7912  
Minicom 020 7531 6759.




## NATFHE

THE UNIVERSITY AND COLLEGE LECTURERS' UNION

requires a

### EQUALITY OFFICER (part-time 0.5)

based at its Kings Cross, London, Head Office, to assist the Equality Official in supporting, developing and servicing the network of Black Members, Members with Disabilities, Lesbian and Gay Members, and Women Members. Will also assist with conferences; undertake research; provide general advice on equality matters; assist with campaigns and attend and speak at meetings.

The successful candidate must demonstrate a commitment to and knowledge of the full range of Equal Opportunities issues; a particular knowledge and involvement in race equality issues; excellent organisational skills; effective communication skills and commitment to trade unionism.

The post is paid on NATFHE Scale 8 plus London Weighting of £2,640 p.a. (pro-rata for 0.5 post £11,362 - £12,342 plus £1,320 LW). As a part-time post the specific working day pattern can be discussed and mutually agreed.

Further details and application form can be obtained by telephoning the NATFHE Recruitment Answerphone on 0207 278 0885 quoting reference "ERIO".

Closing date for receipt of applications is **Thursday, 5 April at 12 noon**. Interviews are likely to be held in late April/early May.

**NATFHE IS COMMITTED TO ACHIEVING EQUAL OPPORTUNITIES IN EMPLOYMENT. JOB SHARE APPLICATIONS WELCOME.**

**Figure 4:**  
Example of  
targeted/ well-  
worded  
advertisements

## Constraints and options

*‘We even advertise vacant posts in the local mosque – and there’s the added benefit that it’s free!’ HR Manager*

Targeted advertising ensures that groups who might not otherwise hear about vacancies have access to information that encourages them to apply. Although financial constraints have forced many Colleges to abandon the practice of advertising in ethnic minority newspapers like the *Voice* or *Asian Times*, there are numerous other ways of targeting College vacancies. It is commonly assumed that most teachers would know to look for FE vacancies in the *Education Guardian* or *TES*, yet for Asylum Seekers and people trained overseas as well as applicants from other vocational backgrounds this is not necessarily the case. For them, word of mouth recommendation or personal networks may be a more familiar way of finding out about job vacancies. If the College is committed to reaching such groups, there are many alternative ways of circulating information about vacant posts (see *Tackling under-representation: a checklist of options*, page 54).

## Use of external recruitment agencies

*‘When the College was recruiting the new Principal, our invitation to bid for the consultancy included the requirement that external recruitment agencies specify exactly whether their approach would be conducted in such a way as to be consistent with the College’s Equal Opportunities Policy’ (Contracts Manager)*

*‘When Coca Cola relocated from mainland Europe to the UK, the specification given to the recruitment agency included an explicit requirement that the short-list should fully reflect the ethnic diversity of London, where it was moving to’ (Recruitment Agency employee)*

A growing number of Colleges use external employment or recruitment agencies to find the staff they need, typically when filling temporary vacancies or recruiting senior post-holders. The College’s relationship with agencies supplying temporary staff may be informal or based on past custom and practice. Discussions about requirements for senior posts may be treated as a verbal transaction or a one-off event. Both scenarios leave scope for bad practice. It is advisable to begin with some initial market research to identify agencies with an established track record in this area. For example, one well-known professional recruitment agency has its own intranet site solely devoted to diversity issues; some make their commitment to Equality and Diversity explicit in their mission statements or publicity literature; others specify how successful they have been in placing ethnic minority and other under-represented candidates.

When using external recruitment agencies, the responsible member of staff should expect to follow up verbal or telephone briefings with a standard letter, specifying

the requirements of the post and the factors the College will take into account when selecting the successful consultancy. This should include:

- the person specification, job description, salary and terms & conditions
- the College's Race & Equalities Statement outlining the College's commitment
- a request that all bids include the agency's Race & Equality policy statement (or an equivalent document)
- a request for information or evidence of how the agency addresses issues of equality, diversity, tackling under-representation and/or employment discrimination.

Once agreed, the contract should include a standard clause outlining the College's requirements in more detail – for example:

- that all advertisements, interviews and other recruitment activities convey the need for candidates to demonstrate an awareness of Race & Equalities issues
- that selection panels should be diverse enough to ensure that interviews are fair
- that all interviewers receive Equality and Diversity training in R&S
- that the agency employs external advisors on interviewing panels who are familiar with arguments for tackling under-representation
- that the agency use executive search or 'headhunting' to produce a diverse shortlist, where necessary.

