

# Mainstreaming Equality

2006 Conference Proceedings

Promoting equality and  
accommodating diversity in  
further education, training &  
labour market programmes





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Proceedings of the Conference co-hosted by the Equality Authority the  
Department of Education and Science and the Department of Enterprise,  
Trade and Employment.

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# Foreword

“Mainstreaming Equality” brings together the papers presented at a conference on this theme organised by the Equality Authority, the Department of Education and Science and the Department of Enterprise, Trade and Employment. The papers are published as a resource to providers of further education and training who seek to embed a focus on equality, diversity and non-discrimination in their organisational policies, practices and procedures.

Labour force diversity includes all of the nine grounds covered under the equality legislation – gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community. Investing in equality, diversity and non-discrimination is key to mobilising and developing this diverse labour force. The Employment Equality Acts and The Equal Status Acts require providers of further education and training not to discriminate on these nine grounds and to make reasonable accommodation for people with disabilities. There is also an economic and social imperative to actively pursue the recruitment and progression of learners from all groups experiencing inequality under these nine grounds.

The papers in this publication explore the legal and accreditation frameworks supporting the promotion of equality, the accommodation of diversity and non-discrimination in the further education and training sector. They provide information on the legal framework for non-discrimination. They present practical examples of strategic approaches by organisations in the sector to promoting and achieving equality for a diversity of learners. They identify strategies to support and implement effective equality mainstreaming in the plans, programmes and provision of this sector. We are grateful to the authors of the papers for their insights and for their contribution to equality mainstreaming in the further education and training sector.

**Niall Crowley**  
Chief Executive Officer  
Equality Authority

**Brigid McManus**  
Secretary General  
Department of Education  
and Science

**Sean Gorman**  
Secretary General  
Department of Enterprise  
Trade and Employment

# Biographies

**Walter Balfé** has been working as a Development Officer with FETAC since 2002 with responsibility for developing and implementing policy on quality assurance and monitoring of programmes leading to FETAC awards. This work included broad consultation with a wide range of stakeholders across the further education and training sector. Previous to FETAC, he worked with a range of providers and quality assurance bodies in education and training; including FAS, National Rehabilitation Board, Rehab Group, UCD & City of Dublin VEC.

**Eilís Barry B.L.** is Legal Adviser to the Equality Authority and is head of the legal section. Prior to joining the Equality Authority she practised as a barrister for 15 years, specialising in employment and discrimination cases, appearing in many equality cases before the Irish Courts. She was a regular contributor on employment issues to the Irish Law Times and was editor of the Employment Law Reports for a number of years. She is co-editor of *Equality in Diversity: The New Equality Directives*, ICEL No.29.

**Niall Crowley** is the Chief Executive Officer of the Equality Authority since its establishment in 1999. Prior to this he worked in the community and voluntary sector on a wide range of equality issues. He has been a member of the National Economic and Social Forum (NESF) and the National Economic and Social Council (NESC). He is the author of *An Ambition for Equality* published by Irish Academic Press.

**Helen Keogh** is National Co-ordinator of the Vocational Training Opportunities Scheme (VTOS) and Chairperson of the Education Equality Initiative (2000 – 2006). She is a member of a range of national committees on adult learning issues and was a member of the Advisory Groups for the Green and White Papers on adult education. Helen is a member of the European Commission's Steering Committee for the recently published *Communication on Adult Learning: It is never too late to learn* and author of the background *Report on Non-Vocational Adult Education in Europe*. She is also a member of the Commission's Working Group, Stakeholders' Group and Expert Panel for the Grundtvig Action. She is a regular contributor to national and international debate on adult learning.

**Shira Mehlman** joined FÁS in 2000 as Manager of Disability Policy and the Development Unit, and in 2002 was appointed as Director of Social Inclusion. Her primary responsibility is to ensure that FÁS policies increase the participation and progression of disadvantaged groups into the labour market. Prior to FÁS, she worked with the National Rehabilitation Board since 1985 in a multiple of capacities including Vocational Training Officer; Certification Co-ordinator and finally as Head of Development and Standards with managerial responsibilities for accreditation, certification and training of trainers' activities. She holds a M.Sc. in Management from University of Dublin (Trinity College), post-graduate diploma in Legal Studies and a B.Sc. in Special Education. She is currently working on her PhD in Governance at Queen's University.

**Rory O'Sullivan** has worked in Further Education since he began his career as a teacher of mathematics and computing in 1985. In 2001, he was appointed Principal of Killester College of Further Education, a city of Dublin VEC College. In September 2003 Killester College formally committed to being an inclusive college. Since then the numbers of students receiving learning support has risen from 6 in September 2003 to over 100 in September 2006. This work has attracted the attention of the Equality Authority, the National Disability Authority and the National Economic and Social Forum.

**Lee Probert** is currently the Learning and Skills Council's Director of Equality and Diversity, within the National Office, Coventry, England. Lee is responsible for the development and management of the Council's National Equality and Diversity Strategy. Lee trained as an Early Years Teacher and worked for a time as a reception teacher before joining the Learning and Skills Council in Worcester as their Equality and Diversity Adviser.

**Tom Ronayne** is a director of WRC Social and Economic Consultants. His specialist areas of expertise include programme and policy evaluation particularly in the areas of education, training and employment policy (see [www.wrc.ie](http://www.wrc.ie) for recent reports and papers). Over the past number of years he has been responsible for undertaking studies of the manner in which national level educational, training and employment programmes have addressed the issues of accommodating diversity and promoting equality. His current research interests include labour market inequality and disability, intercultural service provision, and methodologies and tools for profiling in employment services.



# Session One

# Frameworks and Strategies for Equality



# 1.

## Equality Legislation and the Further Education and Training Sector

*Eilís Barry B.L., Legal Adviser, Equality Authority*

### INTRODUCTION

Further education and training is obviously a gateway to employment for individuals and/or groups who may otherwise be excluded from or under represented in the labour market. The impact or effect of discrimination in the further education and training sector is to perpetuate further exclusion from or under-representation in the workforce. The Equality Authority regularly receives complaints of allegations of discrimination in further education and training. These allegations include blanket exemptions in relation to people with certain disabilities, failure to provide reasonable accommodation for people with disabilities, people with disabilities not being offered mainstream courses, arbitrary age exemptions and pregnancy related discrimination.

The extent and the nature of these allegations are surprising particularly as the employment equality legislation has been in place for approximately eight years (and approximately 30 years in the case of gender). The extent and range of the allegations suggest that there may be a mistaken perception in some quarters that the requirements of the equality legislation do not really apply or apply with lesser force in this sector. This may be on account of what is involved in terms of the temporary nature of a course and the benefit to the person of a scheme. It may be due to a lack of awareness of what the equality legislation requires. The participant or potential participant may not be viewed by those managing or running the schemes or courses as someone who would have employment type rights normally associated with the employment relationship. However the Irish equality legislation applies to all aspects of further education or training schemes.

The primacy and importance of further education and training is reflected in the prominence afforded to education and training in the specific provisions both of the Irish domestic equality legislation and in the relevant EU Directives (the Race Directive<sup>1</sup>, the Framework Employment Directive<sup>2</sup> and the Amended Gender Equal Treatment Directive).<sup>3</sup> The two primary pieces of Irish legislation are the Employment Equality Act 1998 and the Equal Status Act 2000. These were amended by the Equality Act 2004 which was introduced for the purposes of implementing the three EU Directives. The Equal Status Acts prohibit discrimination in the provision of goods and services, accommodation and education. There are specific provisions in the Equal Status Acts 2000 – 2004 on educational establishments and service providers. All aspects of the employment relationships are covered by the Employment Equality Acts 1998 – 2004 including training or work experience, advertising, equal pay, access to employment, terms and conditions, promotion, re-grading and dismissal. The Acts apply to full-time and temporary employees, public and private sector employment. There are specific provisions on vocational training, work experience and vocational training bodies.

<sup>1</sup> Council Directive 2000/43/EC of 29 June 2000

<sup>2</sup> Council Directive 2000/78/EC of 27 November 2000

<sup>3</sup> Directive 2002/73/EC of 23 September 2002

The nine grounds on which discrimination is prohibited are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community.

The purpose of this paper is to set out what equality legislation requires and allows in relation to the achievement of equality in the further education and training sector. It outlines the main international sources or relevance, provides an overview of Irish equality legislation, and discusses specific provisions of the legislation of relevance to the further education and training sector. It also highlights some opportunities and/or obligations around the achievement of equality that arise from the legislation and guidelines governing the operation of this sector. The table at the end of this article sets out in summary the scope and relevant provisions of the national and international legislation that apply to this sector.

## INTERNATIONAL SOURCES

A number of international provisions are relevant to the further education and training sector. The primary sources here are the aforementioned EU Directives – the Race Directive, the Framework Employment Directive and the Amended Gender Equal Treatment Directive. A further recent relevant international instrument and standard is the UN Convention on the Rights of People with Disabilities.<sup>4</sup> The provisions of the Belfast Agreement<sup>5</sup> are also relevant insofar as they relate to an equivalence of rights.

### The Race, Framework and Gender Directives

The purpose of the Race Directive and the Framework Employment Directive are to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation with a view to putting into effect the principle of equal treatment in the Member States. The purpose of the Amended Gender Equal Treatment Directive is to put the principle of equal treatment for men and women into effect.

The Irish domestic equality legislation and any legislation governing the operation of the further education and training sector has to be read and interpreted in the light of the EU Directives which take precedence. Importantly, EU Directives are addressed to Member States and so are directly applicable to emanations of the State and thus apply for example to the Department of Education and Science, and State bodies that may be involved in the regulation of further education and training like the Further Education and Training Awards Council (FETAC), and the Vocational Education Committees (VECs) and others who provide education and training.

The scope of the three Directives applies to both the public and private sector including:

- conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
- access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

<sup>4</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>5</sup> CM3883,1988); 371.Im.751 (1998)..Paragraph 9 of the Multi-Party Agreement, Rights and Equality of Opportunity commits Ireland to ensuring “at least an equal level of protection of human rights as will pertain in Northern Ireland”

- employment and working conditions, including dismissals and pay;
- membership of and involvement in an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

In addition, the Race Directive explicitly applies to education.

The Amended Gender Equality Treatment Directive also establishes a positive duty to promote equality in that it requires Member States to:

*“actively take into account the objective of equality between men and women when formulating laws, regulations, administrative provisions, policies and procedures relevant to employment and vocational training.”*

This objective has to be borne in mind in relation to the laws, regulations, administrative provisions, policies and procedures that apply in the area of further education and training.

## Convention on the Rights of Persons with Disabilities

The latest UN human rights standard, the Convention on the Rights of Persons with Disabilities, requires Ireland to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes (Article 4). The provision of further education and training are areas where these duties can be given meaningful effect.

The Convention requires state parties to safeguard and promote the realisation of the right of people with disabilities to work, by taking appropriate steps, including through legislation, to, inter alia:

*“d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training.  
k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.”*<sup>6</sup>

In relation to education, the Convention provides<sup>7</sup> that state parties recognise the right of persons with disabilities to education and requires state parties to ensure an inclusive education system at all levels and life long learning. State Parties have to ensure a number of things including that:

*“(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*

*4....take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.*

<sup>6</sup> Article 27

<sup>7</sup> Article 24

5. ...persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, State Parties shall ensure that reasonable accommodation is provided to persons with disabilities.”<sup>8</sup>

The Convention’s definition of reasonable accommodation is equivalent to the requirements in the Employment Equality Acts 1998 – 2004 but much broader than the requirements under the Equal Status Acts 2000 – 2004 (see below). The Convention defines reasonable accommodation as:

*“necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”<sup>9</sup>*

## Belfast Agreement

The provisions of the Belfast Agreement<sup>10</sup> are also relevant insofar as they relate to an equivalence of rights. Section 75 of the Northern Ireland Act 1998 imposes a duty on specific public authorities to have *“due regard to the need to promote equality of opportunity”* across all the protected grounds in carrying out their public function. The Irish equality legislation does not impose an equivalent duty. However, institutions involved in the provision and regulation of further education and training, who wish to achieve equality outcomes, could usefully assume an equivalent duty in the performance of their functions.

## OVERVIEW OF EQUALITY LEGISLATION

As stated earlier the two main pieces of legislation relevant to this area are the Employment Equality Acts 1998 – 2004 and the Equal Status Acts 2000 – 2004. Different aspects of the further education and training sector will be covered to greater or lesser extents by the Employment Equality Acts 1998 – 2004 and/or the Equal Status Acts 2000 – 2004. To a certain extent there is a degree of overlap. It may not always be clear as whether something constitutes work or training, or vocational training or education. In summary, individuals, students, trainees, employees involved in further education and training (subject to exemptions) are entitled:

- not to be discriminated against on nine discriminatory grounds (this may also involve taking into account cultural and linguistic diversity);
- not to be harassed, sexually harassed, victimised (It is advisable that individuals and institutions that provide further education and training have comprehensive policies, procedures and practices governing sexual harassment and harassment);
- any individual, student, trainee or employee with a disability is entitled to reasonable accommodation, subject to exemption. (This will involve assessment of need, consultation and may involve obtaining medical reports, safety assessments.)

<sup>8</sup> Article 24

<sup>9</sup> Article 2

<sup>10</sup> CM3883,(1988); 371.Im.751 (1998) Paragraph 9 of the Multi-Party Agreement, Rights and Equality of Opportunity commits Ireland to ensuring “at least an equal level of protection of human rights as will pertain in Northern Ireland”

- Individuals or organisations involved in the provision of training and education and/or involved in the regulation of the sector may take positive action measures to achieve full equality in practice (for those covered by the Employment Equality Acts 1998 – 2004) or to target the most vulnerable or disadvantaged trainees/students (for those covered by the Equal Status Acts 2000 – 2004).

The nine grounds on which discrimination is prohibited are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. The Equality Authority has received complaints of allegations of discrimination on at least five grounds in relation to further education and training: - age, disability, race, family status and Membership of the Traveller community and there are a number of claims involving more than one of the grounds.

There are a number of concepts and elements that are common to both Acts. Both Acts:

- promote equality of opportunity;
- prohibit discrimination on nine specific grounds;
- prohibit sexual harassment and harassment and victimisation on the discriminatory grounds;
- require reasonable accommodation of people with disabilities, and
- allow for a broad range of positive action measures.

## Discrimination

Discrimination has a specific meaning in both Acts. Discrimination is described as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds.

There are different types of discrimination covered by the Acts including indirect discrimination, discrimination by imputation and discrimination by association. Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds which exists, may exist in the future, or is imputed to the person concerned (recent case). The instruction to discriminate is also prohibited. Examples of direct discrimination could include arbitrary age restrictions, blanket bans on people with certain disabilities (without any reference to capacity or reasonable accommodation).

