

Embedding equality and diversity into the design and delivery of Higher Apprenticeships

Introduction

- 1 This guidance note will contribute to enhancing the quality of Higher Apprenticeships and to maximising their impact on all communities. It has been researched and prepared by LSIS as part of the Higher Apprenticeship Support Service commissioned by the National Apprenticeship Service (NAS).

A practical operational commitment to equality and diversity will shine a spotlight on patterns of participation, retention and success, highlighting any significant gaps that may exist between different groups, and enabling partnerships to use quality improvement to address and close those gaps.

It will enrich the day to day experience of apprentices by focussing on their safety, resilience and empowerment.

- 2 These quality improvements will yield significant business benefits. They are likely to deliver improved participation, retention and success rates for apprentices from all backgrounds, and to broaden the inclusivity and reach of partnerships.
- 3 Application of the guidance will help partnerships comply with the Equality Act 2010. The requirements of The Act are congruent with the principles of quality improvement in vocational learning. While the guidance does not comprise legal advice, if acted on it will minimise any risk of litigation against providers and contribute significantly to meeting the equality and diversity requirements of OFSTED inspection. Further detailed guidance on how the Equality Act 2010 applies to the Further Education and Skills Sector can be found on the Excellence Gateway.
- 4 Providers should use this guidance flexibly and creatively applying it to their specific circumstances and challenges. It is divided into sections addressing Leadership and Management and the Learner Journey.

It will be of practical help to those designing and delivering Higher Apprenticeships and to those working with apprenticeships at levels two and three. It provides key action points for consideration, and links them to quality and business benefits and shows how these map on to the requirements and duties of the Equality Act 2010.

It provides a framework for consideration and adaptation to specific circumstances. For some industries equality and diversity is already a core curriculum issue. For other sectors this is not yet the case. Many industries have entrenched and unequal patterns of participation, eg between men and women. It is for partnerships and providers to identify their key equality and diversity challenges and to find the best ways of applying this guidance framework to their work.

- 5 A key innovation of the Equality Act 2010 is its protection from unlawful discrimination on the basis of nine “protected characteristics” – i.e. characteristics legally protected from unlawful discrimination. The characteristics are:

- Age
- Disability
- Gender
- Marriage/civil partnership
- Pregnancy/maternity
- Race
- Religion/belief
- Sexual orientation
- Transgender

The core message of this guidance is that in order to deliver high quality, high impact Higher Apprenticeships that leave no one out, a constant and vital consideration in all matters is “how will this impact on apprentices with different protected characteristics?” This guidance provides a framework within which that question can be asked, answered and acted on at both a strategic and operational level.

Key principles underpinning effective embedding of equality and diversity in Higher Apprenticeships

- Identify the key equality challenges facing each industry and Apprenticeship framework and adopt a systematic, proactive stance in addressing them.
- Keep the protected characteristics of apprentices at the forefront of all thinking, monitoring and planning.
- Actively seek to impact on the participation profile of apprentices in line with population profiles.
- Seek involvement in Higher Apprenticeships from the widest possible range of partners and advisors.
- Use equality data to provide a rich and differentiated understanding of what is happening to apprentices.
- Build and use quality improvement activity in response to equality data analysis – eg to address gaps in retention, or achievement.
- Be prepared to change plans in the light of advice and evidence from equality data analysis.
- Embed ownership, commitment and approaches to equality and diversity across partnerships.
- Create opportunities to support apprentices develop their resilience and employability in the context of a diverse workforce and society (see appendix 1).

Framework for embedding equality & diversity into the design and delivery of Higher Apprenticeships

Table 1: Leadership and Management

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ¹				Comments
			A	B	C	D	
LM1 Assume as a default that apprentices are from many communities and will share many “protected characteristics” that may determine needs and contributions.	This will stimulate all activity, eg marketing, teaching and learning, to address and support equality and diversity.	Maximised apprentice participation, retention and success.					Avoid using a stereotypical model of the “typical” apprentice, don’t make unjustified assumptions and work with the consequences that follow.
LM2 Identify, take advice from and work with partners and employers whose markets comprise communities with a given protected characteristic and/or share a protected characteristic – e.g. Black and Minority Ethnic run businesses, businesses serving the lesbian and gay community, businesses run by and/or serving younger or older customers.	Design enriched by and responsive to needs of a wider range of markets and employers. New pathways for apprentices may be identified.	Maximised participation from a wide range of employers and partners.					Proactively seek to learn from and serve as many markets as possible. The emphasis is on being proactive.