## Recruiting part-time, temporary or casual staff

*After the success of my classes, I was formally offered one full day a week, but my hours were later reduced without any notice. It turned out that the Head of Department had taken hours from all the part-timers to accommodate an ex-manager who had left the College to take up another post, and then returned. They were very close social friends, and the general conclusion was that this was 'jobs for the boys'. (Part-time lecturer)*

Nowhere is there more scope for arbitrary discriminatory practice than in the recruitment of temporary, casual or part-time staff. Many Colleges ignore or circumvent the good practices outlined in their recruitment and selection procedures when under pressure to put someone in front of the class or recruit casual support staff to cope with periods of increased demand. Word of mouth recruitment is commonplace, although it denies equal access to vacancies and prevents the College from ensuring that those recruited meet essential criteria. It also provides useful experience for people with no prior experience of working in a College environment. Ideally, part-time teaching staff should be drawn from a pool of pre-interviewed, pre-selected tutors who have already demonstrated that they meet the necessary requirements. Temporary support staff recruited through agencies should be subject to similar prior vetting by the agency, based on the

College's explicit specifications. A reliance on relatives and friends of staff during enrolment week and on other occasions when extra staff are urgently needed may disadvantage Black staff and is often seen as an extension of the 'old boys' (or girl's) network. Best practice requires all posts, however short-term or casual, to be advertised openly, even internal requests for staff to help with word-of-mouth recruitment. This also applies to secondments and deployments, which have proved an equally useful way of gaining skills, experience and a 'foot in the door'.

## Interviews

*'I was a student at the College before, and then I got a temporary administrative post. So when I was interviewed for my current post, I had already been doing the job for some time. I'd never had a formal interview in my life, and at first I didn't understand why they kept asking me about things they already knew I could do. My Head of Department kept prompting me, because she knew I was good at my job. She'd go 'can you say a bit more about how you went about doing that'. About a third of the way through the interview I realised what the panel wanted from me. After that, it was plain sailing.'* (Administrator)

The interviewing process should aim to put candidates at their ease so that they can perform to the best of their ability. Some Black applicants will be unused to formal interviews, or to the notion of 'selling yourself' to the panel. Candidates' notes and pre-interview briefings should therefore provide as much guidance as possible, so that people know what to expect. They should also make it clear that the person specification, not an individual's CV, forms the basis of the interview. The most successful interviews rely on two-way communication. However, without careful planning they can be prone to subjectivity, 'cloning' or stereotypical assumptions. For example:

- **'Cloning' or own-image recruiting:** decisions are influenced by the fact that the applicant displays attitudes and characteristics similar to that of the interviewer.
- **Fitting in:** decisions are influenced by the candidate's ability to fit in with existing employees or whether their race or ethnic background is likely to be acceptable to other employees.
- **Stereotyping:** decisions are based on preconceived assumptions about the capabilities of a person because of their ethnic origin or accent.

To minimise these risks, everyone involved in interviewing should have received appropriate fair selection and diversity training to raise their awareness of Race & Equalities considerations and ensure that they have a full understanding of the law. Depending on the target group, the agenda could include the meaning of Positive Action, following the R&S policy, effective interviewing or how to get the best from candidates.

## Using ‘honest brokers’ or race and equalities reps

*‘I’ve often been asked to sit on interview panel but most of the time it’s just window-dressing. I’ve never received any Recruitment and Selection training, and the only question I’m ever given to ask is the Equal Opps question.’*

*‘The Chair introduced everyone else on the panel by name and role except me. As far as the candidates knew, I might as well have been the cleaner’*

Many organisations have a policy to include Black members of staff, EO Committee or Union representatives as ‘honest brokers’, or to invite an external ‘critical friend’ to sit on their interview panels as a form of equality assurance. Their role is to challenge any unlawful or unwitting discrimination and to diversify all White or predominantly male interviewing panels. They can also help to interpret culturally specific body language and non-verbal signs – for example, assumptions about why a candidate doesn’t make eye contact (considered disrespectful in some African and Caribbean cultures) or why a practising Muslim may have declined to shake a female interviewer’s hand. At the risk of ‘tokenism’, including a Black member of staff, a woman, a Union representative or someone with a disability can be a useful way of demonstrating to candidates that the College is committed to equality and fair selection. It can also help to put candidates at their ease to have someone on the panel to protect their interests or who ‘looks like them’. Yet the presence of a Black colleague or an equalities rep will only make a difference if they are properly trained and ‘empowered’ to challenge decisions made by people senior to them. Nor should it be seen as a substitute for Recruitment & Selection training for all interviewers.