Differences between people may require a difference in treatment if their rights are to be vindicated: *“it is well settled that discrimination involves the application of different rules to comparable situations or the application of the same rules to different situations”*.<sup>11</sup> The Labour Court has held that the requirement not to discriminate under the employment equality legislation encompasses a positive duty to take account of cultural and linguistic difference in certain situations.<sup>12</sup>

Indirect discrimination happens when there is less favourable treatment in effect or by impact. It happens where people are, for example, refused access to a training course not explicitly on account of a discriminatory reason but because of a provision, practice or requirement which they find hard to satisfy, for e.g. an unnecessary educational qualification. If the provision, practice or requirement puts people who belong to one of the grounds covered by the Acts at a particular disadvantage then the course

<sup>11</sup> Gillespie & Ors v Northern Health and Social Services Boards, [1996] I CR 498

<sup>12</sup> Campbell Catering Ltd v Rasaq [ED/02/52 Determination No. 048]

provider will have indirectly discriminated, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Discrimination by association happens where a person associated with another person (belonging to a specified ground) is treated less favourably because of that association.

## Reasonable Accommodation

In addition to the prohibition on discrimination there are specific explicit requirements in relation to people with disabilities. The whole thrust of the legislation is on inclusion and mainstreaming. In relation to educational courses that come under the Equal Status Acts 2000 – 2004 there is in effect an obligation to mainstream people with disabilities unless compliance would, by virtue of the disability have a seriously detrimental effect on the provision of services to other students or would make it impossible to provide services to other students.<sup>13</sup>

*“The purpose of reasonable accommodation is to provide for a situation where people with disabilities can avail of the service on an equal footing with those who have no disabilities. It is to remove a disadvantage rather than to confer an advantage. It is to allow them to take part on a level playing field where allowing for their disability.”<sup>14</sup>*

There are different standards required under both Acts. A person providing a course under the Equal Status Acts 2000 – 2004 must:

- provide special treatment or facilities;
- make adjustments to enable a person with a disability to access a service;
- a course provider must provide reasonable accommodation if it would be impossible or unduly difficult for that person to participate in the course without the special treatment, facilities or adjustments.

There is a significant exemption under the Equal Status Acts 2000 – 2004. There is no obligation to provide reasonable accommodation if it costs more than nominal cost. The meaning of ‘nominal cost’ will depend on the circumstances such as the resources available to the organisations including funding from the State and the type and size of the organisation.

In interpreting what is nominal cost it is important to bear in mind the standards set in the Convention on the Rights of People with Disabilities (see above). The equivalence requirement in the Belfast Agreement should also be used in interpreting this imprecise provision in such a way as to minimise divergent levels of protection. (The UK Disability Discrimination Act 1995 requires both employers and service providers to incur reasonable expenses where necessary in making reasonable accommodation.)<sup>15</sup>

The Employment Equality Act 2004 imposes much more onerous obligations on employers and providers of vocational training in relation to people with disabilities than the earlier 1998 Act and the Equal Status legislation. A person who has a disability is deemed to be fully competent and capable of undertaking any duties if the person would be so fully competent and capable on reasonable accommodation being provided.

<sup>13</sup> Section 7(4)(b)

<sup>14</sup> 2 Named Complainants v Minister for Education and Science – DEC-S2006-077

<sup>15</sup> Equivalence in Promoting Equality: The Implications of the Multi-Party Agreement For the Further Development of Equality Measures for Northern Ireland and Ireland

The obligation in the Act is to take appropriate measures to enable a person with a disability to have:

- access to employment;
- participate or advance in employment;
- undergo training;

unless such measures would impose a disproportionate burden.

Appropriate measures means effective and practical measures where needed in a particular case to adapt the place of business to the disability concerned. It includes:

- adaptation of premises and equipment;
- patterns of working time (e.g. this may relate to the scheduling of courses);
- distribution of tasks or the provision of training or integration resources.

'Disproportionate burden' is determined by taking into account:

- the financial costs and other costs;
- the scale and financial resources;
- the possibility of obtaining public funding or other assistance.

Reasonable accommodation is an individualised requirement. It is not advisable to make assumptions about a person's capacity or to make assumptions about what accommodations are required. Providing reasonable accommodation for people with a disability is a tiered process. It will involve an assessment of need. This will obviously involve consultation and discussion with the person and may also involve obtaining and discussing medical reports, safety audits etc. It is important that discussions or assumptions in relation to a person's capacity to do a job are not made without consultation and that decisions as to the capacity of a person with a disability are made on the basis of objective information rather than stereotyped assumptions.

Reasonable accommodation may often be low cost. In such a context the use of blanket bans to exclude specific groups of people with disabilities carry a high risk of being discriminating.

## Sexual Harassment and Harassment

There are provisions prohibiting sexual harassment and harassment in both Acts.<sup>16</sup> Therefore employees, vocational trainees, course participants, students and people employed in the provision of further education and training are all entitled to environments free from sexual harassment/harassment.

Sexual harassment and harassment are defined in the legislation. Harassment is any form of unwanted conduct related to any of the discriminatory grounds. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In both cases it is conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. In both cases the unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

There is a specific obligation put on a person responsible for the operation of a place

<sup>16</sup>Section 11 Equal Status Acts 2000 – 2004; Section 14 Employment Equality Acts 1998 - 2004



("the responsible person") where an educational course is offered to make sure that a student or other person entitled to be present, does not suffer sexual harassment or harassment [section 11]. It is a defence for the "responsible person" to prove that he or she took such steps as are reasonably practicable to prevent the sexual harassment or harassment of the person concerned.

If an employee or a person participating in a vocational training course is sexually harassed or harassed in the workplace or on the course or otherwise in the course of his/her employment or training, then the sexual harassment or harassment is deemed to be discrimination by the victim's employer or course provider. Thus an employer or a person running a vocational training course is deemed to have discriminated against an employee or a student who has suffered sexual harassment or harassment by the employer or course provider or by an employee or by a client, customer or other business contact of the employer or course provider (and the circumstances are such that the employer or course provider ought reasonably to have taken steps to prevent it). It is a defence for the employer or the course provider to prove that they took reasonably practicable steps to prevent the sexual harassment or harassment.<sup>17</sup>

### Vicarious Liability

Employers are liable for anything done by an employee in the course of his or her employment, or as an agent of the employer, unless the employer can prove that he/she took reasonably practicable steps to prevent the discrimination. Individuals and institutions involved in the provision of further education and training need to be able to prove that they have taken reasonably practicable steps to prevent discrimination, sexual harassment and harassment occurring. In order to be able to do this, it is essential that employers and those providing and running further education and training have in place accessible and effective policies and procedures to deal with discrimination, sexual harassment and harassment. The Equality Authority's Code of Practice on Sexual Harassment and Harassment at Work would be of assistance in this regard.<sup>18</sup> Policies on discrimination on sexual harassment and harassment are an integral part of equality strategies in the workplace. It would be useful and of assistance to those running or providing further education and training if regulatory bodies like FETAC or funding bodies like FÁS required course providers as part of their quality assurances requirements to have accessible and effective policies and procedures to deal with discrimination, sexual harassment and harassment.

### Victimisation

The victimisation provisions have been described as a cornerstone of the legislation. There are strong provisions in both Acts prohibiting the victimisation of someone seeking to enforce their rights under the legislation or assisting someone else to do it.<sup>19</sup> The victimisation of someone on a further education or training course may result in the providers of the course / training paying substantial compensation.

### Positive Action

Both Acts allow very broad positive action measures.<sup>20</sup> Individuals and institutions that provide education courses that come within the scope of the Equal Status Acts

<sup>17</sup> Section 14 Employment Equality Acts 1998 - 2004

<sup>18</sup> Employment Equality Act 1998: Code of Practice (Harassment) Order 2002 (S.I. No. 78 of 2002)

<sup>19</sup> Section 74 EEA 1998-2004; Section 3(2)(j) ESA 2000-2004

<sup>20</sup> Section 14 ESA 2000-2004; Sections 24 and 33 EEA 1998-2004

2000 - 2004 are allowed to cater for the special needs of persons who because of their circumstances may require facilities, arrangements, services or assistance. This clearly allows reasonable accommodation of people with disabilities (without any limiting cost exemptions) but it is not confined to the disability ground. Individuals and institutions providing further education and training are allowed to provide reasonable accommodation across all of the grounds. They are also allowed to cater for disadvantaged persons who are unlikely to be able to avail of the same opportunities. This clearly allows for targeted measures directed at certain groups. It would be important to ensure that targeting does not result in any form of segregation and that mainstream courses are open, accessible and available to all.

Individuals and institutions that provide vocational training are allowed great scope in the field of positive action to achieve full equality in practice for people from across the nine grounds.

## SPECIFIC PROVISIONS OF RELEVANCE TO FET

In addition to the general provisions outlined above, the equality legislation also includes specific provisions of relevance to further education and training.

### Specific Provisions – Equal Status Acts 2000-2004

The specific provisions in the Equal Status Acts 2000 – 2004 which have a particular relevance to the provision of further education and training are the provisions in Section 7 on educational establishments<sup>21</sup> and to a lesser extent the provisions on goods and services in Section 5.<sup>22</sup>

'Educational Establishments' are defined in such a way as to apply to pre-school service, primary or post-primary schools, adult, continuing or further education, university or other third level or high level institution. Public and private educational establishments are included. The Equal Status Acts specify that

*"A body providing further education shall not discriminate in relation to:*  
*a) the admission or the terms or conditions of admission;*  
*b) the access of any student to any course, facility or benefit;*  
*c) any other term or condition of participation;*  
*d) the expulsion of a student or other sanction."*

The Acts allow different treatment in certain circumstances in relation to mature students<sup>23</sup>, scholarships<sup>24</sup>, student exchanges<sup>25</sup>, sporting facilities<sup>26</sup> grants, fees and allocation of places.<sup>27</sup>

<sup>21</sup> Section 7

<sup>22</sup> Section 5

<sup>23</sup> The Acts allow universities or other third level or adult education institutions to provide different treatment in the allocation of places to mature students.

<sup>24</sup> Scholarships: The Acts allow universities or other third level or adult education institutions to offer assistance to particular categories of persons by way of sponsorships, scholarships, bursaries or other awards but only if these are justified by historical or traditional considerations.

<sup>25</sup> Student exchange: The Acts allow universities or other third level or adult education institutions to allocate places for exchange students.

<sup>26</sup> Sporting Facilities & Events: The Acts allow educational establishments to provide different treatment on the gender, age or disability grounds in relation to the provision or organisation of sporting events or facilities but only to the extent that the differences are necessary having regard to the nature of the facilities or events.

<sup>27</sup> The Acts allow institutions providing adult/continuing or further education or universities or other third level institutions to treat nationals of an EU Member State differently to those who are not, in relation to fees for admission or attendance and the allocation of places. The Minister for Education and Science may require grants to be restricted to nationals of an EU Member State or to require such nationals to be treated differently in relation to making grants.

A service is defined very broadly in the Equal Status Acts 2000-2004. The definition includes 'a service or facility of any nature, which is available to the public generally or a section of the public. Services provided by the State (Department of Education, health service executive areas, local authorities etc.) are covered (subject to a number of exemptions).<sup>28</sup>

The main exemption in the Equal Status Acts is that any action required by Statute, or EU law is exempted. For example, any action that is required by the Education Act or the Acts governing the operation of FÁS, the VECs or FETAC would be exempted from under the Equal Status Acts 2000 – 2004. This exemption would not cover circumstances where there is an element of choice or discretion as to how the services are provided. Regulatory bodies have a degree of discretion in how they exercise their statutory functions.

There are also specific exemptions on the nationality ground in relation to the treatment by public authorities of certain non-Irish nationals.<sup>29</sup>

### Specific Provisions Under Employment Equality Acts 1998 – 2004

A number of provisions under the Employment Equality Acts 1998 – 2004 have particular relevance to the provision of further education and training. The scope of the prohibition on discrimination applies right across the employment relationship. Section 8 provides that an employer shall not discriminate against an employee or a prospective employee in relation to inter alia *"training or experience for or in relation to employment."*<sup>30</sup>

An employee is defined in terms of someone working under a contract of employment.<sup>31</sup> A contract of employment is also defined broadly to include *"(a) a contract of service or apprenticeship or (b) any other contract whereby an individual agrees with another person personally to execute any work or service for that person..."* Therefore apprentices, independent contractors or self-employed people working for further education and training courses will come within the scope of the Act.

There are specific provisions on vocational training in section 12 of the Employment Equality Acts 1998 – 2004. Any person, including an educational or training body, who offers a course of vocational training to people over maximum age at which those persons are statutorily obliged to attend school, shall not discriminate in relation to:

- the terms on which any such course or related facility is offered;
- by refusing or omitting to afford access;
- in the manner in which any such course or facility is provided.

There is a definition of vocational training in the Act. Section 12(2) defines it as:

*"Any system of instruction which enables a person being instructed to acquire, maintain, bring up to date or perfect knowledge or technical capacity required for carrying out of an occupational activity and which may be considered as exclusively concerned with training for such an activity."*

<sup>28</sup> Section 5(2) for the exemptions relevant to the provisions of services

<sup>29</sup> Section 14(1)(AA)

<sup>30</sup> Section 8(1)

<sup>31</sup> Section 2: "employee", subject to subsection (3), means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and, where the context admits, includes a member or former member of a regulatory body, but, so far as regards access to employment, does not include a person employed in another person's home for the provision of personal services for persons residing in that home where the services affect the private or family life of those persons".

This is a narrower definition than that contained in the three EU Directives. The definition in the Directive does not restrict the protection to training that is exclusively concerned with a particular activity.

There are a number of specific provisions relevant to the age ground which are worth highlighting. The age ground under the Employment Equality Acts 1998 – 2004 applies to all persons above the maximum age at which a person is statutorily obliged to attend school.<sup>32</sup> Thus there is no upper age limit<sup>33</sup> in the definition of the age ground in relation to courses that come within either Act. However there are a number of exemptions. For example, an employer may:

- set a minimum age not exceeding 18 years for recruitment to a post;<sup>34</sup>
- offer a fixed term contract to a person over the compulsory retirement age;<sup>35</sup>
- fix different ages for retirement.<sup>36</sup>

However the extent to which these exemptions comply with the requirements of the Framework Employment Directive has yet to be tested. Article 6 of the Directive allows:

*“the setting of special conditions in access to employment and vocational training, employment and occupation, including dismissal and remuneration conditions, for young people, older workers and persons with caring responsibilities in order to promote their vocational integration or ensure their protection”*

*“but only if they are objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour market and vocational training objectives **and** if the means of achieving that aim are appropriate and necessary”.*

It is clear that the use of arbitrary age limits would not come within this exemption. Age limits will have to be capable of being justified. It would be important for individuals and institutions offering employment or vocational training to review existing age limits to see whether they can be reasonably justified by a legitimate aim and if they are appropriate and necessary to achieve that aim.

## REGULATION OF THE FURTHER EDUCATION AND TRAINING SECTOR

A cursory glance at some of the legislation and guidelines governing the regulation of further education and training reveals that the exercise of the core functions of the regulatory bodies involves significant equality implications in terms of opportunities and requirements. What follows are a number of examples. They cannot be taken to be exhaustive.

### The VECs

The implementation of the provisions of the Vocational Education (Amendment) Act 2001, on membership, functions, service plans, education plans all present opportunities around the achievement of equality.

<sup>32</sup> Section 6(3)

<sup>33</sup> The age ground under the Equal Status Acts 2000 – 2004 does not apply to people under 18 except for the provision of car insurance to licensed drivers.

