

Issue 7 – March 2014



Welcome to our newsletter on equality and diversity matters. Hello, my name is Suzanne Marshall. I am the Advisor for Equalities at College Development Network. College Development Network works with our partners to enhance equality and diversity delivery within colleges.

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Equality Challenge Unit (ECU)

ECU works to further and support equality and diversity for staff and students in higher education and in further education in Scotland.

College Development Network has been working with ECU to deliver a number of projects with the Scottish college sector since 2011.

[Mainstreaming equality: delivering on outcomes](#)

A new programme of support to assist colleges in Scotland to implement their equality outcomes at local and regional level

For: College senior managers, College Boards, HR managers, Student services managers, Equality and Diversity practitioners

When: December 2013 – July 2015

Over the past year, colleges have developed equality outcomes to meet the specific duties of the Equality Act 2010. Work to progress these must now be commenced, as they must be reported on by April 2015 and delivered by April 2017.

This new programme will build on the successful elements of the previous programme, and again offer tailored support on a regional basis.

It will focus on facilitating colleges in their regions to:

bring together and plan implementation of different sets of equality outcomes

mainstream the delivery of equality outcomes across departments and campuses

align the equality outcomes of colleges across a region and identify regional impact

Phases

[The programme](#) is running in three phases. Phase one has now come to an end but colleges are welcome to join phase two or three.

Phase two: August - December 2014

Deadline for expressions of interest - 19 May 2014

Phase three: January - June 2015

Deadline for expression of interest - 1 December 2014

Support provided

The programme is funded by the Scottish Funding Council and the following is offered free of charge:

ECU Senior Policy Adviser assigned as adviser to the college/regional team

Two individual meetings for the college/regional team per phase

Ongoing advice and support by email and phone

Participation in one sector learning event per phase

ECU meeting with College Board/s

Participation requirements

Colleges wishing to take part should put forward a team representing staff from both senior and operational management to take part in a regional team. ECU will advise and assist in the formation of teams once expression of interest to take part has been received.

Teams will attend scheduled meetings and take forward work in their institutions to support the implementation of the college's equality outcomes.

Express your interest

To note your interest in taking part, or for an informal discussion to find out more, please contact: freya.douglas@ecu.ac.uk



[Factsheets for teaching staff in colleges explaining their role in promoting equality and diversity](#)

Teaching staff have a crucial role to play in ensuring that higher education institutions are inclusive and accessible, and encourage good relations between the diverse groups that study, work, or otherwise engage with them.

These short [factsheets](#) are designed to help raise awareness among teaching staff in colleges of their responsibilities in this area and promote the development of equality and diversity expertise as a key competence for teaching and learning.

These factsheets can be used as a resource to support professional development programmes for teaching staff, in equality and diversity training, or as a general awareness-raising tool.

[The legal framework: Scotland](#)

A framework of domestic and European legislation relating to equality and human rights provides the context within which teaching and learning are delivered.

[Inclusive practice](#)

Inclusive practice recognises the diversity of students, enabling all students to access course content, fully participate in learning activities and demonstrate their knowledge and strengths at assessment.

[Pastoral care](#)

Teaching staff have a crucial role to play in providing pastoral support, being best placed to observe behaviour in the learning environment that might indicate a student is in need of support.

Promoting good relations

Teaching staff have a role to play in promoting good relations in the design and delivery of courses, and in the relationships they build with students.



Inclusive student support services in colleges

Equality Challenge Unit (ECU) has recently published on their website some [ideas](#) on how to provide effective support for all students, especially throughout the process of regionalisation.

Effective student support services demonstrate the impact that colleges have in fulfilling their public sector equality duty, and, where relevant, their equality outcomes. ECU's initial research into student support services in colleges with eight participating colleges, focused on how colleges currently take account of the needs and provide support for students from the full range of protected characteristics. A number of specific points emerged during the research and College Development Network (CDN) carried out a survey to establish more detail about student services provision in the sector and provided several points for consideration and follow-up activity. ECU plan to work with CDN's Guidance Development Network and Access and Inclusion Forum to consider how best to progress this work.