## Candidate assessment

*‘An Eritrean student told me he always sought help from a classmate of his after a particular lesson because of the difficulty he had understanding one of his lecturers... It turned out the lecturer concerned was from Manchester’ (ESOL tutor)*

The assumption is often made that tests are value-free. However, culturally specific tests and assessments can pose unnecessary barriers to selection. For example, they may:

- assume that candidates will have knowledge of concepts, conditions, experiences or situations that could only be readily understood by a European
- distort the true abilities of candidates because of biased questions or requirements
- include a verbal reasoning component that has an adverse impact on speakers of English as a second language.

Employers should therefore ensure that any assessment tools are appropriate to the post in question, are necessary and can be objectively justified.

For Black staff and learners, cultural or language bias in occupational assessments are a familiar hurdle at interview. People with strong accents may be judged unsuitable despite having demonstrated their competence to do the job, because their verbal communication skills are considered inadequate. If a College is genuinely committed to diversity, accents and dialects will be the norm. There will be people with regional accents, speech impairments or hearing difficulties who will also require more careful listening. The ability to communicate is an essential requirement for teaching, and an important skill in most other jobs. However, interviewers should be careful not to confuse a strong accent with linguistic incompetence. They should also recognise the many benefits to the College of employing people who are bi-lingual or multi-lingual and have experience of other cultures.

## Psychometric tests

While properly constructed psychometric tests have been found to predict job success most effectively, they can act to the detriment of ethnic minorities, women and people with disabilities. CRE Guidance on the use of psychometric tests as part of the selection procedure suggests that, wherever possible, employers should:

- use psychometric tests as a guide – not as the sole means of short-listing or selecting candidates
- ensure that tests are well designed and based on job-related criteria
- choose tests that are tailored to a specific job and avoid ‘off-the-peg’ versions
- brief candidates so they know what to expect
- ensure that personnel who administer or interpret tests are fully trained and equipped
- inform candidates of the optimum strategy for completing the test (for example, whether giving a wrong answer will be penalised more heavily than leaving a blank)
- consider providing practice materials for applicants and guidance on test taking strategies
- check that test results are fairly consistent with the candidates’ career records and the results of other selection methods
- monitor and analyse selection data to establish whether candidates from a particular racial group are performing disproportionately badly
- where appropriate, run trials to ensure that tests do not have an unfair impact on Black or ethnic minority candidates
- monitor successful candidates to establish that there is clear evidence between good results at interview and good performance once in post.

### ● Cultural bias in assessment

*'The hospital was involved in recruiting nurses from the Philippines but found they had a disproportionately high failure rate. On investigation, it emerged that many of the nurses were scoring low on a question about the most appropriate area of the body to give an injection, which in the UK would be the upper arm. But in the Philippines, nurses have to give injections to agricultural workers who need to go straight back to work, so they would give the injection in the thigh or the backside so they could continue using their arms'. (NHS trainer)*

### ● Unfair testing

*When British Rail used an aptitude and safety test for selecting applicants for driver training courses, it was challenged for unlawful discrimination. The test included verbal reasoning in a section that carried the highest marks. This was found to have an adverse impact on applicants who spoke English as a second language. (CRE)*

### ● Positive assessment

*'The College has a different approach to R&S because we get people to engage in exercises that help us understand applicants better. For us, the point is to get the best out of people and to make that the whole tone of the exercise. We ask people to do things rather than answer endless questions. We might get them to teach real students or, in the case of managers, to take part in a prioritising exercise where they have to work alone, in pairs and then together in a group of four. We tell the candidates we're interested in seeing how they work together and how they feel about issues. The criteria for the selection panel are not just to identify candidates who can take a lead, but those who can listen intelligently and are prepared to compromise.'* (Principal)

## Post appointment

Recruiting the right candidate for the job can prove a challenging, resource-intensive process, but the investment – both human and financial – will be wasted if the College is unable to retain them. As for all new staff, this will depend on effective induction and support systems, good communication with managers, opportunities for career progression and a working environment that is free from discrimination and harassment. Having attracted Black people who want to work in FE, the task is to keep those who want to stay, develop those who want to move up and equip all staff to meet the duty to promote race equality in a confident and competent way. Subsequent Good Practice Guides in this series will focus on ways of inducting, supporting, retaining and developing staff, thus ensuring that all Colleges, regardless of their ethnic profile, are equipped to respond positively to diversity.