<sup>34</sup> Section 6(3)

<sup>35</sup> Section 6(3)

<sup>36</sup> Section 34(4)

Membership of the VECs is made up of a number of stipulated members including representatives of “*voluntary organisations, community organisations of Irish Language interests.*” The Act allows regulations to provide that both sexes shall be represented on a VEC.<sup>37</sup> This affords an opportunity to ensure gender balance on the VEC and to ensure that representatives of people and groups who belong to the nine discriminatory grounds become members of the VEC. Ensuring gender balance and a wide diversity in the membership is one way of promoting gender equality and equality more widely in the vocational and training sector.

The functions of the VEC are set out in Section 9 of the Vocational Educational (Amendment) Act 2001. A VEC has to “*plan, coordinate and review the provision of education and services ancillary thereto in recognised schools and centres for education established or maintained by that Committee*”.

The VEC also has to adopt and submit a service plan.<sup>38</sup> A service plan is a statement of the services that the VEC proposes to provide. In addition an education plan has to be prepared every five years.<sup>39</sup> The plan must set out the objective of that VEC, the priorities to be accorded to those objectives and the measures to be adopted for the purposes of attaining these objectives.

In preparing the service plan and the education plan there are obligations to consult with a number of specified persons including students, parents and such persons as are likely to be affected as a result of the performance by the VEC of its functions, or the adoption of measures taken to achieve the measures in the education plan.<sup>40</sup>

The planning coordinating and reviewing of the provision of education allows the VEC to review to what extent their educational services are targeting effectively and meeting the needs of people who belong to the nine grounds. The requirement to consult with people likely to be affected by the performance of the functions of the VEC allows the VEC to obtain the views of individuals belonging to the nine grounds. The service plan is an area which can identify practical actions to promote equality, make adjustments for diversity and prevent discrimination, including targeted positive action measures, which a VEC may propose to take.

The objectives of the VEC around the attainment of equality and the priority to be afforded to the achievement of equality and the measures to be adopted to achieve the attainment of equality can all be identified in the education plan. For example, the plan could contain a commitment to achieving full equality in practice for members of groups experiencing inequality across the nine grounds. It could set out a commitment to taking steps to adjust policies, practices and procedures to take account of the practical implication of diversity among course participants and among staff. It could establish that no discrimination, sexual harassment, harassment or victimisation will be tolerated and it could commit to having accessible, comprehensive policies and procedures in this regard. The practical measures it proposes to take to achieve those goals could also be identified. These practical measures could include the appointment of an Equality Officer to plan and take actions to realise these goals, the creation of an Equality Committee to monitor progress towards these goals and to keep policy, practice, and procedures under review, and the provision of equality and diversity training for all staff.

<sup>37</sup> Sections 8(1)4 and 8(5) of the Vocational Educational Act 1930 as amended

<sup>38</sup> Section 9(d) of the Vocational Education (Amendment) Act, 2001

<sup>39</sup> Section 30 Vocational Education (Amendment) Act 2001

<sup>40</sup> Sections 9(1) (vi) and 30(2)

## FETAC

The functions of the Further Education and Training Awards Council are set out in Qualifications (Education and Training) Act, 1999. These functions include:

- establish and publish policies and criteria for the making of further education and training awards;
- determine standards of knowledge, skill or competence to be acquired by learners;
- monitor and evaluate the quality of programmes of education and training;
- ensure that providers of education and training establish fair and consistent procedures for assessment of learners;
- establish procedures for quality assurance.<sup>41</sup>

The exercise of each of these functions provides opportunities that are relevant to the achievement of equality. For example, the provision of reasonable accommodation in relation to students with disabilities or taking into account cultural and linguistic diversity are relevant to the exercise of all of the functions.

FETAC have published guidelines on *Quality Assurance in Further Education and Training*. Equality is one of the principles underpinning the policy and process for this Quality Assurance. The providers of further education and training are expected to have developed both policies and procedures for quality assurance and that these should reflect existing legislative requirements. The guidelines set out the areas of education/training provision for which providers should establish policies. These are Communications, Equality, Staff Recruitment and Development, Access, Transfer and Progression, Programme Development, Delivery and Review, Fair and Consistent Assessment of Learners, Protection for Learners, sub-contracting, Providing Programme Delivery, Self Evaluation of Programmes and Services. While Equality is listed separately, anti-discrimination and reasonable accommodation would be relevant to all of the policies. For example, the provisions in the equality legislation on vicarious liability in relation to the actions of an agent would be of relevance in relation to policies on sub-contracting. The guidelines state that the equality policy needs to address equality training and equality planning but it would be important that the equality policy would be required to ensure that anti-discrimination, reasonable accommodation etc. was mainstreamed in all the requisite policies. It would also be useful if the guidelines made it explicitly clear that providers need to have accessible and effective anti-discrimination and sexual harassment and harassment policies in place.

## CONCLUSION

It is clear from the above that equality requirements and opportunities arise in all areas of the legislative provision in the area of further education and training. It would be important that, at a minimum, these opportunities are seized so as to eliminate the allegations of discrimination being raised in the case files of the Equality Authority. In particular, the providers of further education and training and the regulators of further educators need to address the following questions with some urgency:

- are there blanket bans in relation to people with certain disabilities?
- are there blanket bans in relation to people of a certain age? If so, what is the justification for these?

<sup>41</sup> Sections 14 and 18 of the Qualifications (Education and Training) Act, 1999

- to what extent are cultural and linguistic differences taken into account?
- do provisions, practices or requirements put people belonging to any of the nine discriminatory grounds at a particular disadvantage?
- what practices and procedures are in place to consult with a person with a disability around the provision of reasonable accommodation?
- to what extent is provision made to meet the needs of deaf people and people who are visually impaired?
- are people with disabilities offered access to mainstream courses?
- what happens if a learner / student becomes pregnant before or during the course?

**Table 1: Summary of Equality Legislation That Applies to Further Education and Training**

	<b>Employment Equality Acts 1998 – 2004</b>	<b>Equal Status Acts 2000 – 2004</b>	<b>Race Directive</b>
<b>Grounds</b>	9 discriminatory grounds	9 discriminatory grounds	Race and ethnic origin
<b>Scope</b>	a) Contract of service or apprenticeship or any other contract whereby – an individual agrees with another person personally to execute any work or service for that person b) Access to employment, training or experience for or in relation to employment, promotion or classification (Section 8) c) Vocational training (Section 12) d) A body which controls entry to or the carrying on of, a profession, vocation or occupation (Section 13)	a) Provision of services (section 5) b) Educational establishments (section 7)	a) Conditions for access to employment, ...at all levels of the professional hierarchy, employment and working conditions (Article 3(1)(a)) b) Access to all types and levels of vocational guidance, vocational training, advanced vocational training and re-training, including practical work experience (Article 3(1)(b)) c) Education (Article 3(1)(g))
<b>Reasonable accommodation</b>	Appropriate measures to enable a person with a disability to have access to employment, to participate or advance in employment, to undertake training unless disproportionate burden (Section 16)	Provision of special treatment or facilities in circumstances where without these it would be impossible or unduly difficult for the person with a disability to avail of service or educational establishment (Section 4)	
<b>Positive Action Measures</b>	a) Gender Measures... to ensuring full equality in practice between men and women in their employments and providing for specific advantages so as to make it easier for an under-represented sex to pursue a vocational activity – (Section 24) b) Other grounds Measures... to ensuring full equality in practice between employees, being measures to prevent or compensate for disadvantages linked to any of discriminatory grounds, ii. to protect the health or safety at work of persons with a disability or iii. to create or maintain facilities for safeguarding or promoting the integration of such persons into the working environment (Section 33)	Promote equality of opportunity for disadvantaged persons or to cater for the special needs of a person (Section 14)	Measures to ensure full equality in practice (Article 5)
<b>Positive Duty Mainstreaming</b>			
<b>Sexual Harassment and Harassment</b>	Section 14	Section 11	Article 2(3)
<b>Victimisation</b>	Section 14(2)	Section 3 (2j)	Article 9



Framework Employment Directive	Gender Equal Treatment Directive	Convention on the Rights of Persons with Disabilities
Religion or belief, disability, age and sexual orientation	Gender	Disability but also recognising different conditions faced by persons with disabilities who are subject to discrimination on race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status
<p>a) Conditions for access to employment, ...at all levels of the professional hierarchy, employment and working conditions (Article 3(1)(a))</p> <p>b) Access to all types and levels of vocational guidance, vocational training, advanced vocational training and re-training, including practical work experience (Article 3(1)(b))</p> <p>c) Education (Article 3(1)(g))</p>	<p>a) Conditions for access to employment... at all levels of the professional hierarchy, employment and working conditions (Article 3)</p> <p>b) access to all types and levels of vocational guidance, vocational training, advanced vocational training and re-training, including practical work experience (Article 3(1)(b))</p>	<p>a) all forms of employment including conditions of recruitment, hiring and employment continuance of employment, career advance and healthy working conditions (Article 27)</p> <p>b) effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training, acquisition of work experience in the open labour market (Article 27)</p> <p>c) access to general tertiary education, vocational training, adult education and lifelong learning (Article 24)</p> <p>d) an inclusive education system at all levels and life long learning (Article 24)</p>
Appropriate measures to enable a person with a disability to have access to, participate in, or advance in employment or to undergo training unless disproportionate burden (Article 5)		Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden... to ensure... the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms (Article 2)
Measures to ensure full equality in practice between men and women (Article 8)	Measures to ensure full equality in practice between men and women (Article 8)	Specific measures which are necessary to accelerate or achieve de facto equality (Article 5)
	To take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities relevant to employment and vocational training (Article 1(d))	To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes (Article 4)
Article 2(3)		
Article 12		

## 2. Equality in the Accreditation Framework

*Walter Balfe, Development Officer, FETAC*

### INTRODUCTION

This is an opportunity for me to highlight equality issues in the Further Education and Training Sector and to draw attention to progress which has been made in improving provision through infrastructural changes at various levels of the sector.

I'd like to take this opportunity to thank the Equality Authority for the invitation to speak today but also for their cooperation with and assistance to FETAC in the recent past in the development and implementation of policy in this area.

I intend to offer a short, guided tour of the topic of equality in the Accreditation Framework, moving from the high level national context to specific examples of issues and good practice at the level of programme provision.

On the way we will discuss our National Framework of Qualifications, the policy of the Qualifications Authority on Access, Transfer and Progression, the diversity in the sector, FETAC policy initiatives relevant to equality as well as some examples of good practice. I hope to show how equality is now a real rather than an abstract issue and how all stakeholders are having to factor it into their work.

### NATIONAL FRAMEWORK OF QUALIFICATIONS

The National Framework of Qualifications :

- is the single framework for all awards made in the state;
- covers basic learning (level 1) to doctorate (level 10);
- allows awards to be valued against each other;
- makes the system clearer for learners;
- defines awards in terms of learning outcomes rather than the programme – independent of how, when, where;
- promotes access, transfer and progression for learners;
- explicitly links education and training;
- FETAC operates at levels 1 to 6;
- HETAC – Higher Education and Training Awards Council – operates at levels 6 to 10;
- universities – operate at levels 7 to 10.

### ACCESS, TRANSFER AND PROGRESSION

Access, Transfer and Progression is a term originating in the Qualifications Act and it has

become a feature of the educating and training sectors vocabulary in recent years. Its meaning is inextricably linked to the Framework. It is one of the most significant infrastructural initiatives relevant to equality in the whole qualifications system in that it seeks to make the National Framework of Qualifications work for the individual learners rather than the systems.

The Qualifications Authority has published its policy on the responsibilities of the various stakeholders in ensuring that AT&P becomes a reality and that the Framework functions smoothly to recognise all learning in the state, irrespective of how, where, when and by whom achieved. This policy has significant implications for all involved, requiring a level of cooperation and mutual trust not always found within the education/training sector. However, it does hold significant opportunities for learners. The overall policy on AT&P is concretised in a range of procedures required of the Qualifications Authority, Awards Councils and providers. Discussed first are those procedures which are the responsibility of providers of programmes leading to framework awards. These aim to facilitate movement within the framework, and hence acquisition of significant learning, for all learners in the state.

### Credit and recognition of prior learning

Credit and recognition of prior learning have implications for Awards Councils as well as education/training providers. Implementation of these procedures is intended to enable learners gain recognition for learning acquired in formal or informal contexts. It is a fact that more and more people with considerable work experience are participating in modern education and training. Where possible we should try to measure and recognise this prior experience as there are real potential benefits for many mature learners who are returning to education or training.

### Progression routes

The potential for learners to progress through the Framework is one of its main *raison d'être*. It is incumbent on Councils and providers to do what is needed to enhance progression opportunities for learners. This involves removing barriers and establishing new routes. Providers have a specific responsibility to support learners to identify and access transfer and progression routes.

### Access

Access is defined in broad and innovative terms with the focus on achievement of the award rather than on entry to the programme. The provider is required to examine programmes with a view to enhancing the opportunities for learners to succeed and removing barriers to successful participation.

This is where the diverse profiles and needs of learners pose challenges for providers and Awards Councils if they are to comply with the spirit as well as the letter of the legislation and Qualifications Authority policy.

### AT&P - information provision

The Qualifications Authority has placed huge emphasis on the importance of providing learners with the information necessary to making informed programme choices. This information should be available in media appropriate to the learners for whom the programme is designed.

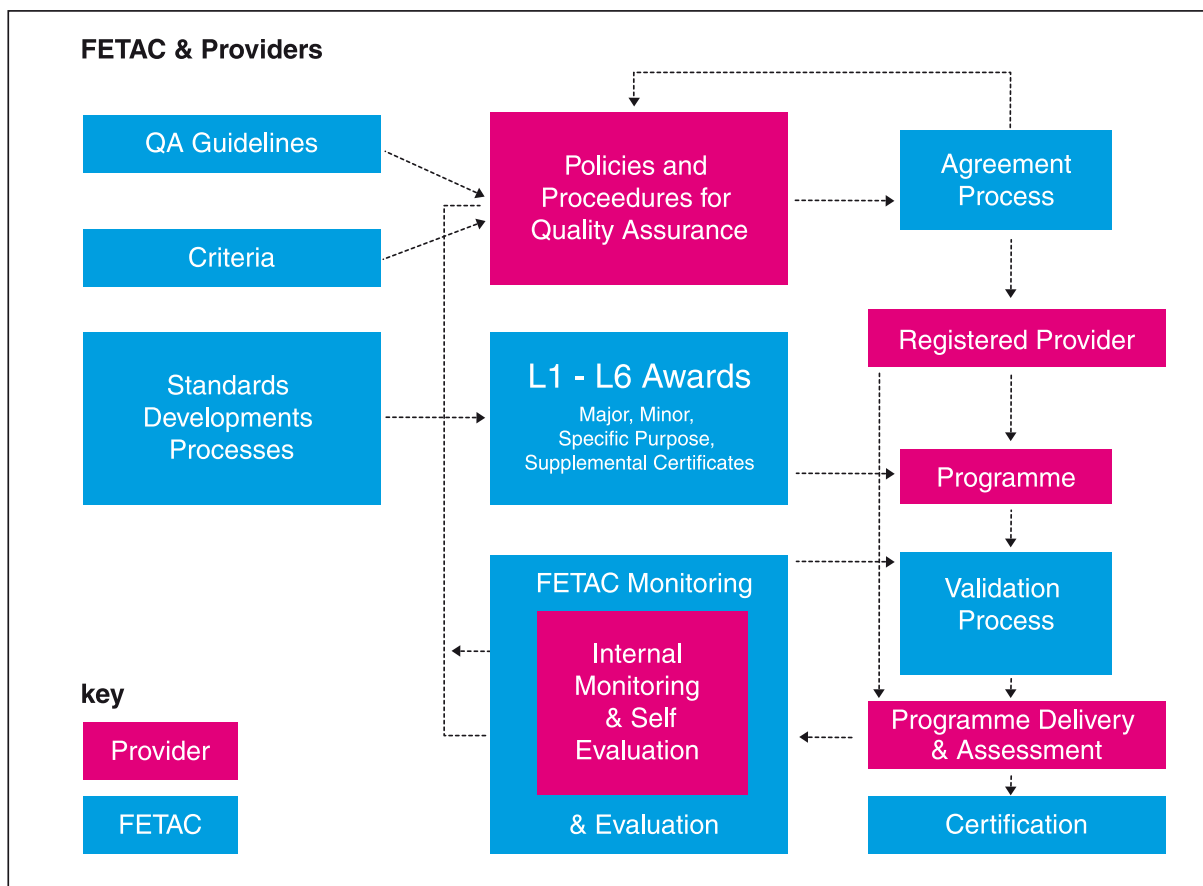
To become a reality and enhance equality and opportunity for learners, AT&P requires the contribution and cooperation of the Awards Councils and programme providers.

