**Implementing Equality in Further Education programmes**

**FESS tools to support the equality proofing of programme delivery and assessment in Further Education – A Supplement to the FESS Equality Action Planning Framework**

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## Context

‘Further Education is a critical hinge and interface between different elements of the education system, and a critical bearer of very important social values.

•    FE is a transition point between schools, Higher Education and work.  It is fundamentally about social inclusion, a place for .... a second chance,

•     FE can be seen as a fulcrum for equality.

*Dr Chris Jude, Education Consultant, Equality in a Time of Change Conference Papers 2007 – 2009, Equality Authority*

In 2010, the Further Education Support Service (FESS) published the Equality Action Planning Framework – a resource to support providers in implementing Equality quality assurance requirements.

In 2013 FESS was funded by the Equality Authority through the Equality Mainstreaming Unit to further develop this resource and provide additional resources for providers in the area of programme delivery and assessment.

**Objectives of the project**

•    To embed equality mainstreaming into the delivery (including the assessment) of the programmes developed through the IVEA / CEEOA National Shared Programme Development Initiative

•    To ensure the consideration of the 9 grounds when delivering the programmes and assessing the learner

•    To develop a suite of templates to facilitate providers / tutors to equality proof the delivery and assessment of the programme descriptors (part A) and the associated programme modules.

The resources that follow were piloted in January 2014. An appendix contains materials, which can be used by providers to provide a half-day workshop for staff.

**Using the checklists:**

The checklists may be used as an integral element of a half day training session. The plan for this half day session and additional supporting materials are included in the appendix. The checklists may also be used individually within the context of staff meetings or CPD sessions.

These checklists were piloted in early 2014 in two locations with staff from a range of Further education settings. Feedback was very positive and tutors/teachers and co-ordinators thought that the checklists would be useful in a number of settings. Some suggestions were:

* When programme planning
* For Programme development , lesson plan development, assessment planning, review and evaluation
* With teachers and cluster groups
* At team meetings

The checklists can be used in a group setting or by individuals as needed. The Equal Status Acts relate to discrimination based on the following **9 grounds**: Gender, Civil Status, Family Status, Age, Race, Religion, Disability, Sexual Orientation, and Membership of the Traveller community. The grounds are reproduced at the start of each checklist.

It is intended that this resource may be used to determine further reflection, discussion and action within the provider context.

## Programme Descriptor Equality Proofing Checklist:

The following is a checklist to be used with programme modules to ensure that a programme is delivered and assessed in line with best equality practice. The Equal Status Acts relate to discrimination based on the following **9 grounds**: Gender, Civil Status, Family Status, Age, Race, Religion, Disability, Sexual Orientation, and Membership of the Traveller Community.

The sections contained in this programme descriptor equality proofing checklist correspond with the sections of the programme descriptors developed through the ETBI/CEEOA National Programme Development Initiative (2010 – 2014). The checklist should be used while referring directly to the relevant programme descriptor(s). The ‘Notes/ What I need to do’ section may be used to determine further action within the provider context.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Delivery Mode | Yes | No | Don’t  Know | Notes/ What I need to do |
| Are all the locations where the programme is delivered accessible to all learners? For example   * Teaching and learning * Work placement * Specialist rooms * Assessment locations |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Delivery methodologies | Yes | No | Don’t  Know | Notes/ What I need to do |
| Can I ensure that the delivery methodologies facilitate the range of learners to fully participate? |  |  |  |  |
| Structure | **Yes** | **No** | **Don’t**  **Know** | **Notes/ What I need to do** |
| Where there is discretion in the choice of programme structure, has consideration been given to the components selected to maximize participation by the full range of learners? |  |  |  |  |

Programme Descriptor Equality Proofing Checklist

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Learner Supports | Yes | No | Don’t  Know | Notes/ What I need to do |
| Is the list of supports adequate to facilitate maximum participation? |  |  |  |  |
| Are processes in place which allow learners to access supports as required? |  |  |  |  |
| Are learners able to access any supports they need to participate fully? |  |  |  |  |
| Planning Assessment | **Yes** | **No** | **Don’t**  **Know** | **Notes/ What I need to do** |
| Are there any issues in the timing of assessment which may result in learners being less favourably treated? |  |  |  |  |

Programme Descriptor Equality Proofing Checklist

## Programme Module Equality Proofing Checklist:

The following is a checklist to be used with programme modules to ensure that programme modules are delivered and assessed in line with best equality practice. The Equal Status Acts relate to discrimination based on the following **9 grounds**: Gender, Civil Status, Family Status, Age, Race, Religion, Disability, Sexual Orientation, and Membership of the Traveller Community.