# Glossary of key terms

## ● **Black**

Black is commonly used to describe people who because of their 'race', colour or ethnic origin are identifiably different. Originally used to refer exclusively to people of African descent, it also serves as an umbrella term and may include people from a much wider range of geographic, cultural and linguistic backgrounds. When used in this generic way, 'Black' refers to people with a common yet diverse experience of racism rather than a particular skin tone. The Commission has used the generic term 'Black' to refer to members of African, African Caribbean, Asian and other visible minority ethnic communities who may face racism. However, the Commission is conscious that the debate on terminology is not static.

## ● **Culture**

Culture refers to the shared rituals, symbols and practices that give a group its sense of identity. Expressed through music, language, food, dress, art etc, culture is a dynamic concept that may include, but is not necessarily the same as, someone's personal beliefs or their religious or moral values.

## ● **Direct discrimination**

Direct racial discrimination occurs when a person is treated less favourably than others on grounds of their race. The Race Relations Act defines 'racial grounds' as race, colour or nationality (including citizenship), and ethnic or national origins (RRA §1(1)(a)). People from all racial groups, including White people, are protected by this law.

## ● **Ethnic minority/minority ethnic**

Ethnic minority refers to people who belong to minority groups with a distinct cultural and historical identity. The term is used loosely to encompass:

- people who were born overseas but have settled in Britain
- people who are British born whose parents or grandparents were born overseas
- religious and linguistic minorities
- national minorities like the Welsh, Irish or Scottish.

The term 'minority ethnic' reverses the emphasis in order to stress that all people belong to ethnic groups. Thus people are described as belong to *majority* or *minority* ethnic groups. These terms may need to be reviewed as in some inner-city areas 'minority' ethnic groups are increasingly likely to be in the majority.

## ● **Ghettoisation**

The term 'ghettoisation' refers to the clustering of Black staff or students in certain geographic or vocational areas of the College – for example, ESOL or Community Outreach – in a way that confirms stereotypical assumptions about what Black staff or students do best.

**● Harassment**

Harassment on grounds of race involves threatening, intrusive or undermining behaviour towards a person of a particular racial or ethnic group. It is usually, though not always, intentional and on-going. It includes persistent name-calling, bullying or ridicule, and acts of psychological, verbal or physical abuse.

**● Indirect discrimination**

Indirect discrimination on grounds of race occurs when a criterion or apparently neutral practice which applies equally to everyone has a disproportionately adverse effect on people from a particular racial group, and there is no objective justification for the rule (RRA §1(1)(b), §28). The definition changed in line with the EC Burden of Proof Directive that came into force in July 2000.

**● Institutional racism**

Institutional racism, as defined by Macpherson, refers to *'the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin... seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people'*. While it may be unconscious or unwitting, as Macpherson suggests, there is evidence that it can also be calculated and deliberate.

**● Marginalisation**

Marginalisation occurs when a person or group is excluded from decision-making or mainstream activities.

**● Positive action**

It is lawful under both the Race Relations and the Sex Discrimination Acts to provide training and special encouragement for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades during the previous 12 months (RRA §37, §38; SDA§47). It is also lawful to address any special educational, training or welfare needs identified for a specific racial group (RRA §35). Positive Action encompasses a range of measures to encourage people to take full and equal advantage of opportunities in jobs, education and training. It is not to be confused with positive or 'reverse' discrimination, which involves giving preferential treatment to a particular group and remains illegal in the UK.

**● Prejudice**

Prejudice occurs when someone pre-judges an individual or group of people from a particular racial group because of ignorance or a belief in certain stereotypes or assumptions.

### ● **'Race'**

The idea that people belong to different races was developed in the 18th and 19th centuries in an attempt to explain perceived differences between people. However, genetic research has shown that a person's skin colour is of little more relevance than the colour of their eyes or hair. The notion of 'race' is used less and less these days as genetic research has shown that biologically, human beings are essentially the same. Recent studies also suggest that prior miscegenation (the mixing of people from different racial groups) is common within three or four generations, even in individuals who, from their appearance, are identified as White, Black or Asian.