## FURTHER EDUCATION AND TRAINING SECTOR

The Further Education and Training Sector is significant by any measure, covering learners, centres, awards and funding/expenditure. It is often described in terms of the diverse range of provision but the learners' profiles behind the various provider types are much more diverse in their background, ambition, abilities and needs. Even where there is specialised provision there is diversity in learning. The challenge is to try and accommodate and gain from the diversity while still offering quality.

Since FETAC policies primarily impact on providers, diversity means we must design policies to accommodate this range but also to encourage providers in turn to build systems to accommodate their learners.

The diagram below shows how the sector functions to recognise learning. There are separate but complementary roles for FETAC and providers who clarify the various responsibilities to facilitate equality as roles develop.



## FETAC POLICY INITIATIVES

### FETAC policy on provider quality assurance

The main points of the FETAC policy on provider quality assurance are:

- the *primary role of providers* in the establishment and operation of quality assurance;
- *common framework* for all providers;
- providers must *monitor* and *evaluate* their programmes and focus on improvement;
- link to programme validation;
- FETAC will monitor and evaluate effectiveness;
- AT&P to be implicit and explicit.

Arising from the consultation phase, equality became one of the nine pillars of the FETAC Quality Assurance Framework.

The basic model of the Q.A framework is for a provider to develop policy and procedures for each of the nine areas which together influence the quality of provision of programmes and services. Each policy should reflect and build on the provider's mission and the procedures should then offer concrete guidance for staff as to how that policy is to be delivered.

In addition, like any quality system, the provider should build a monitoring and evaluation system to enable regular customer feedback on the provision and on the effectiveness of the procedures.

While there is a specific requirement in relation to equality, the implications of AT&P are disseminated in a number of areas throughout the whole quality framework. Particular emphasis is put on the accommodation of learners whose first language is not English and those whose disabilities impact on their participation in programmes and assessment. Providers are also required to provide supports and adaptations appropriate to the needs of their particular learner profiles in accordance with equality legislation. There is also a strong emphasis on the need to keep learners informed at all stages of the learning process.

### FETAC policy on programme validation

While Provider Quality Assurance is generic in its design, it is implemented in the context of specific programmes. FETAC monitoring will include a review of how well the agreed quality assurance and validated programmes are delivering quality in terms of learner satisfaction and achievement.

A new function of FETAC is to validate programmes prior to delivery to ensure, as far as possible, that a proposed programme is valid for the purpose of meeting learner needs as well as for the purpose of an award. Programme information will be checked in advance to ensure validity of a programme and the implementation of agreed quality assurance procedures in respect of programme design and Access, Transfer and Progression.

## PROGRAMME DELIVERY AND ASSESSMENT

Quality assurance policy and procedures and programme design are documentary statements of intent. It is during programme delivery and assessment that the reality is experienced. This will be where the challenges arise in terms of practical issues and resource implications. It will be a measure of the true effectiveness of the quality system if these practical issues for learners and providers are identified and singled out.

### Recognition of awards from other countries

Many people living in Ireland were not born here and gained qualifications in their country of origin. It is a significant task for the Qualifications Authority and the Awards Councils to recognise this learning for the purpose of entry to programmes and for the purpose of entry into employment.

The Qualifications Authority has made a significant contribution to the ongoing development of a European Qualifications Framework. This will enhance recognition of qualifications between participating states and therefore mobility of individuals within and between labour markets.

### Recognition of prior learning

Recognition of prior learning has already been mentioned as a new requirement for providers. It is not an easy thing to do, either for learners or for providers. Hence it is currently being piloted in a number of different centres and this pilot will be evaluated.

### Good practice in facilitation of need and equality of access

There are many examples of good practice in provision where the needs of the individual impact on how the system operates. This is where equality, diversity and individuality meet. In every part of the system, more and more attention is being paid to the learner – initially on paper, but increasingly in practice also. There are also examples where the needs of the system remain paramount and things continue to operate as before. It is important to continue raising awareness and to increase skill levels among practitioners in the sector. Providing training and qualifications for front line staff is a key strategy for improvement. Awards Councils, providers and employers all have a role to play in this.

## CONCLUSION

I hope that this brief review of the Further Education and Training sector and the policy initiatives which are happening has succeeded in showing that the sector is alive to equality issues and that much is happening to ensure ongoing improvement.

### 3.

## Developing a National Equality and Diversity Strategy

*LEE PROBERT, Director of Equality and Diversity,  
Learning and Skills Council (England)*

### ROLE OF LEARNING AND SKILLS COUNCIL

I'm delighted that the Equality Authority invited me to come and talk to you. I would like to begin by speaking about the role of the Learning and Skills Council. The LSC is a non-departmental statutory body which was established by the Learning and Skills Act 2000 and which began work in 2001 taking over the roles of the former Further Education Funding Council and the Training and Enterprise Councils. The formation of the LSC in England brought together for the first time all forms of funding for post-16 education, training and skills outside higher education.

The LSC's major tasks are to:

- raise participation and achievement of young people;
- increase adult demand for learning;
- raise skill levels for national competitiveness;
- improve the quality of education and training delivery;
- equalise opportunities through better access to learning;
- improve the effectiveness and efficiency of the sector.

We are responsible for commissioning and funding education and training across England, to plan carefully for the needs of learners, institutions, employers and the economy; quite a challenge in itself. This all needs to be delivered using our necessarily finite resources of Stg£11.2 billion to meet those responsibilities. This is roughly €16 billion, which sounds a huge amount of money. But when you divide that by all of the learners and employers in the country it is not a lot in terms of spending per head to support learning.

### MINORITY PARTICIPATION IN LEARNING

In England more young people than ever with disabilities, from ethnic minority groups and other marginalised groups are participating in learning. Gender balances are shifting across all curriculum pathways and there have been some significant achievements. More adults achieve, displaying a genuine commitment to lifelong learning by achieving basic skills, making a contribution and finding the kind of employment that is right for them and for the economy. Fewer employers tell us they have a skills gap in their workforce, partly as a result of a broader mindset about the type of individual they want to employ.

We hear a lot about unnecessary barriers in employer recruitment processes, and these particularly affect disabled people, such as the requirement to have a driving licence. If being able to drive is essential to the job, this immediately excludes large numbers of people. We sometimes do the same with learning recruitment. Part of the role of the LSC

is to try to broaden the minds of our delivery partners on this. Does an applicant really need 5 GCSEs to enrol on a certain course? We have to recognise just how far some people have travelled to reach the point where they even think about further learning.

There have been some successes in England, but in the OECD ranking we are still 20th for post-16 education and 18th for Level II qualifications in the workforce. There is still a lot of work to do. We need to focus now on those people with whom we do not currently engage. I say those we persistently do not engage with rather than those who fail to engage with us because we set the criteria, we impose the barriers and we decide who's in and who's out. We have heard today that within the current legislation we have to remove those barriers. Increased diversity and opportunity go hand in hand with meeting the needs of the economy and without a broad access to individuals, we will never fulfil the LSC's core mission.

We have developed a number of strategies to assess the needs of particular groups such as marginalised women, people with disabilities, black people and how we treat each of them. But this general approach, putting people into one box or another, has many limitations and has not always proved helpful. A person may want us to acknowledge their ethnicity as an issue in accessing services rather than the fact that they have a disability. This is an enormous task for the LSC, but the interaction of multiple strands of diversity is important.

## STATUTORY REQUIREMENT TO PROMOTE EQUALITY

The Learning and Skills Act 2000 requires the LSC to have due regard to the need to promote equality of opportunity between people from different racial groups, between men and women and between people with a disability and people without, and to report annually on how we have done this. The focus of these provisions reflects our framework for equality at that time, which included a range of legislative provisions introduced at different times on race equality, gender equality and disability equality. In recent years further equality legislation has emerged in respect of age, sexual orientation and religion or belief. These legislative provisions are also an important part of the wider context in which we work.

In his original remit letter to the LSC, the Secretary of State for Education and Skills said 'I expect the Council to build equality of opportunity into all its policies, programmes and actions' and emphasised the importance of raising levels of participation and achievement. From the outset, promoting equality and diversity has been at the heart of our responsibilities and activities. As it is not possible here to go into the details of our activities in relation to equality and diversity, I want to focus on some of the steps we have taken to institutionalise a strategic commitment to equality and diversity in our work.

## EQUALITY AND DIVERSITY STRATEGY

The National Council is the top tier of decision-making in the LSC and is responsible to Parliament and the Secretary of State. The members of the Council are appointed by the Secretary of State. The National Council is advised by three committees: the Young People's Learning Committee; the Adult Learning Committee and the Equality and Diversity Committee.



The Equality and Diversity Committee was set up in 2003. Its remit is to:

- work to ensure that LSC programmes are appropriately focused among the groups that make up our society;
- promote individual empowerment so that everyone can enjoy equal opportunity and meaningful options in learning, training and work;
- work to bring about change to ensure that equality and diversity is mainstreamed.

In 2004 we produced our Equality and Diversity Strategy 2004-2007. This set six priority areas to tackle:

- leadership: to provide vision and strong leadership in the sector and make positive use of planning and funding to achieve greater equality and diversity;
- reaching out to learners who are disengaged: to improve our approach to communication with/reaching out to marginalised groups;
- supporting compliance: to use the strength of our remit and work in partnership, promoting equality of opportunity among our partners and keeping them up to date with relevant legal developments;
- inclusive and personalised learning : working to ensure that provision responds effectively to individual learners;
- working with employers: to promote the business case for diversity and inclusion in the workforce;
- measuring outcomes; measuring impacts and outcomes in a way that identifies good practice in equality and diversity.

## EQUALITY IMPACT ASSESSMENT

Equality Impact Assessment plays a central role in underpinning a strategic approach to equality and diversity. The LSC's work is organised in five areas: learning, skills, human resources, resources and strategy and communications. Our Equality Impact Assessment Framework published in May 2006 sets out our procedure for initial screening and for full impact assessment. We have developed our procedure and programme for impact assessment covering all five areas of our work.

Impact assessment is a really helpful policy management tool for organisations, if we can convince people it is not a bureaucratic nightmare. None of us want to draft a policy that excludes half the population from access, progression and participation. We need to think about impact assessment when a new policy is drafted, not three months later when someone complains the policy means they have to leave college because they can no longer access provision in the same way.

Good policy development is cyclical in nature because it is not an end in itself but is about equality assessments, sustainable policy management and development. We therefore need to think about how we do that and how we draw together areas of synergy.

Following meetings with the Department for Education and Skills our Chief Executive outlined the objectives on which we must deliver. We must focus on outcomes rather than processes because we want to achieve high quality provision for everybody in the further education sector. Next we need to develop the business context and answer the following questions. How does the institution manage itself on a day-to-day basis? How can we do

it better? As a commissioning and funding body, have we created burdensome systems and processes? Have we forced bean counting on additional learner support funding? Have we insisted that support tutors account for every fifteen minutes they spend with individuals with disabilities? If so, is this right and why? It might be correct procedure in the sense of accounting for public funding but is it right if it means saying to an individual: "I'm sorry, there is no support for you. You are outside of the policy".

There is reason to celebrate LSC's achievements in encouraging more young people to acquire qualifications. It is time now to build on those successes and to continue to deliver change. Measuring outcomes and action planning are very important and to this end we actively seek feedback from colleagues working in the sector on whether a particular strategy we developed works in their classroom or whether apprenticeship programmes were effective in the workplace for the participants and employers.

## TARGETS AND POSITIVE ACTION

Targets and positive action are critical to influence preferred behaviour and we need to be clear where we want to go, for example, how many more women we would like to sign up for construction and engineering courses. This will involve an impact assessment on the programme delivery and how close it comes to the target. The British government requires us to meet public service agreement targets (PSAs) if our Stg£11.2 billion funding is to continue. One of those PSAs requires us to deliver 100,000 more skills for life qualifications, my job is to locate those individuals most in need. Last year, people with disabilities did not comprise a very large section of the skills for life targets beneficiaries so we need to assess our delivery method. This is a core target from government and we need to ensure everybody is contributing to it, as with other provision.

As well as looking outwards we also need to look inwards to the LSC, and how we manage our 3,500 employees across England plus the teaching staff in various colleges. Do we represent the individuals for whom we provide learning? Arriving at a college, we should ask is it a place we would like to be a learner? Can students and trainees talk to someone who can offer information, advice and guidance about their career progression? Geography is also important so we offer programmes which suit different parts of the country. All of these are just as critical as the way the curriculum is delivered.

We then need to articulate delivery plans with our partners. So if the target is to increase the number of participants with a disability we need to think beyond simply boosting the numbers. If 3% of the population has a disability, it is not enough to say that if 3% of college entrants have a disability we have met our target. But if that 3% do not leave with a qualification we have not met our objective for this or any other group. Getting people to enrol is a start but ensuring they acquire a qualification is an even bigger challenge. This means listening to our nine regional directors when they tell us they have not hit the 10% gender target for engineering, for example, as only 3% of females expressed an interest while the other 7% said they would not study engineering even if they were paid. This is fine, as long as it reflects people's choices as opposed to entry barriers.

## FURTHER EDUCATION - FOR EVERYONE

A colleague who is the National Director for Young People's Learning in the LSC said that FE does not stand for "further education", but "for everyone". The range of partners and the diversity of people we work with is not something to be found in school or in higher education in the same way as it happens in further education. "For everyone" has to become a reality in terms of delivery.