The sections contained in this programme module equality proofing checklist correspond with the sections of the programme modules developed through the ETBI/CEEOA National Programme Development Initiative (2010 – 2014). The checklist should be used while referring directly to the relevant programme module(s). The ‘Notes/ What I need to do’ section may be used to determine further action within the provider context.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Indicative Content | Yes | No | Don’t  Know | Notes/ What I need to do |
| Are there barriers to participation within the indicative content? |  |  |  |  |
| Does the indicative  content suggest examples that would disadvantage or lead to less favourable treatment for my range of learners? |  |  |  |  |
| Can I find other examples that would satisfy the learning outcomes, which are more appropriate for my range of learners? |  |  |  |  |

Programme Module Equality Proofing Checklist

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Assessment | Yes | No | Don’t  Know | Notes/ What I need to do |
| Does any of the evidence listed in the programme module require my range of learners to take part in activities, which could cause problems or lead to less favourable treatment for them? Can I come up with different activities, which will satisfy the requirements? |  |  |  |  |
| Do the assessment criteria facilitate the full range of my learners to participate fully in assessment activities? |  |  |  |  |

Programme Module Equality Proofing Checklist

# Prompts / Statements to Encourage Further Reflection and Consideration of Equality Issues in Programme Development, Delivery and Assessment

**The section below is comprised of prompts / statements to assist providers in ensuring that best practice equality procedures are in place. These statements will be particularly useful when the provider is looking at all provision, and are intended to encourage further consideration and reflection. The statements are intended to complement the existing FESS Equality Action Planning Framework (FESS, 2007). These prompts / statements may be discussed with staff or may be used for individual work.**

|  |
| --- |
| Programme Design and Planning |
| All our programme design actively takes into account diversity within Learner groups, the local community, and wider society |
| Our programmes are planned to allow for maximum access by Learners from a diversity of backgrounds and situations. We actively take into account specific needs of current and potential Learners e.g. ability, disability, culture, family situation, age …… |
| Our programmes aim to equip all our Learners to live and work in a diverse society and interdependent world   * Does my programme allow for learners to consider issues of workplace equality? |
| Our programmes provide Learners with opportunities to consider issues of equality and inequality, and promote respect for diversity   * Does my programme allow for learners to reflect on and consider their own attitudes in relation to equality issues? * Does my programme include positive modeling of recognition and respect for diversity? |

Prompts

|  |
| --- |
| Programme Delivery |
| Our course content and teaching materials reflect and value diversity.   * Does our college actively promote diversity? How? Some suggestions-Positive statements re. Diversity are reproduced on website, signage and on publications. XXXXXX is committed to promoting diversity. * Specific events are held throughout the year to support diversity * Class /group contracts could include a statement such as ‘we value difference’ * Do my materials, written and visual reflect different cultural, religious and social backgrounds? |
| In preparing and using teaching materials, we take into account the cultural, religious and social background of Learners?   * Are the backgrounds of those that I teach reflected in my materials (written and visual) or do those materials reflect only my own background and experience? * Have my materials changed over time or do they remain the same from year to year? * How do I know? Have I asked my learners whether their experiences are reflected in my materials? |
| Our teaching and learning methodologies are inclusive of Learners with disabilities   * Do I consider learners with a range of disabilities, physical /learning disabilities when planning and delivering my programme? * Am I aware of how sensory disabilities impact learning? |
| We take care to include examples, references and content relevant to diverse groups of Learners   * What examples can I identify in my materials of representations of people who belong to minority groups or groups covered by the nine grounds? * Do I include references to materials relevant to diverse groups? |