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A	Eliminate unlawful discrimination
B	Advance equality of opportunity
C	Foster good relations between people who share protected characteristics and those who do not
D	Publish equality objectives and information

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ¹				Comments
			A	B	C	D	
LM3 Build into the design and delivery of Frameworks an estimate of their likely impact on apprentices with different protected characteristics and develop objectives and actions to address possible negative impacts.	Design enriched by having equality and diversity embedded from the start.	Maximised apprentice participation, retention and success. Maximised participation from a wide range of employers and partners.					Equality Impact Assessment (EIA) should use existing mechanisms and procedures, eg analysis of equality data, feedback from apprentices with a wide range of protected characteristics etc. At design stage EIA should be forward looking. During the course of Apprenticeships it should become able to monitor the present and past.
LM4 Actively seek out, take advice from and work with a wider range of organisations locally and regionally that represent the interests of people who share protected characteristics – e.g. MIND, religious communities, youth organisations etc.	Needs of different communities, employers and apprentices are identified, understood and met. New pathways for apprentices may be identified.	Maximised participation from a wide range of stakeholders. Maximised apprentice participation, retention and success.					Enriched design maximises effectiveness, and builds broad support for Higher Apprenticeships.
LM5 Actively identify and encourage appropriate individuals with a wide range of protected characteristics to serve on boards, advisory and steering groups.	Strategic leadership informed by diverse perspectives which enables design and delivery to better address diverse needs. New pathways for apprentices may be identified.	Maximised apprentice participation, retention and success.					Effective leadership should reflect local and regional population profiles- and so will be different in different parts of the country. Individuals involved should have experience and capacity to provide strategic leadership.

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ¹				Comments
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LM6 Build the capacity of organisations that work with communities with a shared protected characteristic to join partnerships e.g. organisations working with young people, Black and Minority Ethnic populations, men, women, etc especially when such groups may be deprived locally or regionally and/or underrepresented on Apprenticeships or in the industry.	Needs of different communities, employers and apprentices identified, understood and met. Maximised impact on those with greatest need. New pathways for apprentices may be identified.	Maximised apprentice participation, retention and success.					Benefits will be identified over the medium term and will contribute to the sustainability of equality and diversity in Higher Apprenticeships.
LM7 Require an appropriate formal equality and diversity policy or commitment from partners as one criterion for partnership.	Partners' activity will be consistent in its approach to equality and diversity.	Partner activity compliant with Equality Act 2010 - decreased likelihood of adverse litigation. Public commitment to equality and diversity makes partners more attractive to apprentices.					Different partners will respond to this differently. A big corporate partner should be expected to have a sophisticated, comprehensive equality and diversity policy. It may be appropriate for some SMEs to adopt a simpler approach.
LM8 Use service level agreements with partners to specify equality and diversity requirements.	A safe, fair and effective learning environment for apprentices.	Decreased likelihood of adverse litigation. Maximised apprentice retention and success rates.					Using service level agreements will help make a partner's policy more than a token or tick box exercise and will help embed equality and diversity in the delivery of Frameworks.

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ¹				Comments
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LM9 Monitor and analyse equality outcomes for apprentices using NAS statistical returns, Skills Funding Agency data and relevant data from partners.	<p>Precise understanding of challenges for apprentices with different protected characteristics and ability to address them.</p> <p>Cost effective, focussed quality improvement.</p>	Maximised apprentice participation, retention and success.					<p>Equality data on as many of the protected characteristics as possible will provide a rich understanding of what is happening to apprentices. There is likely to be a spread of equality monitoring experience amongst partners. This can be used as a resource to support those whose monitoring practice is least advanced.</p> <p>Equality data analysis will be the principal instrument partnerships have with which to undertake equality impact assessments.</p>
LM10 Act on relevant trends that emerge from equality data analysis e.g. underrepresentation in the participation of particular groups, success or retention gaps.	Gaps in participation, retention or success rates between apprentices with different protected characteristics narrowed or closed.	Maximised apprentice participation, retention and success.					Ensure that data collection and analysis leads to targeted action which results in measurable improvement.

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LM11 Include equality and diversity in the Employee Rights and Responsibilities (ERR) curriculum.	<p>Apprentices develop a rich understanding of their rights and responsibilities as members of a diverse workforce and society.</p> <p>Apprentices develop skills and understanding beyond the narrowest interpretation of their professional role.</p>	<p>Apprentices less likely to behave in ways that lay employers open to litigation.</p> <p>Maximised apprentice satisfaction, retention and success rates.</p>					<p>Relevant in all industries since the Equality Act 2010 applies to employment in the public and private sectors.</p> <p>This will equip apprentices to be rounded, resilient, effective employees ready to work anywhere in the UK or abroad.</p>
LM12 Consider creating an industry specific contextualised unit on equality and diversity within ERR.	<p>Apprentices develop a rich understanding of how equality and diversity applies in the specific context of their own industry.</p>	<p>Apprentices able to deliver excellent customer service to customers with a wide range of protected characteristics.</p>					<p>Such units will differ between industrial sectors. For example, in child care equality and diversity is already a core curriculum issue. For engineering, or construction, this may not be the case, and emphasis may be given to, for example, “customer care in a diverse society.” In some industries “pay gaps” between men and women may be a challenge that apprentices will wish to learn about.</p>