In March 2006 the White Paper 'Further Education: Raising Skills, Improving Life Chances' was published. FE has been a concept in England for 60 years now, more years than I've been on this earth but this is the first time a Government White Paper has FE in the title. In the extended title, Raising Skills, is absolutely accurate but more important is Improving Life Chances. We are delivering education and training to people across England so they can access the real life opportunities they want, without any of the barriers that prevent access. The coming of the Olympic Games in 2012 is a real opportunity for England with huge amounts of opportunities for further learning, further engagement in the workforce, acquiring new skills and contributing to the economy. But before we begin to tear up London and rebuild it we should think about the sort of skills needed to finish the whole job.

## CONCLUSIONS

I am not a lawyer but I interpret the law to mean that whether you are black, a person with a disability, gay, or whatever, our job is to help you access and achieve in learning. My job as Director of Equality for Further Education in England is to set a context and create a vision. To do so I need to place a number of elements in some sort of order, so that my colleagues in various institutions are aware there is a coherence and a reason for delivering this sort of agenda.

Rather than setting a series of ambitious targets and action plans which are unlikely to be fulfilled it is much better to concentrate on a limited number of priority areas where we know we can deliver learning with a strong equality focus.

Those involved in a further education college, a higher education institution or a school need to build in equality rather than bolt it on as an optional extra and to focus on outcomes.

Involvement is absolutely critical. I cannot imagine what it is like to be a young person in a wheelchair studying health and social care. The only one who knows that is the individual and therefore we must communicate with young people about the way they experience learning and how an institution responds to their needs and our policies.

We are about to launch our Disability Equality Scheme (DES) and as part of it we ran a campaign called "Talk to DES". Hundreds of people e-mailed DES to raise issues they had about a person with a disability in further education, all of them impacting on policy, priorities and removing barriers. So we also need to be aware of our successes and which strategy works for the individual in the institution.

Thank you for inviting me to talk to you and can I say it is heartening to see there is such an active interest in delivering for individuals within further education.

## 4.

# Building Institutional Equality and Diversity

*Shira Mehlman, Director - Social Inclusion, FÁS*

## INTRODUCTION

I would like to thank the Equality Authority for inviting me to speak at this conference. At last year's conference, I outlined some of the processes, namely equality proofing and mainstreaming local initiatives through EQUAL, which FÁS is using to promote equality and diversity within the organisation. These are starting points, not an end in themselves.

In this presentation I will set out in greater detail how FÁS is building institutional capacity on equality and diversity. I will start by giving a brief overview of FÁS and its structure. This is necessary to understand the breadth and scope of what capacity-building for equality within FÁS involves. I will then discuss how we are using the structure of FÁS to build this capacity.

## STRUCTURE OF FÁS

FÁS is a large national public service organisation employing 2,200 staff in 8 regions with over 70 Employment Services offices and 18 Training Centres. We provide services to job seekers, communities and businesses through a wide range of training and employment programmes. Some services are provided directly and many are contracted. In 2005 FÁS had just under 77,000 new registrants; placed over 15,000 job seekers in training; found employment for almost 18,000 people and community employment for 25,000. These figures do not include apprentices or those who receive assistance in employment.

Structurally, FÁS operates a matrix management structure with seven divisions. Four of these divisions are functional:

**Training Services** provides vocational training including, Specific Skills Training (SST), Foundation Training and Apprenticeship, among others.

**Community Services** provides flexible training and employment programmes in cooperation with community, voluntary and statutory groups to integrate the long-term unemployed and other marginalised groups into the labour market. Services include Community Employment (CE), Specialist Training Providers for people with disabilities, Job Clubs, Local Community Training Initiatives (LTIs) and Community Training Centres (CTCs) for early school leavers.

**Services to Business** helps train the employed. This includes the "One-Step Up" initiative, which helps those at work to reach the next skill level, particularly workers with little or no qualifications. It also provides Sectoral initiatives for particular industries such as Printing, Construction, etc. It is also responsible for the Workplace Adult Basic Education Fund to improve the literacy and numeracy of those in work.

**Employment Services'** primary role is help job-seekers obtain jobs. This area includes the National Employment Service and EURES (the European Employment Service).

FÁS also has three support divisions. Corporate Services – with responsibilities for Internal Audit, Freedom of Information, EU Affairs, Legal Services, Curriculum and Quality Assurance and publicity; Finance and HRD – with responsibilities for human resources, staff and organisational development, staff relations, accounts, and finance; and Employment Services – which covers Social Inclusion since this division is the gateway which identifies and responds to the needs of various groups at first point of contact.

Within each of these support divisions there is an organisational change unit: a) Curriculum and Quality assurance (CQA) ensures compliance with the Qualification (Education and Training) Act 1999 and FETAC and HETAC requirements; b) the Organisational Development Unit covering the organisation's strategic development and c) the Social Inclusion Unit handles capacity building and policy assistance in this area. Institutional capacity in equality is achieved by working through these change units.

The Social Inclusion Unit seeks to ensure FÁS complies with equality legislation and delivers the best possible outcomes for all our customers. To meet statutory capability, the organisation must be equality competent and confident and has begun to implement a three-prong approach:

- introducing and embedding equality proofing;
- developing an 'Equality for its Customers Policy'; and
- providing practical guidance for staff through guidelines and training.

## EMBEDDING EQUALITY PROOFING

Equality proofing involves an examination of policies and programmes to determine if they are effective in:

- promoting equality;
- accommodating diversity;
- preventing discrimination.

We have embedded equality proofing throughout our Employment Services Division by setting up 'Equality Proofing Working Groups' in each of the Regions. Each group seeks to:

- identify one or more grounds under the legislation;
- assess current practice;
- consult with representative groups;
- agree a local action plan.

These local action plans are currently being implemented. To maximise the benefits a common template was developed to enable each of these working groups to report on its equality proofing activities. These reports will be collated into one document and the findings disseminated throughout FÁS. In 2007, FÁS will begin introducing equality proofing to its other functional divisions.

When FÁS first introduced equality proofing in 2004 two significant lessons emerged. First, staff felt that equality objectives were not evident in FÁS policies and this was a

constraint on equality proofing. Second, accommodating diversity and promoting equality among staff needed to be strengthened. FÁS is currently addressing these issues.

## EQUALITY POLICY

FÁS is now in the process of developing an equality policy for its customers. This is not an easy process and involves extensive consultation across the whole organisation to ensure that all staff concerns and issues are taken on board. It also involves consultation with groups representing the nine grounds.

While consultation is ongoing, it appears the policy will include three segments:

- specifying FÁS commitment;
- defining activities and actions; and
- clarifying responsibilities.

In terms of commitment, it will focus on the need to ensure services:

- are free from discrimination, harassment and victimisation;
- are accessible and relevant;
- accommodate diversity;
- meet the needs of specific groups;
- make reasonable accommodation;
- implement positive actions.

In addition, services will ensure all customers, service providers and employees are treated with dignity and all complaints handled fairly, sensitively and confidentially.

In terms of actions and responsibilities, the policy will focus on:

- communications including issues such as materials and visual imagery;
- accommodation of diversity and disability;
- procurement obligations in contracted services;
- positive action measures;
- data collection across the nine grounds.

All levels within FÁS will be responsible for implementing this policy, from the Board of FÁS to those at the front-line. This is the second prong.

## TRAINING STAFF IN EQUALITY

The third prong is to develop equality competent and confident staff through support and training. We have approached this from a number of directions.

First, to support inclusive intercultural strategies FÁS has developed guidelines in consultation with organisations representing diverse groups. These guidelines represent a common sense approach towards working with ethnically diverse cultures. Guidelines and training were developed concurrently so that each supports the other.

External consultants are helping us to develop best practice in equality guidelines to help

staff address any reservations about working with different groups and to comply with the legislation. This process has included focus groups and a website through which staff could articulate their concerns. We also encouraged staff to tell us about initiatives they have undertaken on behalf of excluded groups throughout the organisation. These guidelines must not only be relevant, their development should assist critical buy-in from both advocates and sceptics. Sadly, the intention did not match the reality and in fact very few staff contributed directly to the development of guidelines. However, it is still imperative that these guidelines are “real”, incorporating not only the principles and legislative requirements for equality but providing the skills to answer questions staff encounter every day. Training in use of the guidelines will assist this process.

As I stated earlier FÁS has three change units. To assist in building the organisation's capacity in equality, this three-prong approach is also embedded in the other two change units. For example, the need for tools such as equality proofing with policy and staff development in equality are all part of the requirements of FETAC and HETAC. Therefore FÁS' Curriculum and Quality Assurance has incorporated the need for equality proofing, the equality policy and the need for staff training and development in equality into their process and procedures. With regard to the Organisation Development Unit, the FÁS Statement of Strategy 2006-2009 ensures that one of the eight priority goals focuses on social inclusion, equality and diversity. The actions within the Strategy mirror the three-prong approach.

## LESSONS

Having outlined some of the main features in building institutional equality, the following lessons may be learned:

- be opportunistic – Take up your market post. Scout the horizon and seize whatever opportunity arises no matter how big or small;
- create localness – Use bottom-up and best practice initiatives to champion how the organisation should go forward. Celebrate and reinforce this innovation and use it to create new symbols and stories;
- use your experts to look at things in new ways – We have relied heavily on the Equality Authority for support and capacity input. We have also employed experts to assist us, using their creativity and innovative approaches while at the same time providing the bridge into the organisation's culture;
- invite sceptics to participate – When you win over your cynics and sceptics, you overcome the obstacles;
- use your leverage – Small changes can produce big results. The areas of highest leverage are often the least obvious and may be obtained with minimum effort. These actions can lead to lasting and significant improvements. For example, FETAC and HETAC requirements, the commitment of the FÁS board in disability and the needs of migrant customers all gave impetus to organisational buy-in;
- work in chaos. This process is not systemic, it is organic so you need to be comfortable dealing with ambiguity. Start anywhere you can. It does not matter where or whether it fits into a preconceived linear plan. Work it from every direction: top-down; bottom-up; from the middle, simultaneously;
- work with an end in mind. Hold your vision and keep it there. Be on the level about this vision and remember: keep your eye on the fundamentals and let others choose the path;
- communicate your vision – at every turn, in a language that others understand.

Use chance encounters, meetings, presentations, newsletters, internet, etc. Do not get stuck on the words and language other use – if the intent is right it does not matter what language is used. Use your allies to assist you in getting the message across just as we use the Equality Authority for this and they use us;

- lose the battle to win the war. Watch for compensating feedback. Often well-intended interventions call forth responses from the system that may off-set the benefits. For example the Social Inclusion Unit made a decision to capture data on race and ethnic minorities, and with the help of the Equality Authority spent a long time on the wording. However, when trying to introduce it into the organisation major concerns were expressed at every level. Rather than forcing the issue we chose to defer its development. Forcing it through at the time could have damaged many of the other positive initiatives undertaken during the intervening period. As a result, the organisation has moved forward and is now in a better place to look at ways to capture this type of data. We lost the battle but went on to win the war;
- work from the helicopter view and look at the organisational landscape as a whole. Look for the interactions, the influencers and create your critical mass;
- incrementalism rules. Think twelve steps – one day at a time and one step at a time. You can build anything that you want, not just all at once;
- you know you are succeeding if others take credit. Self-interest is not important. In the words of Bob Woodruff (Coca Cola CEO and I have made the gender neutral): “There is no limit to what a person can achieve as long as they don’t care who gets the credit”. Remember credit comes to those that wait – even when it does not look that way.

## CONCLUSION

What of the role of the Equality Authority? We could not be where we are today without the support and advice we have received from them. In this context, the Equality Authority has shown us the value of:

- playing enforcement and support roles;
- policy informing practice and practice informing policy;
- being a fellow capacity builder – with a much larger scope and breadth.

The sharing of experiences and expertise has assisted the development of both our organisations.



# Session Two

# Putting Equality into Practice



## 5.

# Doing it Better: Seven Steps to Improving Equality and Diversity Outcomes from Education and Training Programmes

*Tom Ronayne, Director WRC Social and Economic Consultants*

## INTRODUCTION

This paper presents seven steps to improve the capacity of the further education and training system – and individual educational and training providers – to accommodate diversity and promote equality. The seven steps are based on the lessons learned from work undertaken for the Equality Authority on the Wider Equal Opportunities Principle (WEOP) in the Employment and Human Resources Development Programme 2000-2006 (EHRDOP). The WEOP is one of five horizontal principles that applied to the operation of the EHRDOP – the others being rural development, environment, equal opportunities gender, and social inclusion. The WEOP is concerned with understanding, monitoring, supporting and promoting the participation of four groups of people in the EHRDOP education, training and employment programmes from 2000 to 2006. The four groups covered by the WEOP are people with disabilities, older people, members of minority ethnic groups, and the Traveller community.

The body of work informing the seven steps presented here includes research on the labour market and the human resource development needs of the four groups covered by the WEOP, studies of education, training and employment programmes comprising the EHRDOP, and consultation with representatives of groups covered by the WEOP. The reports and studies that inform this paper are available on the websites of the Equality Authority ([www.equality.ie/research](http://www.equality.ie/research)) and the European Social Fund in Ireland ([www.esf.ie](http://www.esf.ie)).

While concerned with accommodating people from the four groups covered by the WEOP in the EHRDOP programmes the lessons are of more general relevance. They offer ways to mainstream equality into the design and delivery of educational and training programmes and thereby improve their equality and diversity outcomes.

### 1. Terminology and commitment: more precise statement of commitments in respect of diversity and equality

We need more precise terminology in the documentation that specifies the policy intent and expected outcomes of educational and training programmes. Such documentation typically includes reference to the programme aims and objectives, beneficiaries, eligibility criteria, outcomes and monitoring and reporting procedures. Our observation on past practice in programme design and delivery is that commitments on accommodating diversity and promoting equality are not always stated clearly and often merge with other policy goals such as combating educational disadvantage and social exclusion and promoting social inclusion. The first step is to identify clearly the

manner in which each educational and training programme addresses diversity and equality. Unless this step is taken there is less chance of securing positive outcomes.

There is also a need to disentangle commitments and actions to address ground based inequalities from those which address poverty, social exclusion and labour market disadvantage. As indicated in *Accommodating Diversity in Labour Market Programmes*, there can be some overlap between membership of groups covered by equality legislation and being disadvantaged in the labour market, but this is not always the case. We cannot assume that education and training programmes which address educational and labour market disadvantage will effectively accommodate diversity and promote equality. To apply this step, programme documentation should contain precise and clear commitments to accommodating diversity and promoting equality across all levels from literacy focussed, to entry level and high end technical and third level programmes.

## 2. Targeted programmes: the importance of securing progression

Our examination of EHRDOP programmes shows that accommodating diversity among (its) beneficiaries arises in two main ways: first, through “targeted” programmes (e.g., Integrate Ireland, Senior Traveller Training Centres, Pathways to Employment for People with Disabilities); and second, as a result of accommodating diversity and promoting equality in programmes that provide access to medium and higher educational qualifications and skills (e.g., Third Level Access, Specific Skills Training). There tends to be an overlap between targeted programmes and those addressing basic education and skills issues such as literacy and personal development. The net effect is that there is a strong tendency for persons experiencing inequality in the labour market – particularly members of the Traveller community, people with disabilities, and older people – to be accommodated in targeted programmes. It is less common to find them in higher level educational and skills programmes leading to qualifications.