Prompts

|  |
| --- |
| We take care to use unbiased texts/content or to help Learners critically analyse this where it is present.   * Do I review texts and/or content while thinking about their impact on specific groups of learners? * Do I check for stereotypes in my texts/content? * Do I model providing a critical analysis of texts and content and how they apply to specific groups? * Do my learners develop their own analytical skills? |
| Our teaching and learning methodologies are flexible and varied so as to include learners with diverse learning styles   * When planning my programme, am I always aware of the needs of visual learners, kinesthetic learners? * Do I check my programme plan to ensure that it has a variety of content and methodology sufficient to cater for different learning styles? |
| We have developed inclusive teaching methodologies which endeavour to meet the needs of all learners, for example, methodologies which support ESOL learners, learners with literacy difficulties etc.   * Have I thought about learners with literacy and/language difficulties? * How can I help them through choosing activities and content appropriate for them? * Does my programme module descriptor allow me to use assessment methods which are accessible for those with literacy/language challenges? Visual or Audio methods? |
| We use group work to help learners develop the skills to work co-operatively within diverse groups   * Am I comfortable using group work methods with my learners? * Do all my classes have an opportunity to get to know each other and to agree contracts? * Can I allow for discussion on structured topics? |

Prompts

|  |
| --- |
| Group work is used to support the integration of learners from diverse backgrounds   * Am I comfortable using group work methods with my learners? * Do all my classes have an opportunity to get to know each other and to agree contracts? * Can I allow for discussion on structured topics? * Are tensions dissipated as they arise in the classroom? |
| Mutual respect and positive relationships are developed within class groups through strategies such as group contracts, structured discussion etc.   * Do all my classes have an opportunity to get to know each other and to agree contracts? * Can I allow for structured discussion on topics? * Are tensions dissipated as they arise in the classroom? |
| We are aware that teaching and learning is not value-free and we include reflection on the values transmitted through our teaching in programme reviews   * Do my programme reviews include reflection on values? * Do learner reviews ask questions about values? |

Prompts

|  |
| --- |
| Co-ordinated Planning of Assessment |
| We identify the barriers to participation and the learning support needs of our learners early in the programme so that these can be taken into account when planning assessment   * How do I identify barriers to participation and learning support needs for learners? * How do I document these? * How do I share this information with other tutors/teachers? |
| We have systems in place to inform all our tutors/teachers about any specific requirements/learning supports that Learners may need   * What is the system for informing teachers/tutors of specific requirements/learning support needs of learners? * How do I access the system? |

Prompts

|  |
| --- |
| We co-ordinate planning of assessment to ensure that learners with different learning support needs are accommodated across all the programme modules   * Do I co-ordinate my assessment planning with others? * How do I know about learner needs identified by other teachers/tutors? |
| When planning assessment we consider the diverse nature of the specific Learner group and devise briefs and instruments which optimize opportunity for all our learners to succeed   * Do I review my assessment instruments after each certification event? * Do I make adjustments suggested by learners’ experience of following the brief? If numerous learners ask the same question, could the brief be made clearer? * Are my instruments written for the learner? * Are they as simple as they can be? * Are they clear and easy to follow? * Have I tested them out prior to giving them to a learner? * In relation to ensuring coordinated planning of assessment * You need to start as early as possible in the delivery of the programme. Ideally you would be planning your assessment before you begin to deliver. * Read the programme module descriptor relating to the area you wish to coordinate with. Meet with the tutor/teacher * Develop an assessment grid – a diagram which plots which learning outcome is assessed by which assessment method. * Decide who will design which brief. * Each person draft the brief(s) and check them * List the briefs with the weightings and LOs, with details of when they will be given to learners – This becomes your assessment plan. * Check that all the LOs are covered * Check that the arrangements you plan satisfy the requirements in section 11c of your programme module descriptors. |

|  |
| --- |
| When planning assessment, we plan actions which need to be taken to ensure that reasonable accommodation measures are in place   * Am I familiar with my Centre’s procedure on Reasonable Accommodation? * Do I know where to find it? |
| Where we are unable to provide appropriate support for our learners, we consult with relevant agencies for information and resources.   * Do I have all of the information and contacts I need to make appropriate referrals |
| When planning the timing of assessment, we take into account dates and times that may have a cultural or religious significance for our learners   * Do I check timing of assessments against dates that may have a cultural or religious significance for learners? |
| When planning assessment, we take into account learner needs and the physical location where the assessment is to take place. |

Prompts

# Appendix

*This appendix contains materials to implement a half day equality session, during which the checklists are completed.*

*The session plan outlines the content for the session. This session has been piloted twice as part of this EMU project, and has been received very positively by participants.*

Session plan

PowerPoint Presentation to be used at session (Context)