Legislation Matters



Twitter isn't private! If you can't tweet something nice, perhaps don't tweet at all.....

In a fresh warning to be careful what you post online, two individuals pled guilty in January to sending threatening tweets to feminist campaigner Caroline Criado-Perez. Isabella Sorley was sentenced to 12 weeks in prison and John Nimmo to eight weeks in prison for sending messages of a menacing character by a public electronic communications network, contrary to ten Communications' Act 2003.

Caroline Criado-Perez was subjected to online abuse following her successful campaign to have Jane Austen appear on the new £10 English bank notes. Criado-Perez was subsequently subjected to a barrage of abusive tweets to her Twitter account including threats of rape and violence.

This follows previous similar instances which highlight that online abuse will not be taken lightly and could result in criminal action. Notably a 17 year old was arrested in summer 2012 following abusive tweets sent to Tom Daley after he failed to win a medal in the 10 metre synchronised diving event at the London Olympics. Abuse including claims that Daley had let his late father down and threats of drowning resulted in the responsible tweeter receiving a harassment warning.

Most recently, in the Winter Olympics, British short-track speed skater Elise Christie received threatening messages after being disqualified in the 500 metres final following a collision with Korean Park Seung-hi. Her Twitter account has since been deleted

Under section 127 of the Communications Act 2003, the sending by means of a public electronic communications network of a message or other matter which is offensive, indecent, obscene or menacing is an offence which could result in up to six months imprisonment or a fine of up to £5000. Clearly, individuals should not presume that they can hide behind their computer, tablet or Smartphone should they choose to post abuse online.

(Thanks to MacRoberts for this information.)

Case Law

Labour party activist's political views accepted as philosophical belief

A Labour party activist has succeeded in having his political views recognised as a philosophical belief under the Equality Act 2010- the first time an employment tribunal has allowed such a claim to succeed.

Cornelius Oliver was sacked from his post as an assistant adviser at the Penzance Jobcentre after standing for local election as a candidate for the Labour Party and for having a letter published in a local newspaper criticising government tax cuts. Oliver was required to obtain permission from his employer, the Department for Work and Pension (DWP) before taking up any political activity.

Oliver claimed unfair dismissal and religion or belief-based discrimination based on his "democratic socialist" views as a longstanding Labour Party activist.

The employment tribunal found that, while Oliver's claims had "little prospect of success", it could not be said that they no prospect of success at all. The tribunal allowed his discrimination and unfair dismissal claims to proceed, on the condition that he pays a deposit order.

"This is the first tribunal decision we are aware of that considers whether or not mainstream party-political views are a philosophical belief under the Equality Act," said Stephen Simpson, senior employment law editor at XpertHR.

The EAT in *Grainger plc v Nicholson*, which is the leading case in this area, was at pains to point out that mere 'support of a political party' is unlikely to meet the description of a philosophical belief. However, it stopped short of a blanket disqualification of beliefs based on a political philosophy.

As politically active employees gear up for the Referendum later this year or the next general election in 2015, employers need to bear in mind that, if they meet the *Grainger* test, very strong political views can be protected under the Equality Act 2010.

The *Grainger* case held that a philosophical belief must pass certain criteria, including that the belief is 'genuinely held' and that it attains a certain level of 'cogency' and 'seriousness'.

(Thanks to Personnel Today for this information)

Disability Discrimination: knowledge of disability

Can an employer rely on an Occupational Health Report when deciding whether an employee is disabled?

No, held the Court of Appeal in *Gallop v Newport City Council*. An employer's duty to make reasonable adjustments for a disabled employee only arises where the employer knows or is reasonably expected to know that the employee has a disability and, as a result, is likely to be placed at a substantial disadvantage.