We need to recognise the limitations as well as the role of targeted educational and training programmes focusing solely on accommodating persons from a particular group. While the design and implementation of programmes focusing on particular groups for specific reasons (e.g., English language classes for immigrants) is valid, all mainstream educational and training programmes must be accessible to people across all the equality grounds. It is vital to ensure that where entry level programmes are “targeted” on the basis of group membership there is progression to those offering higher qualifications and skills. Failure to do this will result in a limited contribution to reducing the labour market inequality experienced by certain groups, notably members of the Traveller community, people with disabilities and older people.

## 3. Publicity materials need to reflect diversity and equality adequately

Those producing documentation and information on educational and training programmes in Ireland funded by the National Development Plan and the European Social Fund know only too well the requirement to identify funding sources on all such documentation. But there has been less effort to ensure that information on educational and training programmes contains visible diversity signals and is available in formats and languages accessible to all.

Our observation on the documentation produced for the EHRDOP educational and training programmes is that there is limited awareness and therefore a low exploitation of the potential for these materials to communicate “whom this programme is for”. Organisations running such programmes need to be aware of how the form, content

and distribution methods of their publicity, information and promotional materials convey messages about participants and students. They need to ensure these documents reach, inform and welcome potential participants/students from diverse backgrounds. Documentation on the relevance and benefits of educational and training programmes should be available in a range of formats and languages so it can be accessed by all potential beneficiaries and should signal an appreciation of and openness to diversity.

#### **4. Data, monitoring and reporting on equality grounds are essential**

There is a need for a more coherent and systematic approach to data collection for a more grounded assessment of the extent to which all educational and training programmes accommodate diversity and promote equality.

Currently, the approach to data collection varies considerably across organisations and programmes and there is also variation in the way such data are used and presented. A cross-departmental/organisational approach to the development of practice in this area is desirable.

The issues to be addressed include:

- understanding the necessity to collect data on equality grounds;
- ensuring a comparable basis for the collection of data on equality grounds (i.e. agreeing standard information collection procedures) across different education and training programme providers;
- agreeing protocols on how such data will be used and its confidentiality; and,
- developing common practices in the areas of disaggregating data on output, result and impact indicators on the basis of equality grounds.

Good quality data on participation and outcomes in educational and training programmes are essential to monitor progress in accommodating diversity and promoting equality in these programmes and to inform the development of more effective policy and practice.

#### **5. Secure the benefits of linking equality policies with other organisational policies and practices**

Organisations designing and implementing educational and training programmes have considerable scope to shape the specific practices associated with programmes they are delivering and considerable capacity to implement them so they actively promote equality and diversity. This is particularly the case when equality and diversity are considered in the round, thereby taking in: pro-active engagement/consultation with relevant groups; outreach work to attract a diverse cohort of participants; open recruitment procedures without “artificial” qualification requirements; flexibility in course design and duration; provision of flanking measures and/or assistive technologies as required; and, relevant training for trainers.

Our observation on organisational practices among educational and training programme providers supported by the EHRDOP is that two important factors shape actions consistent with accommodating diversity and promoting equality:

1. the general status of organisational policies and practices in promoting equality in employment and service provision; and,
2. interlinking policies and practices in promoting equality with those in quality assurance, quality customer services and accreditation.

Recognising and strengthening this inter-linkage will assist programme providers to improve the equality and diversity outcomes of their programmes.

## 6. Active consultation to support learning

To build competence to accommodate diversity and promote equality, organisations which design and deliver education and training programmes need to learn about the barriers to participation and the supports required for participation and successful outcomes to be achieved. This is particularly relevant to those with very low participation rates by particular groups. An effective way to address this is to communicate with groups working with people experiencing inequalities in education and the labour market. There must be mutual recognition of the different competences and insights of these organisations and commitment to develop policy and practice in line with increased learning on how best to facilitate participation and secure outcomes among underrepresented groups.

## 7. Seeing diversity as a learning resource

The EHRDOP studies of education and training programmes show that for organisations as well as individuals (particularly those in the front-line delivery of programmes) diversity in participant/student populations is an important factor in growing professional capacity to promote equality and diversity. As observed, a “theoretical” understanding of equality / diversity is no substitute for work-based, day-to-day interaction with people from all grounds covered by equality legislation. The level of interaction with a diverse participant/student population varies across organisations and programmes and different personnel will have varying capability to promote equality and diversity in their programmes.

A number of practical actions in labour market programmes are possible:

1. facilitate inter-organisational contact specifically around policies, practices and experiences in promoting equality and diversity, with a forum for inter-organisational learning;
2. develop mentoring support systems between front-line personnel with varying experience of interacting with diverse participants and students to share the skills of the more experienced with those who are less experienced.

## CONCLUSION

For the further education and training system and organisations and programmes within it, accommodating diversity and promoting equality are important goals. There has been progress in identifying appropriate and to some degree effective actions to achieve this. The challenge is not so much to ensure accommodating diversity and promoting equality are included in the high level goals of education and training organisations but that they adopt policies and practices which can deliver outcomes in diversity and equality. The seven steps presented in this paper are grounded in an analysis of practice and are presented as a means to strengthen mainstreaming of equality in further education and training.

## 6. Education Equality Initiative: Lessons and Impact

*Helen Keogh, Further Education, Department of Education and Science*

### INTRODUCTION

In 2000-2006 the Education Equality Initiative (EEI) was one of a range of government actions seeking to address adult educational disadvantage through promoting equality of access, treatment and/or outcomes. The Department of Education and Science (DES) funded the EEI through the National Development Plan (2000-2006) with support from the European Social Fund. The National Development Plan set out the goals: "Funding will be used to seed innovation and learning which will inform future practice, particularly in ensuring effective strategies for those who are most in need" (Government of Ireland, 1999). The aim of the EEI was to generate policy and practice lessons to address educational disadvantage. In pursuit of this aim the allocated budget of €4.44 million supported research and locally based adult learning projects to produce policy and practice lessons for a range of stakeholders.

Section 32 (9) of the Education Act (1998) defines educational disadvantage as "the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools". A broader definition sees it as "a situation whereby individuals in society derive less benefit from the education system than their peers" (Combat Poverty Agency, 2003). The importance of a range of knowledge and skills to participate fully in modern life is well documented. In Ireland education is a powerful determinant of life chances and plays a key role in access to a host of economic, social and political resources.

The statistics on educational disadvantage among adults in Ireland are stark. Twenty-five per cent of Irish people aged 15-64 scored the lowest level (level 1) of literacy attainment on a scale of 1-5 in the OECD International Adult Literacy Survey (Government of Ireland, 1997), with a further 32% scoring at level 2. The study places level 3 literacy skills as the minimum required to function in a modern industrial society. On the basis of 2002 Census data, 1.12 million persons aged 15 years and over have not completed upper second level education and just over 552,000 of these ceased full-time education at primary level (Government of Ireland, CSO, 2004). Further, there are acknowledged gaps in educational provision for the most educationally disadvantaged adults in Ireland (Department of Education and Science 2002a; 2002b; Government of Ireland 1999; 2000a; 2000b; 2002; 2006; 2007).

### STRUCTURES

The Further Education Section of DES administered the EEI budget and the EEI working group, comprising representatives from the DES and key agencies involved in responding to adult educational disadvantage, oversaw its implementation.

Local level activities funded under EEI were grounded in principles of partnership, collaboration and integration. Key stakeholders included project promoters, a representative project management group, project staff and, at the centre of the initiative, the adults participating in the EEI-funded learning activities. A small number of projects focused on research rather than adult learning opportunities.

In EEI 2 project promoters and staff established the loosely structured EEI network to collaborate on and document issues of common concern across the 10 EEI 2 projects.

The National Women's Council of Ireland (NWC) provided the support service to EEI Phase 1 (2000-2003) while Léargas provided it for EEI Phase 2 (2004-2006). Support services helped secure the formal documentation of each project's progress, including responses to challenges and key learning emerging. This facilitated sharing information between projects, the EEI working group, the Further Education Section of DES and with statutory, voluntary and community groups working to address educational disadvantage.

## GOALS

The overall aims and objectives of EEI were grounded in social cohesion and equality within a lifelong learning framework. In the context of key elements of an adult learning service – policy, infrastructure (governance and delivery), programmes – EEI activities constituted a provision and programme level intervention, while the lessons were expected to lead to intervention in policy and practice. EEI aimed at extending the knowledge base of practitioners and policy-makers to improve adult learning for educationally disadvantaged adults. It sought to respond to the OECD assertion that: "There needs to be better strategies for knowledge production about education and better connections between researchers and practitioners. While education is at the centre of the knowledge economy, it is not itself knowledge rich" (OECD, 2003).

The starting point for the EEI working group was the so-called Matthew effect ("to those that hath, more shall be given") which results in adults with the highest initial education being most likely to continue learning. Conversely, those with the lowest initial education were least likely to engage in structured continuing learning. EEI sought to mobilise disadvantaged individuals to engage in structured activities with a learning focus within a human potential development framework. Most EEI projects aimed to help adults address their basic education needs rather than offer a direct focus on human resource development for progression to the labour market. However, successful participation in the kinds of learning provided by EEI projects were expected to create a bridge to build knowledge and skills leading to a job. A small number of projects focused on education for specific groups, including gay and lesbian adults in higher education and island dwellers off the south-west coast, many of whom were already active in the labour market. The working group envisaged EEI as action research in the form of a "laboratory of innovation" to test creative responses to adult educational disadvantage. At the outset at least, there may have been a tendency among stakeholders to view the initiative more as a funding stream to address educational disadvantage for their particular "target groups". The call for proposals for EEI Phases 1 and 2 invited applications for activities that would:

- address existing gaps in education and training through compensatory provision for adults experiencing educational disadvantage;
- encourage the participation of marginalised groups/individuals in learning;
- develop support structures and learning accreditation;
- foster partnership between statutory and non-governmental organisations to create learning opportunities;
- build local capacity and test models of community education.

All activities funded were expected to generate systems feedback in terms of good examples of practice and policy lessons to address disadvantage within an education equality framework. A key overall EEI goal was to identify, document, analyse and disseminate the learning and good practice generated to local and national adult education stakeholders. The ultimate objective was to embed lessons in policy and practice and improve provision for educationally disadvantaged adults.

Key strategies in the identification of lessons arising from EEI included:

- the contractual requirement in relation to on-going documentation, monitoring and internal evaluation of project activities so as to identify key lessons;
- the training and monitoring role and the watching brief of the support services in policy and practice lessons from the projects;
- the “buddy visits” where EEI working group members visited projects in the capacity of critical friend;
- the EEI national network meetings of project personnel;
- local project evaluation reports;
- the summative evaluation report on EEI 1;
- final reports from the support services on EEI 1 and 2.

## EEI PROJECTS AND PARTICIPANTS

The majority of the 27 projects funded in EEI Phases 1 and 2 were chosen for their capacity to undertake a demonstration project with potential to deliver policy and practice lessons for key stakeholders to mainstream. EEI understood mainstreaming as affecting policy and practice change at a range of levels through dissemination and embedding lessons from the projects. Given the limited EEI funding, mainstreaming was clearly distinguished from project sustainability, that is, the continuation of project work after EEI funding ended. Shortly after the beginning of EEI 1 it became clear that the issue of project work sustainability would itself generate policy and practice lessons.

The emphasis in EEI was on experimentation and innovation rather than maximising participation per se. Projects sought to address the learning needs of a wide range of adults, including:

- women’s groups seeking basic, further and/or higher education;
- educationally disadvantaged men’s groups in urban and isolated rural areas;
- women who had experienced domestic violence;
- lesbian and gay adults seeking to participate in higher education;
- women and men with a learning difficulty or disability;
- men and women with hearing difficulties;
- teachers working with adults who have experienced mental health problems;
- men and women in treatment for substance misuse;
- Bosnian women; Roma men and women;
- Traveller women and men;
- Traveller and other parents seeking involvement in their children’s education;
- island dwellers seeking local higher education opportunities.

Somewhat fortuitously, the participants in the EEI projects represented seven of the nine grounds covered by equality legislation in Ireland: gender, family status, sexual orientation, age, disability, race, membership of the Traveller community. The two



remaining grounds, marital status and religion, were not explicitly addressed but were live issues for a number of the target groups.

A total of 774 adults participated in learning activities under 16 of the 17 EEI 1 projects. Seven of the 10 EEI 2 projects engaged directly with a total of 255 adults. The remaining 4 projects focused on research. Thirty-five percent of the participants on entry to EEI 1 had primary education only while 35% had lower secondary only – education levels lower than in the general population (Government of Ireland, CSO, 2004), demonstrating that EEI was reaching those most subject to the “Matthew effect”.

## KEY POLICY LESSON FROM EEI

EEI confirmed that adult educational disadvantage is a multidimensional reality incorporating economic, social, cultural, psychological and educational elements and the result of a combination of factors working together to marginalise men and women and impede access to structured learning. These barriers may be: informational (availability of good, timely information); provider-related (entry requirements, timing and location of provision, learning supports, nature of programmes and learning outcomes); situational (how far the life situation of the adult supports participation); and dispositional (the self-esteem and self-confidence of the adult as a learner).

To maximise or facilitate at any level the impact of learning, EEI projects demonstrated that supporting participation required the removal of these barriers and a focus on, for example, immediate housing, welfare, health, transport, child/elder care and/or learning support needs in tandem with learning needs. No one policy area or service is capable of responding to all these needs in isolation. This suggests agencies need to collaborate closely in the interests of their service users and a number of projects produced good examples of this kind of collaboration. Thus, the major policy lesson of EEI activities is that an integrated national and local approach is the only effective way to address educational disadvantage.

An integrated approach at local, sectoral and national levels involves commitment to policy coherence across all government departments and agencies and ring-fenced funding to deliver the broad range of structural supports to address educational disadvantage comprehensively. The OECD defines policy coherence as the systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving agreed objectives (OECD Observer, 2003). The relevant government departments therefore need to ensure that their implementation bodies/service providers work with voluntary and community groups to maximise resources, avoid duplication and share knowledge, experience and expertise. They can identify, engage and support the diverse groups of adults experiencing educational disadvantage. The life-cycle approach of Towards 2016 and the National Development Plan 2007-2013 (Government of Ireland, 2006, 2007) orientates public services around the needs of people at different stages. They present an opportunity to address the needs of educationally disadvantaged adults in a way that integrates income, social services, education and participation.

## ADDITIONAL EEI POLICY LESSONS

In addition to key policy lessons on integrated services, EEI also established the need to broaden the understanding of educational disadvantage to include representational inequality as experienced by Travellers, older adults, adults with a disability and gay

and lesbian adults. Education methods, curricula and materials often represent little or nothing of the realities of these groups' lives.

EEl also demonstrates that from the perspective of so-called hard-to-reach adults, this term might more accurately be applied to the adult education and training services which the adults find hard to reach.

Individual EEl project outcomes confirm that investment in learning for educationally disadvantaged adults generates rich dividends in personal development, family, human potential and social capital development. Adults participating in EEl projects self-reported big gains in relation to dispositional barriers to structured learning (increased self-confidence and self-esteem) and situational barriers (increased competences and education levels). Anecdotal evidence from stakeholders indicates that EEl projects represented solid investment of public funds, not only in human benefits, but also saving public expenditure on other services, most notably health (EEl Network, 2006). However this anecdotal and "faith-based" evidence needs to be backed up with solid research-based evidence generated by cost/benefit analysis and other studies to inform decision-making on investment in disadvantaged individuals and communities.