Equality Quiz

Equality Quiz with answers

Case study Scenarios

Case study Scenarios with best practice examples

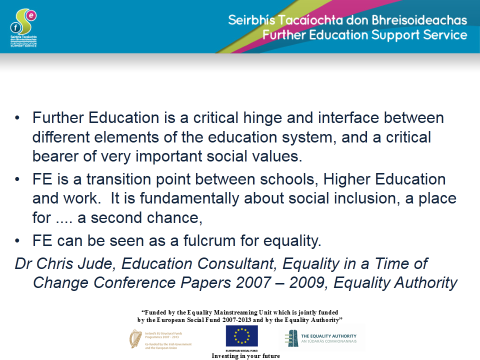
Evaluation sheet

Session Plan

|  |  |  |
| --- | --- | --- |
| Time | Activity | Materials Required |
| 10.00- 10.20 | Introduction to Project  Participants to introduce themselves  Name, Role and length of time in role  Ground rules  Equality quiz  Introduce Case Study scenarios | PowerPoint Presentation  Flip chart  Quiz  Ground rules  Prize  Case Study scenarios |
| 10.20-10.30 | Introduce programme descriptor and programme module checklists | Checklists and copies of programmes and programme modules |
| 10.30-10.50 | In pairs work through checklists applying them to programme and programme module |  |
| 10.50-11.00 | Introduce Equality Action Planning Framework Checklist | Checklist and copies of framework |
| 11.00-11.30 | In pairs choose a programme module and plan it together using the checklist. Followed by feedback and discussion |  |
| 11.30 – 11.45 | Break |  |
| 11.45- 12.15 | Facilitated discussion – feedback on  •How useful were the checklists?  •How practical were they?  •How and when would you use them?  •Suggestions for changes and Amendments | Flipchart for notes |
| 12.15-12.35 | In pairs discuss scenarios and identify three good equality practices which would have prevented these issues from arising |  |
| 12.35-12.50 | Process- facilitated discussion | At end hand out case studies with additional notes listed |
| 12.50-1.00 | Evaluation | Evaluation sheet |

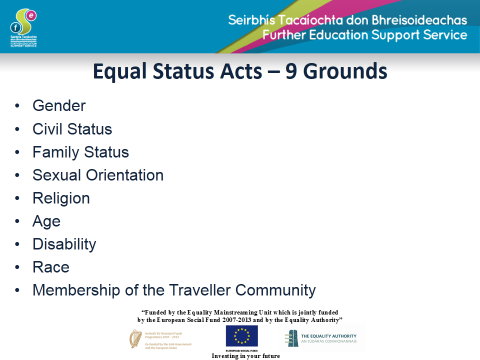
# Powerpoint Presentation to be used at Session (Context)

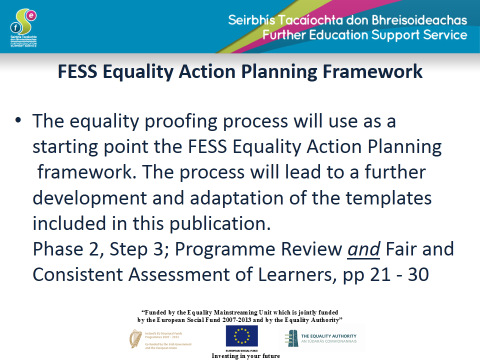














## Equality Quiz

1. Our Equality Authority is being merged with the Irish Human Rights Commission in 2014. True/False
2. Ireland has had equality legislation since we joined the EEC in 1973

True/False

1. Ireland has two main pieces of equality legislation - The Employment Equality Act, 1998 and the Equal Status Act, 2000

True /False

1. We have an equality officer in our centre so the rest of us do not need to worry about equality issues True /False
2. Our ETB has an equality policy True/False
3. Name the 9 grounds recognised in our equality law-

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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1. Equality is a good thing, but it is expensive and a bit of a luxury which we can’t really afford as a society.

True/False

1. You need to be an equality expert to understand and implement good equality practice. True/False

## Equality Quiz – Answers

1. **True**- The new body will be called the ‘Irish Human Rights and Equality Commission’

2. **False** - Ireland joined the EEC in 1973. Our first equality legislation was enacted in 1977- see below-

The Employment Equality Agency (EEA) was a statutory body set up under the Employment Equality Act 1977, whose role was to "work towards the elimination of discrimination in relation to employment", to "promote equality of opportunity between men and women in relation to employment" and "to review the workings of the equal pay and equal opportunity legislation and make proposals for their amendment" (Employment Equality Act, 1977 section 35). The Act provided for other functions for the Agency as well: the Agency had power to conduct investigations, power to issue **"nondiscrimination notices”,** and to assist claimants in bringing cases under the Acts.