### ● **Racism**

Racism describes a complex set of attitudes and behaviour towards people from another racial or minority ethnic group resulting from long-standing historical relationships. It is most commonly based on:

- the belief that physical or cultural differences correspond directly with differences in personality, intelligence or ability, leading to assumptions about racial superiority or inferiority
- the social and economic power of members of one racial or ethnic group to promote or enforce such attitudes
- racism is described in the Macpherson report as both overt and subtle '*...conduct ... words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin.*'

### ● **Stereotyping**

Stereotyping is the act of labelling or categorising particular groups, usually in a negative way, because of pre-conceived ideas. It relies on broad generalisations, often popularly held, that all members of a particular racial or ethnic group will think and behave identically.

### ● **Structural racism**

Structural racism describes discrimination that is endemic within wider society – for example, in education, employment, housing and the Criminal Justice system. It goes beyond individual organisations, referring to the way racism has come to pervade the culture and institutions of British society as a whole.

### ● **Tokenism**

Tokenism refers to the appointment or use of individuals in positions that carry little or no influence, conveying the false impression that they have power or status within the organisation.

### ● **Victimisation**

Victimisation on grounds of race occurs when a person is discriminated against for taking action under the Race Relations Act or for supporting such action by another (RRA §2). A recent ruling by the House of Lords makes it clear that an employer can be found liable regardless of whether they are consciously or subconsciously motivated.

### ● **Visible minority**

Visible minority is an alternative term for 'ethnic minority'. Some see it as a less ambiguous way of identifying non-White groups.

# Resources and websites

## ● Resources

- Discrimination on the grounds of religion or belief: a NATFHE discussion document  
(NATFHE, 2002)
- Ensuring equality of opportunity: quality information pack  
(AOC, 2002)
- Ethnic monitoring: a guide for public authorities  
(CRE, 2001)
- Ethnicity & employment in higher education, John Carter, Steve Fenton & & Tariq Modood  
(Policy Studies Institute, 1999)
- Equality in practice: a guide to mainstreaming  
(LSC, 2001)
- Equal opportunities guidelines for best test practice in the use of personnel selection tests  
(from Saville & Holdsworth Ltd, tel: 020 8398 4170)
- Framework for a race equality policy for further education colleges  
(CRE, 2002)
- Joint agreement on guidance for equality and race equality in Further Education  
(AOC, 2002)
- Learning & Skills Council strategic framework to 2004  
(LSC, 2001)
- Race & representation: an inquiry, Harminder Singh  
(NATFHE, 2002)
- Race Relations (Amendment) Act 2002: equality & diversity guidance  
(LSC, 2002)
- Statutory code of practice on the duty to promote race equality: a guide for institutions of further and higher education  
(CRE, 2002)

## ● Statistical sources:

- Regional trends no 36,  
Office for National Statistics (2001)
- Labour Force Survey,  
Office for National Statistics

- Staff statistics 2000-2001,  
*Learning and Skills Council (2002)*
- Widening participation in further education: statistical evidence 1999-2000,  
*Learning and Skills Council*
- Family resources survey: Great Britain 1999-2000,  
*Department for Social Security (2001)*
- Minority ethnic participation and achievements in education, training and the labour market: research brief,  
*DfEE (2000)*
- University of North London, 2002

● **Websites**

- *Association of Colleges*  
[www.aoc.co.uk](http://www.aoc.co.uk)
- *Commission for Racial Equality*  
[www.cre.gov.uk](http://www.cre.gov.uk)
- *Disability Rights Commission*  
[www.drc-gb.org/drc](http://www.drc-gb.org/drc)
- *Equal Opportunities Commission*  
[www.eoc.org.uk](http://www.eoc.org.uk)
- *Home Office*  
*(links to Human Rights Unit and Race Equality & Diversity Unit)*  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- *Learning & Skills Council*  
[www.lsc.gov.uk](http://www.lsc.gov.uk)
- *Learning & Skills Development Agency*  
[www.lsda.org.uk](http://www.lsda.org.uk)
- *NATFHE*  
[www.natfhe.org.uk](http://www.natfhe.org.uk)
- *Network for Black Managers*  
[www.feonline.net](http://www.feonline.net)
- *NIACE Racially Inclusive Network*  
[www.niace.org.uk](http://www.niace.org.uk)
- *OFSTED*  
[www.ofsted.gov.uk](http://www.ofsted.gov.uk)
- *The 1990 Trust*  
[www.blink.org.uk](http://www.blink.org.uk)
- *The Runnymede Trust*  
[www.runnymedetrust.org.uk](http://www.runnymedetrust.org.uk)
- *The Refugee Council*  
[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)



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