EEl project outcomes also demonstrate the need for increased core funding of adult education supported by the DES to enable, sustain and support equality of access, participation and outcomes across the nine equality grounds. The challenges encountered by promoters seeking to continue their work after EEl point to the need for increased core or mainstream adult education funding.

The difficulties in hiring skilled tutors for many projects underscore the need for a national policy on initial professional development, continuing development and career paths of teachers/tutors. EEl confirmed that outreach is a highly skilled activity requiring high levels of knowledge and skills to work with other adult education personnel.

## KEY PRACTICE LESSONS FROM EEl

EEl stakeholders also sought to deliver practice lessons on mobilising and enabling participation by marginalised adults. The intention of the EEl working group was that such lessons would inform the practice of EEl promoters, sectoral groups and practice in general. Specific practice lessons emerged in relation to: (i) access activities, and (ii) networking.

### Access activities

Action to support access to structured learning by educationally disadvantaged adults has two dimensions, viz., mobilising participation and enabling participation. The former addresses informational and dispositional barriers while the latter addresses institutional and situational barriers.

Mobilising participation by their target groups was a critical challenge for many EEl projects and a number of successful practices emerged. Prolonged and targeted outreach from providers and inreach into communities were essential to encourage educationally disadvantaged adults to consider structured learning. Successful outreach/inreach took many forms including: a neighbourhood worker doing door-to-door visits; community consultation; peer-support groups; one-to-one mentoring; and a gateway approach where the project became a referral agency for the target group.

Outreach/inreach is essentially relationship building on a one-to-one or small group basis. Policy-makers and funders need to understand that outreach/inreach is a costly, slow, labour-intensive activity which shows results in a piecemeal way over a long time. An integrated approach between statutory and voluntary bodies is essential to resource outreach/inreach adequately.

When an adult had crossed the threshold into a learning environment under EEI, the next requirement was a strong focus on enabling and supporting participation. This involved appropriate introductory activities, teaching/learning approaches and support services.

Engaging introductory activities provided participants with a bridge into structured learning and were aimed at confidence-building. Examples from EEI include: creative needs assessment; validation of life story; breakfast club; visits and outings; once-off talks on topics of interest; open days/sessions; starter/taster courses.

All the EEI projects sought to create an enabling learning environment for their participants, including: customising responses to individual learning needs; flexible course delivery; a multiple intelligence approach; skills acquisition in a purposeful way; balancing task and process; on-going feedback to participants; flexible assessment strategies.

It emerged from EEI that to engage in structured learning, educationally disadvantaged adults require a broad range of supports including: guidance; child/elder care; transport; literacy support; assistive technology; library facilities; translation services; study skills training; subsidised accommodation; participant allowances. Funding such services is critical and again can only be achieved through an integrated services approach.

## Networking

Networking emerged as a key strategy in the delivery of many EEI projects. Networking through structured partnerships between statutory bodies, community-based organisations, service providers and key individuals in the community added value to the projects and enhanced their ability to meet participants' learning and other needs. In some cases, non-governmental and statutory bodies were joint promoters of projects. In many cases, representatives of local bodies were active members of project management committees. In others, especially in EEI 1, the need for such partnerships became evident as the project developed. As a result of networking and a partnership approach, local statutory and community-based bodies co-operated with project promoters and staff to provide additional funding for the project, tutors' availability, administrative support, training courses and progression routes.

All the evidence from EEI points to the need for adult education and training stakeholders to form strategic links with government departments, statutory bodies and voluntary and community groups. Such links will help education and training stakeholders to provide a targeted concerted approach, reduce provision duplication and enable stakeholders to address educational disadvantage on different levels and on a number of fronts. For networks to be truly effective, organisers/convenors must ensure parity of esteem between the network members. To address the roles of community-based organisations and statutory providers it is essential to respond effectively and progressively to the needs, including learning needs, of excluded and marginalised groups (EEI Network 2006).

The EEI 2 network of project promoters and workers maintains that experience from EEI should, quite legitimately, aim to influence debate around local community development and voluntary delivery mechanisms. The EEI 2 network was particularly strong on the need for a community development infrastructure to encourage and support direct participation and to mainstream lessons from EEI which, the network believed, should not be confined to bringing lessons from the community sector to government departments. The network called for the establishment of multi-agency frameworks around the progression needs of specific target groups (EEI Network, 2006).

## INSIGHTS FROM EEI

A number of insights emerged from EEI on education equality. Learning cannot provide all the solutions to the challenges facing educationally disadvantaged adults, but it is an important part of such solutions. Apart from the general and specific policy and practice lessons, for individual participants a small initiative like EEI would offer, at best, a step on the road towards educational achievement and would open up pathways to further educational attainment that could eventually offset some of the inequalities in their lives.

To expand publicly-funded adult education through EEI-type provision and benefits to adults with less than upper secondary education requires extensive resources, even with stakeholder co-financing, but there are two encouraging factors. The vast majority of adults acquire informal learning throughout their lives. Systems to recognise and value this learning will enhance self-confidence, motivate reluctant participants, add value to prior learning and save time and money by reducing or eliminating the need to re-learn what has already been absorbed in a different context. As was evident from EEI, funding adult learning often delivers a double dividend via intergenerational as well as individual impact on families or communities – a case of double duty euros.

Another insight that emerged, particularly from EEI 2, concerned the distribution of adult education funded by the DES within the VEC sector. Due mainly to funding restrictions and collaboration constraints, much adult education in most VECs has settled into a spectrum of normalcy, a kind of double “Matthew effect”. This means similar kinds of educationally disadvantaged people are mobilised and participate in adult learning year on year while others are either unable to participate because they have special needs or are not motivated at all. It is vital to move beyond this spectrum of normalcy which routinely includes certain groups and, for whatever reason, excludes others. What is required in the interests of equality is provision based on diversity rather than the prevailing normalcy. For the DES this will involve increasing the education budgets of VECs and other stakeholders so that providers can work with local partners to respond to the learning needs of a diverse range of learners. Providers will need to collect data on who is absent, under-represented or benefits least from current provision. They will also need to develop targeted approaches, make changes in mainstream provision and offer continuing professional development for adult education personnel.

## IMPACT OF EEI

Having reached the end of EEI (2000-2006) the critical question is not so much what has it done as what difference has it made. Clearly EEI activities have made a difference to the learning and lives of immediate stakeholders, including the EEI working group, and have generated policy and practice lessons. But what strategic impact, if any, has there been in terms of take-up of those lessons? Responding is made difficult by the

fact that interventions such as EEI-funded projects are often only a small part of the factors involved in any process of change. Positive and negative changes may occur in a system despite, as well as because of, a particular intervention. Timing is critical as contexts, resources and stakeholders are not static. There is a general sense that policy environment at the end of EEI 2 in late 2006 and early 2007 is more receptive to education equality and equality in general than at the end of EEI 1 in 2003.

At the beginning of 2007, under the umbrella of Towards 2016 and the National Development Plan (2007 – 2013), legislation, policy, funding and practice appear better aligned to promote and support equality and diversity in further education. The policy and practice outcomes of EEI are informing the following initiatives:

- key policy partners met in October 2006 to advance the disability policy for DES-funded further education. A continuing professional development (CPD) programme for further education personnel on interculturalism, leading to CPD for all further education staff on equality and diversity in further education is scheduled for spring 2007 and to continue through 2008. Former EEI promoters are focusing on how to address the educational needs of target groups and from their experience can speak and act with authority in responding to those needs;
- EEI has an influence on the thinking of adult education stakeholders on the nature of educational equality, the role of adult learning and about societal values and inclusion for adults most distant from the labour market;
- evidence-based decision-making is occurring in the new round of EEI funding under the National Development Plan (2007-2013). Given that EEI (2000-2006) interventions were mainly at the level of programmes and provision, interventions in the other elements of the adult education service, viz., policy and structures (governance and delivery), are being considered. In addition, the two-edged sword nature of adult learning and its contribution to overall education equality are coming under closer scrutiny.

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# 7.

## Towards the Inclusive Further Education College

*Rory O’Sullivan, Principal, Killester College of Further Education*

### INTRODUCTION

I am delighted to speak to you, as the Principal of Killester College, about our experiences working towards becoming an inclusive college. We do not pretend to be experts. Some of the things we tried worked, some things didn’t. This is just our story and in it I hope to highlight some of the issues which are relevant to the conference theme – mainstreaming equality in further education (FE).

As is the case for all FE providers, Killester College does not operate in isolation. We are one of 22 schools and colleges in the City of Dublin VEC (CDVEC) which operate within the national education system managed by the Department of Education and Science. FETAC is the primary certifying body of Killester College.

In 2005-2006 the enrolments in Killester College totalled 1,876 students on five different types of courses:

Full-time day – Post Leaving Cert (PLC)	314
Full-time day – non-PLC	11
Full-time day – core VTOS	16
Part-time day – Back to Education Initiative (BTEI)	455
Part-time Evening – Self-Financing Adult Education	1,080
<b>Total</b>	<b>1,876</b>

The day students ranged in age from 17 to 84 years with the average age of the full-time students being 26 and part-time students being 45. There were 59 international students from 29 countries – 15 were EU citizens, 44 from outside the EU. The College also supports literacy and community education in the local community to another 1,350 students.

Prior to courses starting in September 2003, our first year of formal inclusive procedures, five students declared a learning support need. This number has increased significantly each year, rising to 118 in September 2006 and is likely to continue to increase.

### INCLUSIVE EDUCATION

One could be forgiven for thinking the term “inclusive education” refers only to the inclusion of students with a disability into mainstream education. While there is a great deal of work to be done in this regard, inclusive education is about more than this. In Killester College our view is that inclusive education is about improving the quality of

learning for all students by dealing with all the barriers to accessing, participating and succeeding in learning, whoever experiences them and wherever they are located throughout all aspects of our college – our culture, policies and practices.

Equality of access, participation and outcome are interrelated and interdependent. Having accessible and equitable admissions procedures is of little value if the learner cannot participate fully in the programme. An inclusive curriculum, inclusive teaching methodologies and assessment methods are equally important as they result in a quality learning experience for all students. Booth and Ainscow<sup>1</sup> saw inclusive education as concerned with improving educational attainments through inclusive practice. In a study on the educational experience of students with disabilities in FE colleges in the UK, the Tomlinson Report<sup>2</sup>, found that while some colleges made great strides towards an inclusive approach, overall the quality of learning for such students was poorer than for other students, and many people with disabilities were not receiving any further education.

The report adopted an inclusive approach which focused on the individual learner's requirements and on the capacity of the college to respond. It described the challenge facing further education as follows:

Put simply, we want to avoid a viewpoint which locates the difficulty or deficit with the student and focus instead on the capacity of the educational institution to understand and respond to the individual learner's requirements. This means that we must move away from labelling the student and towards creating an appropriate educational environment; concentrate on understanding better how people learn so that they can be helped to learn; and see people with disabilities and/or learning difficulties first and foremost as learners.

This approach, the report argues, would benefit all students.

We argue for inclusive learning because it will improve the education of those with learning difficulties, but we believe it is also true that such an approach would benefit all and, indeed, represents the best approach to learning and teaching yet articulated.

## BECOMING AN INCLUSIVE COLLEGE

In January 2003 Killester College took the decision to commit to being an inclusive college and initiated a review of all aspects of the college from an inclusion perspective. We began to reorganise the entire college so as to remove as many barriers as we could identify. What became apparent very quickly was that we were taking on a significant challenge and that it would take time. In 2004 the college published its Policy on Inclusive Learning, adopting it as our primary policy. Inclusion became the dynamic of our development planning and the priority for funding.

It is vitally important to collaborate with other like-minded organisations. Put simply, without them we would be struggling. In 2003 we established an educational partnership in inclusive education between the Belfast Institute of Further and Higher Education (BIFHE) and the CDVEC, with Killester College acting as its lead organisation. This partnership, called the ISLE (Inclusive Strategies for Learning Excellence) Project, is still in operation today and is concerned with inclusive education in a further education

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<sup>1</sup> Booth, Tony and Ainscow, Mel (2002) *Index for Inclusion: developing learning and participation in schools*, Bristol: CSIE.

<sup>2</sup> FEFC (1996a) *Inclusive Learning: Report of the Learning Difficulties and/or Disabilities Committee*, London: HMSO.



context through inclusive learning philosophies and methodologies. It focuses on the inclusion of students with disabilities and international students in mainstream education. The Department of Education and Science (DES) has funded the ISLE Project as a North-South cooperation project.

Also in 2003 Killester College became the eighth CDVEC FE College to join the CDVEC/ National Learning Network Disability Support Service. This provided the college with the services of a visiting disability support officer (DSO) one day per week which has made an enormous contribution.

The E4 – Education for Employment Project began in 2004 and will run until 2007. It is led by the Central Remedial Clinic and involved Killester College, Institute of Technology, Blanchardstown, Dublin Institute of Technology (DIT), National Learning Network and the Centre for Independent Living in Blanchardstown. Its purpose is to develop new and flexible approaches to learning for educationally disadvantaged groups and provide a multi-entry, multi-exit progression pathway in information and communications technology (ICT) from FETAC Level 3 to HETAC/DIT Level 7 and on into employment.

The college has also participated in two other inclusive education projects since 2003. The Partners Collaborating Training for Individuals with Specific Learning Difficulties (PACTS) project focused on students with dyslexia and was funded under Interreg III. The Mental Health in Education Project was lead by Liberties College – a sister CDVEC college. This project was in partnership with the Schizophrenia Society of Ireland and funded under the Education Equality Initiative.

## ADAPTING COLLEGE PROCEDURES

The review of the college's policies and practices began with admissions policy and procedures, resulting in amendments to our admissions policy and the development of the learning support agreement process. As part of the application procedure a student is invited to declare if learning support is required upon which the student is directed towards the confidential learning support process. This is based on collaboration and agreement between the student and the college. Each student knows their particular situation while the college knows the curricular demand of the course. The first step is to identify the student's particular functional deficits with respect to the curricular demands.

By definition, if the student applied for a specific course, a set of functional deficits would emerge and having identified the deficits the supports are also identified. Bearing resources in mind, both the student and the college agree on the learning supports which match the student's particular functional deficits. These could include adjustments to learning materials, teaching methodologies, extra tuition or the purchase of assistive technology. The learning support agreement is documented and signed by both the student and the college with a copy circulated to all members of the relevant course team. This agreement is kept under active review and amended if required.

An important part of this discussion is the area of health and safety. As part of its duty of care to all its students, the college must conduct an assessment of the student's situation from a health and safety perspective. A member of the college's management team was appointed Director of Inclusive Learning and coordinates the learning support agreement process.

In 2005 the admissions procedures were further developed to bring them into line with the principles of RPL (Recognition of Prior Learning). Many of our students are adults returning to education who left school without any qualifications. The purpose of RPL is

to make an evaluation of all the person's learning – formal, informal and non-formal – to determine if they have the capacity to pursue the course for which they have applied. It may also indicate a learning support requirement for the applicant.