**The marriage bar** -Female civil servants and other public servants (primary teachers from 1958 were excluded from the so-called “marriage bar”) had to resign from their jobs when they got married, on the grounds that they were occupying a job that ‘should go to a man’. Banks operated a similar policy- It was removed in July 1973, on foot of the report of the first Commission on the Status of Women.

3. **True**

4. Equality is in everybody’s interest. We all have important roles to play in promoting equality.

5. **True** - All QQI/FETAC Providers must have an Equality policy

6. The Nine grounds are:

* Gender
* Civil status
* Family status
* Sexual orientation
* Religion
* Age (does not apply to a person under 16)
* Disability
* Race
* Membership of the Traveller community.

7. **False -** There is much evidence to suggest that the more equal a society is, outcomes are better for all. (The Spirit Level)

8. **False -** We all have an important role in promoting equality. Much of what is good practice in delivery and assessing learning is good equality practice but we don’t necessarily see it as such.

## Introduction to Case Studies / Scenarios for Discussions

These case studies/ scenarios were used within the context of the training sessions related to the use of the templates for equality proofing. Individual scenarios were distributed to groups early in the sessions, and subsequently discussed with reference to the pointers for teachers/tutors. They may be used also in a general equality training sessions.

These case studies are based on real life scenarios developed for the training sessions, with further input from the Equality Authority.

The scenarios can be used to stimulate discussion and may allow for issues to be teased out in a group setting.

It is envisaged that these issues will be mostly discussed by teachers/tutors or by teachers/tutors and coordinators together. The main learning objective of the scenarios is to consider the practical implications of **making equality a reality**.

It is advised that a staff member or an external person with some equality expertise and good facilitation skills will moderate the discussions, or that the discussions should be framed in a wider equality awareness programme.

The discussions should avoid unnecessary generalisations or stereotyping of groups covered under the nine grounds, and should focus instead on finding practical solutions for accommodating diversity and promoting equality in consistency with local policies and the equality legislation.

Please note that the equality legislation covers ‘vocational education and training’ both under the Employment Equality Acts (re: equality in employment) and the Equal Status Acts (re: equality in service provision).

**Scenario 1**

**Jennifer is a student in a beauty therapy course in her local ETB FE College.**

**When the term began, she was registered as James. She now wishes to be**

**known as Jennifer, and has begun to dress appropriately for her new**

**gender identity. However, Jennifer appears to be isolated in the classroom, and**

**It is possible that other students may not be treating her well. She has**

**also mentioned to a few people that she feels bullied. She has also**

**commented that she does not feel accepted by her teachers/tutors.**

**Scenario 2**

**Mary is a Traveller who is taking part in a QQI/FETAC Community**

**Healthcare Course. On Monday she missed a skills demonstration as she**

**was at a wedding. No provision was made for her to do the skills**

**demonstration at another time. She feels that she is being discriminated**

**against.**

**Scenario 3**

**Fatima is a Muslim student and wears a Hijab (a veil that covers head and**

**chest) - occasionally in conjunction with another garment that covers her**

**mouth and nose. She is doing a QQI/FETAC Communications L5 and has**

**to do a presentation that will be videoed. Marks are allocated for effective**

**use of body language and eye contact. Other students in the class think**

**that she is getting off easy, because of the veil.**

**Scenario 4**

**Pavel is a teacher/tutor in a Further Education College. One of his learners**

**is a fifty-year-old woman who has poor literacy skills. Pavel wants to use**

**Reasonable Accommodation to facilitate this learner in completion of her**

**assessments.**

## Case Studies / Scenarios for Discussions

## Pointers for Teachers/Tutors

**Scenario 1**

**Jennifer is a student in a beauty therapy course in her local ETB FE College.**

**When the term began, she was registered as James. She now wishes to be**

**known as Jennifer, and has begun to dress appropriately for her new**

**gender identity. However, Jennifer appears to be isolated in the classroom,**

**and it is possible that other students may not be treating her well. She has**

**also mentioned to a few people that she feels bullied. She has also**

**commented that she does not feel accepted by her teachers/tutors.**

## Pointers for Teachers/Tutors

**Legal**

The equality ground relevant to this case is the **transgender** ground which is protected under the ‘gender ground’. However, transgender people may be also associated with a different sexual orientation, and discriminated both on the ground of gender and on the basis of perceived or real sexual orientation. For further information on the definition of transgender and other related terms see the recent Transgender Equality Network Ireland (TENI) publication **STAD: Stop Transphobia and Discrimination Report** which provides definitions. The report is available at this link; [STAD Report](http://www.teni.ie/attachments/6bfedaa2-899f-4154-89f7-9568e09dbd1b.PDF)