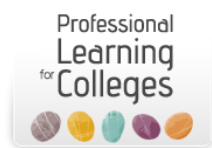
Assessing whether an employee is disabled can be problematic, particularly in

the case of mental illness. In this case, decided under the previous Disability Discrimination Act 1995, Mr Gallop was suffering from depression brought on by work-related stress. Following the findings of an Occupational health Report, stating that Mr Gallop's medical condition did not meet the legal definition of disability, he was dismissed by the council in 2008. Whilst his claim for unfair dismissal was successful, his claim for disability discrimination failed both in the employment tribunal and in the EAT, where it was decided that in view of the findings of the Occupational health Report, the employer did not know that the employee was disabled.

Overturing the decision of the EAT, the Court of Appeal stated that although an employer should correctly seek assistance and guidance from an Occupational Health Report or other medical expertise, it is for the employer to make a factual judgment as to whether or not the employee is disabled and cannot simply 'rubber stamp' an external opinion. (Thanks to Daniel Barnett for this information)

Resources

Additional Learning Needs Workshop Materials



The Profound and Complex Needs project delivered a range of training workshops throughout Scotland. Though aimed at supporting learners with more complex needs, much of the content is relevant to working with the broader group of students with learning disabilities. They cover such issues as Understanding the Learner Group, the Curriculum, Target setting, providing a Quality experience and

Managing Support. The materials for these workshops can now be accessed on College Development Network's [Professional Learning for Colleges platform](#).

Originally intended to be run over half a day, in almost all cases they can be split into one or one and a half hour sessions, according to the time available. Each pack contains:

- a detailed training plan
- a Powerpoint presentation
- a set of handout materials
- other additional resources

If you would like further information or support in using these, please email [Lorna Peggie](#).

Publications

Learning Journeys: Student experiences in further and higher education in Scotland



This [research report](#) is the result of a partnership between Higher Education Academy (HEA) and NUS Scotland. The research was developed to find out if some students, or groups of students were facing more difficulties than others.

The research shows that a majority of students reported positive experiences in college and university, but highlights some key issues.

Key findings were:

students from more 'deprived' backgrounds reported feeling less confident to play an active role in their education, and were less likely to feel they were achieving their full potential;

Students on 'direct-entry' routes to university (entering university in the second year of a degree or later) were the group of students most likely to have found settling into studying at university challenging, and reported issues fitting in with other students, and difficulty adjusting to different ways of learning and teaching;

Negative perceptions of college or university may be affecting students' choices in education: college students reported they felt university would be impersonal, difficult and intimidating, while university students reported they saw college more as a 'back-up' plan, or somewhere students would go if they didn't get the grades for university;

Both college and university students felt that university was seen as the 'normal' option after school or a superior option to college.

The report recommends action to address the issue of 'parity of esteem' between different qualifications and modes of study, further work to support students from more deprived backgrounds in education, and to help transitions between levels of study, especially for direct-entry students. The report also calls for further, specific research to be conducted in areas of concern.

Academics and professional services in partnership: Leading the Student Experience

A joint Higher Education Academy (HEA) and Leadership Foundation for Higher Education [project](#) has highlighted that better collaboration between professional

and academic staff is needed for improving the student experience. Although this report looks primarily at the university experience, there are parallels with the college sector and lessons to be learnt from a number of the exemplar projects.

One important factor highlighted in the report is that staff must be adequately supported in developing their understanding of how they can work together to enhance the experience of students. This recognition led to the development of a toolkit to facilitate the development of collaborations between academic and professional staff. It focuses on those elements of the student experience that are within the institution's power to influence, and those that are likely to benefit from successful working partnerships across academic and professional services.

Analysis of Growing Up in Scotland



The Scottish Government has recently published a [study](#) of young first-time mothers in Scotland who were aged under 20 at the time of the child's birth. Data collected up the child's sixth birthday were used to compare these circumstances with those of mothers who were aged 20-24 and aged 25 or older at the time of their child's birth.