We also reviewed the accessibility of our promotional material which is now available in three formats – standard, large print and braille. In addition, we redesigned the college website so as to conform to the Worldwide Accessibility Initiative (WAI) at level 3 – the highest level.

Staff development for all college employees – teachers, maintenance and administrative staff – is a key part of this work. In addition to whole staff training in such areas as inclusive teaching methodologies, ICT in teaching and learning, adult literacy and multiculturalism, specialist teams received further training in a number of areas so that they could demonstrate and share good practice with their colleagues.

Great emphasis was also placed on the use of ICT as a teaching and learning tool. Making learning materials available electronically allows students to access them in a format suitable to them. Where appropriate assistive technology software was mainstreamed into the ICT system and made available college-wide through the wireless network funded by the eInclusion Fund in the Department of the Taoiseach. The college went live with its eLearning platform, Blackboard, in September 2004 completing the ICT infrastructure for teaching and learning. There is currently a blended learning methodologies project running in the college funded by the National Council for Technology in Education.

To give some indication of the scale of the achievement by the college staff in particular: in October 2003 a training needs analysis took place revealing over two-thirds of the teaching staff had no ICT skills and the vast majority of learning material was handwritten. By September 2004 many of the teachers had completed a certified course in using ICT in teaching and learning and a course in blended learning methodologies – namely how to integrate eLearning into their teaching.

## LESSONS LEARNED

In 2006-2007, the fourth year of formalised inclusive education in Killester College, a number of lessons have been learned: one of the most important is the pastoral care dimension of inclusive education. Many of the students receiving support often lack self-confidence and sometimes, self-esteem. A key part of the role of the teacher and class tutor is being a mentor to the students. Many, particularly mature students returning to education, will have had a very negative past experience of education. Words of encouragement and support and emphasising what the students are doing well are very powerful. Pointing out areas for improvement in a constructive and sensitive way is also very important. However, we do emphasise to the students that supports are there to assist them in their learning but they must perform to the required standard. In other words, provide support and expect performance.

There is also the issue of under education particularly among people with disabilities. Literacy and numeracy difficulties present problems in all areas. Course modules such as communications and personal effectiveness have proven to be vital foundations on which the learning in the other modules can build.

## MORE TO BE DONE

What of the issues still outstanding? The theme of this conference is mainstreaming equality. I have tried to give you a flavour of the key stages of the Killester College journey towards being an inclusive college. All the changes made have been internal to the college – namely within our control. FE in Ireland has experienced massive change in recent years and is in a period of transition. A number of outstanding issues need to be addressed over this time of transition.

Like all FE colleges in Ireland Killester College is a post-primary school even though the courses provided are certified by FETAC and the students are adults. The staffing and student capitation resources are the same as post-primary schools. However, FE colleges are currently excluded from many of the supports available to mainstream post-primary schools, for example, the National Council for Special Education and some NCTE grants.

Modifying a 50 year old vocational school building – originally built for junior boys – is no easy task. The corridors are too narrow, the toilet facilities are inadequate and applications for funding time consuming, slow and not always successful.

I mentioned that there are five different types of courses available in Killester College. Only students enrolled on full-time PLC courses have access to a support fund – the fund for students with disabilities managed by the Higher Education Authority. There is no mechanism available for students on any other type of course who require learning support. To date the college has tried as much as possible to meet this need from within its resources but at a cost to other students. The legal obligation placed on FE colleges does not distinguish between types of course and the obligation is the same for them all.

Equally, the funding available is directed at the student rather than the college. While the student's needs must be paramount, there is no capacity to build up any support infrastructure especially for staff – all support staff are temporary.

Enrolments in any course type other than full-time (although not all full-time enrolments count) are not counted for mainstream resourcing. Much of the FE provision is through initiatives and projects. Put simply, before looking at mainstreaming equality in FE, perhaps we should begin with mainstreaming FE.

The CDVEC has made huge progress across its 22 schools and colleges and the CDVEC/NLN Disability Support Service has proven it works. The work being done by the two visiting disability support officers on behalf of the students has been outstanding. However, the numbers requiring support are increasing every year and the service is confined to eight colleges. Perhaps extending this service across the CDVEC for September 2007 would be a manageable objective.

## CONCLUSION

This is our fourth year in Killester College working towards becoming an inclusive FE college. Despite the difficulties along the way it has been enormously rewarding. To date over 250 students have received support. There is no doubt that the greatest contribution to this journey we are on has been made by our staff. Their commitment day in day out to the ideals of inclusive education in their professional lives has been extraordinary. On behalf of all the students of Killester College, I would like to pay tribute to them, for their commitment, passion and dedication.

## 8.

# Mainstreaming Equality

*Niall Crowley, Chief Executive Officer, The Equality Authority*

## INTRODUCTION

The labour market and equality and non-discrimination within it have been a core focus for the Equality Authority since our establishment in 1999. Our current strategic plan sets out one of our goals thus:

To promote equality and diversity in labour market measures through supporting organisations to accommodate diversity in the provision of education, training and employment services.

The Equality Studies Unit within the Equality Authority has been an important mechanism to give practical expression to this concern to promote and achieve equality in learning opportunities for groups that currently experience inequality.

The labour market context is a promising environment within which to pursue this goal. Policy-makers and organisations providing education, training and labour market programmes show a significant commitment to enhancing labour market participation by groups that are distant from it. This responds not only to concerns for equality but also to the practical reality of a tight labour market. This found valuable expression in the 2002 OECD Communique *Towards More and Better Jobs*. This highlighted that:

more policy attention should also be devoted to mobilising under-represented groups into jobs and helping them realise their career potential. Success on these fronts would improve employment performance and social cohesion and help safeguard future living standards and the sustainability of our welfare systems.

The current labour market is therefore a favourable terrain for organisations providing education, training and labour market programmes to further invest in promoting equality. In meeting this challenge it is important that organisations take a broad perspective on equality if they are to be effective in mobilising groups which are under-represented in the labour market. This broad perspective encompasses four interlinked equality objectives and promoting equality is first and foremost about members from groups that experience inequality achieving access to training, education, qualifications, jobs and income. However, this access to resources will only be achieved when a range of further equality objectives is also being effectively pursued.

Promoting equality also involves securing access to decision-making. Groups that experience inequality should have a say in the design and delivery of education, training and labour market programmes. Promoting equality involves access to recognition and valuing of diversity. Diversity encompasses the identity, experience and situation of groups that experience inequality and the objective of recognition involves taking account of the practical implications of this diversity in the design and delivery of education, training and labour market programmes. Finally, promoting equality involves

access to positive relations for groups experiencing inequality within the wider society. Providers of these programmes need to ensure that relationships among participants and between providers and participants are characterised by respect, solidarity and care.

The equality legislation provides a valuable framework for promoting equality. The combination of employment equality legislation and equal status legislation prohibit discrimination, harassment and sexual harassment and victimisation. The acts require reasonable accommodation of people with disabilities. The acts allow positive action. Nine grounds are covered under the acts. The nine grounds – gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community – encompass a baseline of groups currently experiencing inequality that should be a focus for attention in further investment in promoting equality.

## PROVIDERS OF FURTHER EDUCATION AND TRAINING

Organisations providing further education and training have already demonstrated commitment, creativity and practical action in their work in promoting equality across the nine grounds. It is important to acknowledge and celebrate this.

However, in a context of ongoing labour market inequalities there is an urgency to build on and further develop this commitment, creativity and practical action. For example:

- women's hourly earnings are only 84% of men's;
- only 40% or so of those reporting a long standing/chronic illness or disability are in employment compared to 70% for other adults of working age;
- migrant workers report significant underemployment in relation to their qualifications;
- less than 10% of Travellers are in mainstream employment;
- in 2000, 63% of older people in Ireland (defined in this case as 55 to 64 year olds) held less than upper second level qualifications compared to 45% among 15 to 64 year olds.

The work of the Equality Studies Unit has usefully identified a framework of barriers facing groups experiencing inequality when seeking to access and benefit from education, training and labour market programmes. This framework encompasses:

- contextual barriers such as negative public and institutional perceptions of groups experiencing inequality along with the impact of prevailing labour market conditions;
- institutional barriers that include poorly developed and articulated organisational policies on promoting and securing equal opportunities and making adjustments to accommodate diversity as well as practices such as timing and location of courses, low levels of outreach recruitment and eligibility criteria that are insufficiently attuned to diversity;
- informational barriers that include reliance on written materials as the main means of promoting programme awareness alongside limited information on the relationship between education/training and employment;
- situational barriers for trainees including those arising from the cost to trainees of participation in education and training programmes, the loss of other income earning opportunities alongside barriers arising from caring commitments;
- dispositional barriers such as attitudes among groups experiencing inequality towards education and training programmes and the benefits from participation in such programmes.

Promoting equality will involve further efforts to dismantle these barriers. It is important to note the centrality of a focus on the institution or organisation in this framework of barriers – and on the need for change in institutional policies, procedures and practices alongside any change in the wider policy context.

Providers of education, training and labour market programmes need a dual strategy to promote equality in access to training, education, jobs and income. Programmes which target groups experiencing inequality have been an important response in encouraging them to participate in the labour market. However a dual strategy of targeted and accessible mainstream programmes is needed or this targeting may lead to a form of segregation of these groups from the general population who do access mainstream programmes and initiatives. Institutions need to focus on the mix of targeted and mainstream programmes available and the links between these two strands of provision.

The linkages between mainstream and targeted programmes are critical because if the latter become a separate activity there is real danger standards may slip, leading to a reduced capacity for these programmes to achieve labour market outcomes for participants.

A dual strategy of targeted and mainstream programmes does, of course, involve a challenge to providers of mainstream programmes to ensure their accessibility to groups experiencing inequality. It is important to keep the design and delivery of mainstream programmes under review to ensure they take account of the practical implications of the identities, experiences and situations of groups experiencing inequality.

Organisations providing further education and training have already demonstrated good practice where labour market inequalities persist. The promotion of equality must however continue to address a range of access barriers to further education and training for groups experiencing inequality and continue to involve a dual strategy of high quality targeted programmes and well designed mainstream programmes.

The Further Education and Training Awards Council (FETAC) which agrees quality assurance arrangements with all providers of education and training programmes leading to its awards has made a contribution in this regard. It has usefully identified equality as a pillar in quality assurance guidelines. Providers of further education and training are required to:

- develop a policy setting out a commitment to equality in employment and service provision;
- ensure training on equality issues is available to all staff;
- produce a plan to realise equality objectives based on an audit of current provision with respect to equality.

It would be important that this focus on equality is incorporated into all nine pillars of the guidelines. Equality policies need to include policies on discrimination and sexual harassment and harassment. Equality plans need to encompass legal requirements not to discriminate and to make reasonable accommodation of people with disabilities alongside steps to accommodate diversity and positive action for equality. It will be important to develop and apply standards for the implementation of the guidelines.

## EUROPEAN SOCIAL FUND

The Equality Authority, the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment are currently in detailed discussion on an equality mainstreaming measure under the next European Social Fund Operational Programme. This measure will seek to build on progress made by organisations providing education, training and labour market programmes in promoting equality and give impetus to implementation of the equality dimension of FETAC quality assurance requirements.

The aim of this measure, which will be developed and implemented by the Equality Authority, is to build, support and further develop an equality mainstreaming approach across all labour market programme providers that ensures that the design and delivery of these programmes accommodate diversity and enhance access, participation and outcomes for groups experiencing inequality across the nine grounds covered by equality legislation.

Six objectives have been set out for this measure. These are:

- to support the development and delivery of more effective labour market interventions for groups experiencing inequality across the nine grounds;
- to build equality competency within labour market programme providers through the development of an effective equality infrastructure, consisting of equality policies, equality and diversity training, equality leadership and equality action plans;
- to support the development of equality mainstreaming approaches in labour market programme design and delivery across targeted and mainstream measures including supporting adequate progression links between them;
- to support the development of equality competence within labour market programme delivery mechanisms;
- to build and support planned and systematic approaches to workplace equality that enhance outcomes from labour market programmes for groups experiencing inequality;
- to enhance the knowledge base in relation to groups from across the nine grounds experiencing labour market inequality, their perceptions of labour market programmes and their ambition/aspirations in relation to employment and training opportunities.

Institutional policies, procedures and practices are a central focus in the objectives established for this measure and equality competence provides the framework for supporting any institutional change.

Equality competence requires organisations to be planned and systematic in their approach to equality. This involves an institutional infrastructure of:

- equality policies that set out a commitment to equality, diversity and non-discrimination for employees and programme participants;
- equality and diversity training for all staff to develop their skills and awareness to implement the equality policies of the organisation;
- equality action plans that set out what the organisation wants to achieve in promoting equality for employees and programme participants and the steps to be taken in this regard. Such a plan is based on a review of current policies, procedures and practice for their impact on equality for employees and programme participants from across the nine grounds.

Equality competence also involves developing an equality focus in organisations' planning, policy-making and programme design. Equality data should be collected to ensure decision-making is evidence-based and not influenced by stereotypes or false assumptions about groups that experience inequality. The representative organisations of those experiencing inequality need to be engaged in the decision-making process to bring forward the voice, perspectives and knowledge held by these groups. Finally, the impact on equality of plans, policies and programmes needs to be assessed at design stage through formal impact assessment.

The measure being developed under the European Social Fund Operational Programme will involve three principal areas of activity.

First, the development of "support packages" with providers of education, training and labour market programmes to enhance their equality mainstreaming approach. The support package would be negotiated with the organisation providing these labour market programmes. It could involve:

- a support service to staff in building or further developing the equality competence of their organisation;
- the provision of an equal status review exercise to examine existing programmes for their capacity to achieve equality for groups covered by the equality legislation;
- the development and provision of training to enhance staff skills and awareness to promote equality, accommodate diversity and combat discrimination and harassment through their day to day work; and
- the creation of a change management fund to support equality mainstreaming activity.

Second, support for enterprises to be planned and systematic in their approach to workplace equality. These activities would be developed with the social partners through the Framework Committee for Equal Opportunities at the Level of the Enterprise and would involve:

- support to enterprises incorporating a workplace infrastructure to enable a planned and systematic approach to equality;
- developing resource materials for enterprises on planned and systematic approaches to workplace equality;
- supporting employer and trade union bodies to encourage and resource their members to build planned and systematic approaches to equality in their workplaces.

Third, initiatives to enhance the knowledge base for those groups experiencing labour market inequality. These initiatives would include research projects, resource materials for education providers, training and labour market programmes on equality mainstreaming and organising an annual conference on equality mainstreaming.



## CONCLUSION

This equality mainstreaming measure will be implemented from 2007. It should be a valuable resource to further education and training providers. It will only be effective to the extent that we can build a partnership between the Equality Authority and organisations providing education, training and labour market programmes in its implementation.

This conference has provided us with valuable new insights into the task of promoting equality in further education and training. It has hopefully stimulated and informed an ever growing ambition for equality in the sector. The conference has also provided us with an opportunity to hear about and celebrate initiatives already taken to give practical expression to this ambition for equality. This is a valuable and encouraging launching pad from which to develop and implement this equality mainstreaming measure. We look forward to working with you on this over the coming years.





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