* **Bullying** is a serious issue, it should be addressed immediately. Bullying may also include ostracism and exclusion of an individual by another individual or by a group of people. The teacher/ tutor should check whether there is a ‘dignity and respect’ policy which covers bullying and harassment and consider if any action needs to be taken based on the definitions and procedures outlined in the policy.
* **Harassment** is a form of **discrimination** covered under the equality legislation and is linked to one or more of the nine grounds of the equality legislation. Under the equality legislation harassment on any of the nine grounds can be a once-off episode and it is against the law. Bullying may or may not be linked to an equality ground but it is not covered by the equality legislation.

**Promoting equality and accommodating diversity**

* The student is transitioning to her new gender identity and needs support and acceptance.
* The teacher/tutor may contact the Transgender Network of Ireland ([www.teni.ie](http://www.teni.ie)) and ask for advice on how to deal with the situation, or may contact a local transgender organisation. The national organisation BeLongTo ([www.belongto.org](http://www.belongto.org)) may also be able to assist.
* Students and teachers/tutors should be made aware of the existing equality policies, and/or equality statements and dignity and respect policies that are relevant to the inclusive ethos of the institution.
* Staff development sessions/ Continuous Professional Development (CPD) Sessions could provide specific training on transgender issues (preferably through an NGO representing transgender people) or on equality in general.
* A transgender speaker could be invited to speak to the students.
* The college could disseminate materials from NGOs like TENI or BeLongTo, (which also represents transgender youth).
* A teacher/tutor can create time and space for students and other staff to explore issues of isolation and potential discrimination and/or bullying which may arise in the classroom and how they might best be dealt with.
* The college could organise a series of events throughout the year to raise awareness on the equality grounds, the meaning of discrimination and on social exclusion issues.

**Policy context checklist**

* Does the FET provider have an **Equality Policy?** (Note: all QQI providers/colleges should have an equality policy and related procedures).
* Is there a **Dignity and Respect policy** dealing with Bullying and Harassment? (Note: such policy should be in place to comply with the Equality legislation and the Safety, Health and Welfare Act).
* Has the college rolled out **equality training** for staff and students?
* Have the teachers/ tutors discussed **equality and anti-discrimination issues** in the classroom with students?

**Scenario 2**

**Mary is a Traveller who is taking part in a QQI/FETAC Community**

**Healthcare Course. On Monday she missed a skills demonstration as she**

**was at a wedding. No provision was made for her to do the skills**

**demonstration at another time. She feels that she is being discriminated**

**against.**

## Pointers for Teachers/Tutors

**Legal**

* The equality ground relevant to this case is the **Traveller** ground which is protected in the legislation under ‘membership of the Traveller Community’.
* Direct discrimination in the legislation occurs where a person is treated less favourably than another person is, has been or would be treated in a similar situation on any of the grounds, such as membership of the Traveller community.
* Indirect discrimination occurs where a rule or provision which applies to everyone, puts a person covered under one of the nine grounds at a particular disadvantage. The provision may appear on the face of it not to be discriminatory, but its effect or impact might be discriminatory.
* Under the equality legislation, service providers in general (and providers of further education and training) are allowed to provide positive action measures to accommodate diversity for groups that are particularly at a disadvantage.
* Promoting equality and accommodating diversity are essential in preventing claims of discrimination.