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ¹				Comments
			A	B	C	D	
LM13 Market proactively and strategically to promote Higher Apprenticeships to the widest possible demographic and to target underrepresented population groups.	Attractive, effective marketing impacts on wide range of demographics.	Increased recruitment of underrepresented groups.					Gaps in participation, identified by data analysis, can be addressed in part by targeted marketing. Content, format and location of marketing material should be reviewed to ensure it is suitably targeted.
LM14 Build a suite of SMART, indicative equality objectives into frameworks and delivery.	This will provide a strategic steer to all activity and help embed equality and diversity into the frameworks and delivery.	Maximised impact on those with greatest needs.					Objectives should be drawn from a wide range of data on population, employment and qualifications- including data on race, gender, disability and age. The objectives should be SMART – eg “Increase the participation of Black British males by 5% by 2015,” and should address the key equality gaps and challenges facing a geographical and professional area.
LM15 Publish annual equality report.	Reputation building activity and good benchmark of effective practice.	Confirmation of compliance and good practice.					Publication online, of a succinct report summarising progress made against equality objectives, actions taken, successes and challenges. Can be a mix of hard and soft data, and mini-case studies.

Table 2: Learner Journey

Action	Quality benefit	Business benefit	Equality Act 2010 duties met ²				Comments
			A	B	C	D	
LJ1 Ensure that initial assessment is able to identify a range of learning needs associated with different protected characteristics.	Effective and appropriate learner support.	Maximised apprentice retention and success rates.					Early identification of learning needs will maximise retention and success. Reasonable adjustments should be made in response to initial assessment to facilitate participation by able apprentices with disabilities.
LJ2 Consider if and how the ability (or its acquisition) to work well in a diverse workforce and/or to deliver services to a diverse customer population is included among the apprentice entry conditions.	Enriched skill set amongst apprentices.	Apprentices become more employment ready/employable.					Working well in a diverse workforce is a key skill for all employees in all industries. The ability to deliver services in ways suitable for a diverse range of customers will be a widely relevant ability – for example, child care, or care for the elderly. It may also be relevant, for example, for those following engineering or construction programmes if they serve diverse communities as domestic customers. For some industries such as aerospace engineering, where a public interface is limited, the ability may be less immediately important, although become relevant if working with overseas partner companies.

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Action	Quality benefit	Business benefit	Equality Act 2010 duties met ²				Comments
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LJ3 Assess suitability of potential apprentices flexibly, using , for example, accreditation of prior learning and taking experience as well as qualifications fully into account.	Able apprentices without traditional qualifications will be recruited.	Maximised apprentice participation, retention and success.					This may impact, for example, on older learners, or female learners who left learning early in order to raise children.
LJ4 Ensure apprentices are protected from bullying or harassment by supporting partners to develop and apply appropriate policies and procedures.	A safe environment is a precondition for effective learning.	Partners and employers unlikely to be subject to litigation for harassment. Maximised apprentice retention and success rates.					Protection from bullying or harassment on the basis of any protected characteristics is a safeguarding as well as an equality and diversity concern. A clear policy, with well defined easy to use procedures and fair, speedy redress is needed.
LJ5 Check on protection from bullying and harassment, and on apprentice learning about equality and diversity when making work place visits to apprentices.	Apprentice experience of support and increased satisfaction. Development by apprentices of rich understanding of work context.	Maximised apprentice retention and success rates. Likelihood of litigation minimised.					The work place visit is a key opportunity to reinforce the importance of equality and diversity including both the apprentice's learning (equality and diversity in ERR) and their treatment.
LJ6 Build and deliver IAG support for an apprentice that takes account, where relevant, of their protected characteristics.	Focussed, bespoke support.	Maximised apprentice retention and success rates.					
LJ7 Support apprentices develop their resilience and employability in the context of a diverse workforce and society (see appendix 1)	Enriched apprentice experience and high quality preparation for work	Improved employability and likely future success of apprentices					Appendix 1 sets out the benefits to apprentices of equality and diversity embedded across their learning journey

Appendix 1

How apprentices benefit from equality and diversity – resilience and employability

As a qualified individual

Having had support with learning needs arising from protected characteristics

As an attractive employment prospect

Resilient, confident, able to work well in a diverse workforce and to serve a diverse customer base

As a team worker

Able to work well in a team of diverse individuals, to meet the challenges and benefit from the opportunities that arise from that

As a self-manager, confident and able to cope

Confident in their own identity, unthreatened by the identities of others and able to cope with obstacles arising from the prejudice of others

As a manager and leader of others

Confidently able to manage diverse teams fairly, to manage challenges arising from that diversity and to use diversity as a resource for high impact, success and achievement