The findings from this report confirm much that is already known about the circumstances and experiences of mothers aged under 20 compared with older mothers. For example, the significant socio-economic disadvantage they face- in

terms of lower educational qualifications, lower employment levels and lower income. This fundamental disadvantage underlies many of the other differences shown here. Therefore, addressing these issues would have particular impact in reducing inequality more broadly between younger and older parents.

Additional support to allow young parents-particularly those under 20- the opportunity to continue their education or training would benefit them, and their children, in many positive ways. Widening the availability of and access to affordable childcare is also important and would support more opportunities for education or training, and employment.

Asking and responding to questions of discrimination in the provision of goods and services

and public functions

Issues of discrimination can be complex. A written question and answer process can be particularly helpful in establishing what has happened and can help in trying to resolve concerns, avoiding claims and disputes. The UK Government has produced good practice [guidelines](#) which explain how people that receive or seek to receive goods or services, and who think they may have been discriminated against under the Equality Act 2010, can ask questions about what may have happened to them and how people or organisations that receive such questions can respond appropriately.

Events

**PASS Research Seminar Series,
Thursday 20 March 2014, Glasgow**



Accessible Digital Assessment for Learners with Additional Support Needs

As part of SQA's ongoing programme of events, Paul Nisbet of [CALL Scotland](#), based within the Moray House School of Education at the University of Edinburgh will deliver a presentation. Paul has initiated a number of innovative national developments to help pupils with additional support needs engage with the Scottish Curriculum for Excellence.

In 2013, SQA received 61,680 requests for the use of Assessment Arrangements for candidates with additional support needs or disabilities who had difficulty sitting examinations in the usual manner. The proportion of candidates requiring such additional support in examinations was 11.3%.

The most common type of support requested for these candidates is the use of a reader to read the assessment and a scribe to record responses, which is challenging for presenting centres in terms of staffing and accommodation. Paul will also argue that such reliance on human support is not in the best interests of the candidate, the presenting centre or the awarding body.

The seminar will consider whether Assistive Technology, in the form of text-to-speech software to read the paper and supportive software to support writing, can offer a more independent and efficient method of

support for candidates with additional support needs.

To book a place, please e-mail:

[Andrew Kerr](mailto:Andrew.Kerr@collegedevelopmentnetwork.ac.uk)

Anticipating Reasonable Adjustments, Tuesday 25 March 2014, Stirling

Colleges provide a variety of services for staff and students and the way in which these services are provided may present barriers which prevent people with impairments from fully accessing and benefiting from these services.

These disabling barriers may be physical (the design of the built environment), procedural (the way a service is delivered) and social (lack of awareness, negative attitudes towards disabled people- whether conscious or unconscious). People with different impairments, and people who disclose similar impairments, may experience different disabling barriers.

Colleges have a legal duty under the Equality Act 2010 to make reasonable adjustments so that disabled people are not substantially disadvantaged compared to people who are not disabled. These may include:

altering or disapplying a provision, criteria or practice

altering physical features

providing auxiliary aids

providing information in accessible formats.

In addition to making individual adjustments, colleges are also legally obliged to anticipate the requirements of

disabled students and people who use their services. Environments, learning and teaching and the way services are provided are part of a strategic approach to ensure inclusion from the outset.

College Development Network's Access and Inclusion Forum and college equality practitioners have identified a need for a refresher session on anticipating reasonable adjustments.

The session will focus on two core areas:

Creating a learning environment that values and respects equality, diversity and inclusion

Creating a learning environment where diverse needs are accommodated and included

The objectives are to:

identify what disability, impairment and reasonable adjustments mean in practice in the classroom

raise awareness of the diversity of disabled experiences within colleges

share challenges and good practice in reasonable adjustments

identify how to anticipate, remove and prevent barriers for disabled learners

consider the role of staff and assistive technologies in providing reasonable adjustments

The session will be facilitated by College Development Network and include contributions from Equality Challenge Unit, LEAD Scotland and JISC RSC.