**Promoting equality and accommodating diversity**

* The FETAC Quality Assurance Guidelines stressed the importance of facilitating inclusiveness and diversity in the further education system. The QQI guidelines are also outlining these same standards and values, from admissions to assessment and progression of learners.
* It is unclear whether in this case the student and the teacher/tutor and/or the course coordinator discussed the possibility of re-scheduling the skills’ demonstration, or if there was a formal request from the student. It is unclear if there was a clear policy and guidelines in place regarding completion of course assessments. It is important to have such a policy and guidelines in place which clearly states the rules and the steps that a student can take if an issue arises.
* As this was a skills’ demonstration and not a written assessment, it may have been possible that the student’s request could have been accommodated.
* The participation in this type of family/community event is in general of particular importance in Traveller culture and community, and often requires travelling to other parts of the country. Therefore, it may have been appropriate to do everything possible to accommodate a request to complete the skills demonstration at another time. It may be noted, however, that individual Travellers may have also different views on this issue and therefore similar requests should be considered within the context of each individual request.
* It is possible that in this case, that better dialogue and communication between student and teacher/tutor and/or course coordinator could have led to a more positive outcome for both parties.
* Students and teachers/tutors should be made aware of the existing equality policies, and/or equality statements and dignity and respect policies that are relevant to the inclusive ethos of the institution.
* Staff development sessions/ Continuous Professional Development (CPD) Sessions could provide specific training on Traveller culture (and diversity within it) and on equality in general.
* More awareness should be also raised about the risks of applying policies without flexibility which may give rise to claims of (indirect) discrimination.
* Indirect discrimination may also be affecting individuals under other equality grounds.

**Policy Checklist**

* Does the FET provider have an **Equality Policy?** (Note: all QQI providers/colleges should have an equality policy and related procedures).
* Has the college rolled out **equality training** for staff and students?
* Have the teachers/tutors discussed **equality and anti-discrimination issues** in the classroom with students?
* Have the teachers/tutors attended training on Traveller culture and general equality issues for the Traveller community in Ireland?
* Were all the students circulated the schedule of various assessments well in advance?
* Was there an application of the ‘Fair and Consistent Assessment of Learners’ standards in this individual case?
* Is there an appeal system through which the student can request a re-scheduling of this specific skill-demonstration?

**Scenario 3**

**Fatima is a Muslim student and wears a Hijab (a veil that covers head and**

**chest) - occasionally in conjunction with another garment that covers her**

**mouth and nose. She is doing a QQI/FETAC Communications L5 and has**

**to do a presentation that will be videoed. Marks are allocated for effective**

**use of body language and eye contact. Other students in the class think**

**that she is getting off easy, because of the veil.**

## Pointers for Teachers/Tutors

**Legal**

* The equality ground relevant to this case is the **Religion** ground (which covers religious beliefs, background or none). There are many exemptions around the religion ground. For example, some schools with a specific religious ethos may have the discretion in admission policies or in recruitment procedures to protect their religious ethos. This can include selecting students or employees who will ensure the maintenance of the religious ethos of the schools. However, that is not normally the case for Further Education and Training institutions.
* Direct discrimination in the legislation occurs where a person is treated less favourably than another person is, has been or would be treated in a similar situation on any of the nine grounds.
* Indirect discrimination occurs where a rule or provision which applies to everyone, puts a person covered under one of the nine grounds at a particular disadvantage. The provision may appear on the face of it not to be discriminatory, but its effect or impact might be discriminatory.
* Under the equality legislation, service providers in general (and providers of further education and training) are allowed to provide positive action measures to accommodate diversity for groups that are particularly at a disadvantage.
* Promoting equality and accommodating diversity are essential in preventing claims of discrimination.

**Promoting equality and accommodating diversity**

* It is important to note that the use of the hijab and of the other veil that covers the nose and mouth, would not pose obvious issues with regard to eye contact and general body language.
* The teacher/tutor may need to clarify in the classroom the definition of body language which will be used for the assessment.
* The teacher/tutor may also need to discuss and clarify further this issue before any conflict or resentment arises in the classroom.
* Framing the discussion from an equality perspective would help provide understanding of everybody’s rights and responsibilities under the equality legislation. This should be done in a sensitive manner, which avoids putting the Muslim student ‘on the spot’.
* The teacher/tutor should avoid at all costs the stereotyping of Muslim women in particular, as there is a great diversity among them, especially around the use of the hijab and other garments. These are generally worn as a symbol of modesty.
* Staff development sessions/ Continuous Professional Development (CPD) Sessions could provide specific training on religious diversity (and diversity within it) from an equality perspective.
* Awareness-raising event on the nine grounds or on religious diversity in particular, could be organised by teachers/tutors and other staff, in collaboration with students.
* Students and teachers/tutors should be made aware of the existing equality policies, and/or equality statements and dignity and respect policies that are relevant to the inclusive ethos of the institution.
* The FETAC Quality Assurance Guidelines stressed the importance of facilitating inclusiveness and diversity in the further education system. The QQI guidelines are also outlining these same standards and values, from admissions to assessment and progression of learners.

**Policy Checklist**

* Does the FET provider have an **Equality Policy?** (Note: all QQI providers/colleges should have an equality policy and related procedures).
* Has the college rolled out **equality training** for staff and students?
* Have the teachers /tutors discussed **equality and anti-discrimination issues** in the classroom with students?
* Have the teachers/tutors attended training on religious diversity from an equality perspective?
* Was it explained to all the student what is a ‘Fair and Consistent Assessment of Learners’ and how it applies in this type of situation?

**Scenario 4**

**Pavel is a teacher/tutor in a Further Education College. One of his learners**

**is a fifty-year-old woman who has poor literacy skills. Pavel wants to use**

**Reasonable Accommodation to facilitate this learner in completion of her**

**assessments.**

## Pointers for Teachers/Tutors

**Legal**

* The equality ground which may or may not be relevant to this scenario is the disability ground. Under the equality legislation this ground would apply only if the learner’s low literacy skills are obviously related to a learning difficulty, or an intellectual disability, or another type of disability. In the majority of cases, low literacy skills are linked instead to early educational disadvantage and not to disability. In order to ascertain if reasonable accommodation applies a decision needs to be made with the learner as to whether the poor literacy skills are a result of a disability or not.
* In the equality legislation, there is strong obligation to provide reasonable accommodation for learners with disabilities; reasonable accommodation involves putting in place supports or facilities or arrangements that would enable a person with a disability to fully access, participate and advance in further education.
* Disclosure of a disability may be difficult for a learner and therefore any information disclosed should be used and stored in accordance with the Data Protection Act.
* The teacher/tutor may need to ascertain also whether low literacy skills may be linked to another ground even if the disability ground does not apply and reasonable accommodation is not required. Under the equality legislation ‘positive action’ (measures to accommodate diversity for groups that are particularly at a disadvantage) is also allowed to support groups across the grounds that are particularly at a disadvantage, e.g. the race ground, in case the learner’s first language is not English. Please also note that Sign Language speakers often have Sign Language as a first learnt language and English as a second language.

**Promoting equality and accommodating diversity**

* Promoting equality and accommodating diversity may go beyond the scope of the nine grounds of the equality legislation. Socio-economic status is not a protected ground under the equality legislation, but discrimination on this basis may nonetheless exist, although it may not have a form of legal redress under the equality legislation.
* It is unclear in this scenario as to what are the root causes of low literacy skills for this specific individual learner.
* It is possible that disability, another ground and/or socio-economic disadvantage may play a role in this case.
* FET providers often have literacy supports for their learners.
* There may be a need, however, to develop specific literacy supports for people with different kinds of disabilities or learners whose first language is not English, etc.
* If the learner does not have a disability but the root cause of low literacy can be linked to another of the grounds, the teacher/tutor may offer different kinds of supports, in the spirit of ‘positive action’ (measures to accommodate diversity for groups that are particularly at a disadvantage).
* In the event that the root cause of low literacy cannot be linked to any of the grounds and therefore does not fall within the scope of the equality legislation e.g. socio-economic status, it is still good equality practice to provide supports.

**Policy Checklist**

* Does the FET provider have an **Equality Policy?** (Note: all QQI providers/colleges should have an equality policy and related procedures).
* Has the college rolled out **equality training** for staff and students?
* Has there been any specific **disability training** rolled out for teachers /tutors?
* Does the FET provider have a reasonable accommodation policy for students and a procedure to implement it (as per QQI’s ‘**Fair and Consistent Assessment of Learners’ policy**?
* Has there been an initial assessment of the learners to identify literacy difficulties early on and were appropriate referrals /supports offered?

**Evaluation Sheet**

**Please circle words that reflect how you found the session**:

Interesting Food for thought Confusing Useful

Easy Enjoyable Stimulating Boring Complicated

Uninteresting Fun Practical Difficult Time went quickly

Well organised Exciting Learned a lot Surprising

Badly organised Uncomfortable

**Please rate the activities you took part in today-**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Very good | Good | OK | Poor |
| Quiz |  |  |  |  |
| Checklist 1 |  |  |  |  |
| Checklist 2 |  |  |  |  |
| Case studies |  |  |  |  |

Would you be likely to use the checklists for programme planning? Yes/ No

Would you use the checklists for programme review? Yes/No

If you were going to use the checklists when would you do so?

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Will you use anything else you learned from the session today? If so what and how? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Any Other Comments? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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