To register:

<http://events.collegedevelopmentnetwork.ac.uk/events/show/4886>

Employment Law Update, Wednesday 2 April 2014, 16:45- 18:15, 60 York Street, Glasgow

MacRoberts is delivering an Employment Law Update Session which will guide participants through some of the changes anticipated later this year such as:

Flexible working

Holiday hotspots

Employment tribunal barriers

To register, contact
marketing@macroberts.com

Showcasing Equality, Diversity and Inclusion: webinars and workshops



College Development Network is planning a series of webinars and workshops over the next few months to showcase the work of colleges in relation to equality, diversity and inclusion and to take forward the themes of fostering good relations and eliminating discrimination. If you would like to showcase the work of your college, contact [Suzanne Marshall](#).

Information and News

Access to Work extended to help more disabled people into work

The [Access to Work](#) scheme has set aside £2 million to help disabled people to take up work placements. Hundreds are set to benefit as a scheme that provides financial support towards the extra costs faced by disabled people at work is rolled out to cover work experience placements that they arrange. In a move designed to give

disabled people the same opportunities as non-disabled people, £2 million has been set aside through Access to Work to help them take up placements as they prepare to start out on their chosen career path.

Until now, Access to Work has only offered this support to disabled people who engage in work experience placements that have been organised through Jobcentre Plus. It is the latest phase of a rollout to the scheme that began in September 2013, when Access to Work was opened up to disabled people embarking on internships and traineeships.

Although it is expected that it will mainly benefit younger adults, the latest development is open to everybody who has a disability and needs extra support in taking up a work experience placement.

Access to Work provides financial help towards the extra costs faced by disabled people at work, such as support workers, specialist aids and equipment and travel to work support.

Latest updates from SQA

Annotated Unit assessment support for Literacy

SQA has produced an annotated Unit assessment support pack for the National Literacy Units to support teachers/lecturers of Literacy who have deaf/hearing impaired learners in their class. This complements the existing annotated Unit assessment support pack for candidates with reading and writing difficulties.

Both annotated Unit assessment packs are available from the SQA's secure site and teachers/lecturers can arrange access to them through their SQA Co-ordinator. These packs must be stored securely and treated as confidential.

Support in National Literacy Units- web pages for parents/carers and teachers/lecturers

SQA has created a [new web page](#) for parents and carers to explain what support is allowed in National Literacy Units, for disabled learners and learners with additional support needs. As with all SQA web pages, this page can be shared directly with other parents or interested parties using the 'e-mail a friend' button on the page, or it can be shared via Twitter or Facebook using the 'share this page with friends' button.

In addition, SQA has also developed a 'Supportive practices for Literacy' [web page](#) for teachers/lecturers that provides support and guidance to assist with the delivery and assessment of National Literacy Units.

Addressing workplace inequalities

People from minority ethnic groups and disabled people looking for jobs are to benefit from investment from the [Scottish Government](#) of £600,000 over two years to support them into the workplace. Research shows that the employment rates of disabled people are 29% lower than non-disabled people, and the employment rates of minority ethnic people are 15% lower.

The Scottish Council for Voluntary Organisations (SCVO) will administer the programme of paid internships for both groups which will be in third sector organisations, supported by leading equality organisations. Support will be provided to host organisations and interns by BEMIS (Black and Minority Infrastructure Scotland) and CEMVO (Convention of Ethnic Minority Voluntary Organisations) and SDEF (Scottish Disability Equality Forum) and Inclusion Scotland.

The internships will be targeted at unemployed graduates aged 18-30 from further and higher education who are less than one year unemployed (i.e. not on the Work Programme) or who have completed the Work Programme and not moved into employment. The internships would be available across all 32 Local Authority areas and across a range of sectors including social care, conservation and community recycling.

Future Newsletters

If you would like to contribute to the newsletter by sharing resources or highlighting a particular aspect of work around equality and diversity, please [email Suzanne Marshall](#).



College Development Network is the trading name of the Scottish Further Education Unit

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