

Educators' Understanding and Experience of the Single Equalities Act in Further Education (FE)

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Introduction

The 2010 Equalities Act is further reaching than all previous equality legislation. The Act was designed to be sufficiently flexible to incorporate new equality issues as they arise, while simultaneously giving due attention to contemporary concerns. Nine separate equality characteristics are explicitly protected under the Act: disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As a minimum public sector organisations, working through their employees, are expected to:

- *Eliminate discrimination and other conduct prohibited by the Equality Act 2010;*
- *Advance equality of opportunity between people who share a protected characteristic and people who do not share it;*
- *Foster good relations across all characteristics between people who share a protected characteristic and people who do not share it.*

Department for Education 2010: 21.

This purpose of this small-scale research was to explore experienced tutors and trainee college tutors' understanding of this law and how effectively it was being implemented in their workplaces.

The Context of Equality Legislation in the UK

There is a long history of equality legislation in the UK. Acts offering some provision for those with disabilities were passed as early as 1593 with an Act providing for the needs of wounded returning soldiers and sailors (National Health Service, 2013). Supportive legislation relating to race and gender were not passed until later with the Abolition of

Slavery in 1834 (Fryer, 1985) which liberated African slaves and the Married Women's Property Act of 1870 (Manchester Metropolitan University: MMU, online) which allowed married women to own premises. The first Race Relations Act, which made some forms of discrimination against Black people unlawful was passed in 1965 (Fryer, 1985) and the Sex Discrimination Act which sought to promote equality between men and women became law in 1975 (MMU, online).

While these earlier Acts provided some legal protection for different groups, there did not appear to be a central, unified Government approach to equality. Rather, legislation seemed to be passed as a reaction to developing national crises or public outcry. The Single Equalities Act, which came into force on the 1st October 2010, has brought all previous equality legislation together under a single umbrella and is intended to be a coherent central government response to existing and emerging equality issues. This Act is designed to *simplify existing equality legislation* (Peart, 2014: 84) and to remove apparent earlier legislative contradictions. In doing so the government sought to make equality law easier to understand and utilise for both UK citizens and law enforcement agencies.

Under the 2010 Act, as public sector employees college managers and management teams are expected to lead on challenging *stereotypical thinking relating to minority communities* (Race 2011: 48) and establish all necessary infrastructures required to achieve the aims of the Act. Individual college employees are expected to take personal responsibility for their actions and ensure they understand and comply with legislation. Through the combined efforts of management teams and employees, colleges are directed to implement the Act in its entirety and work to build *socially cohesive* (Peart, 2014: 91) communities in which all minority groups feel welcome and supported.

This small-scale research project investigated beginning and practising tutors' awareness of this law; the way in which they witnessed the legislation being implemented in their workplaces; what they believed were the equality priorities at their work; how national and international events may have influenced equality perspectives; and how successfully the aims of the Act were being achieved in their colleges.

Methodology

The research was completed during the 2014-15 academic year and involved 12 educators: six were completing an initial teaching qualification in post-compulsory education at university with placements arranged at general further education colleges (GFECs) and other education establishments; another six were employed as tutors at a large FE college.

Using semi-structured interviews, data was collected from participants on their understanding of the Equalities Act. All participants were interviewed either in their workplace or at the university where they were completing their training course. An informal, semi-structured approach was used so that participants were put at their ease and data collection was *like a normal conversation* (Bartlett and Burton, 2007: 43). Such an approach enabled an in-depth exploration of issues and the facility to unearth new ideas by using further probing questions. A framework of 12 identical core questions was used for both experienced and trainee tutors to provide consistency in data collection.

Participant interviews were audio-recorded and later interrogated to identify deeper meaning beyond surface responses. Data was analysed by re-immersing in the data through playing and re-playing the audio-recordings. In this way, through a *process of inductive reasoning* (Maykut and Morehouse 1999: 133) key themes were constructed through the *recurring words, phrases and topics* (ibid) used by the participants. Data was analysed to determine common views held by all participants and any significant differences between the experienced and novice tutors. British Educational Research Association (BERA, 2011) ethical guidelines were followed throughout and all participants were given the option to withdraw from the study at any time without reason. To preserve confidentiality, pseudonyms for employed staff and trainees, the different colleges and the university have been used throughout this article. The participants were fully informed how the data would be used.

The Research Participants

Summary details of the 12 research participants are shown in the table below.

Profile of Research Participants

University Trainees (Novice Tutors)	Employed Tutors at Large GFEC (Experienced Tutors)
1. Santosh – Asian male. Under 25. Art and Design/Fashion Tutor. 6 th Form College placement	1. Sandra – White female. 25-55 years old. Humanities Tutor
2. Malini, Asian female. Under 25. Maths Tutor. GFEC placement	2. Alison – White female. 25-55 years old. Maths Tutor
3. Hibba, Asian female. Under 25.	3. Karen – White female. 25-55 years old.

Law Tutor. GFEC placement	Maths Tutor
4. Claire, White female. Under 25. Hairdressing Tutor. GFEC placement	4. Helen – Mixed Black/White Heritage female 25-55 years old. Sociology and English Tutor
5. Samantha, White female. Under 25. Performing Arts Tutor. GFEC placement	5. Simon – White Male, 25-55 years old. English and Language Tutor
6. Chloe, White female. Under 25. Art and Design Tutor. GFEC placement	6. . Henry – Black Male, 25-55 years old. Department Manager and Tutor

The Trainees

The first group comprised six trainees. All held a relevant subject qualification or had significant work experience in their chosen field. On successful completion of this course the trainees would be able to apply for posts in schools and colleges to teach students over 14 years old. Although half of this group (three trainees) had completed some teaching prior to beginning the course this had usually been informal, occasional work or had been on a voluntary basis. All group members now wished to gain a formal qualification so they could apply for more substantive posts in the sector. The university had arranged training placements for this group to enable them to gain the practical experience needed to qualify. Three trainees were based at the same college as the employed group, two others were based in separate GFCEs and one was in a sixth form college. There were five females and one male in this group, three Asian students and three White trainees. All participants were under 25 years old.

Employed Tutors

The second group of participants were qualified teachers and had worked in post compulsory education from two years to over 20 years. Some of this second group held significant management responsibilities in their colleges such as Head of Department or Course Leader. All of the second group worked for the same large GFEC which annually enrolled over 35,000 full and part-time students on approximately 1000 different further, higher and industry specific courses including, for example, GCSEs, BTEC National Diplomas, A-levels and foundation degrees. All of the group held either full-time or part-time permanent contracts. This group comprised four females and two males; four White and two

tutors of BME heritage. All group members ranged in age from mid-twenties to their early 50s.

Research Findings and Discussion

Data was analysed to determine areas of common understanding as well as differences between experienced FE tutors and those at the start of their careers.

Common Understanding of All Participants

Even though the Equalities Act is over four years old and is now the UK's single unifying equality Act, it appeared no-one had a detailed knowledge of this Act and or their duties under this legislation, giving answers such as

Henry (experienced): *I couldn't tell you the characteristics*

Santosh (novice): *I'm not sure what the Act is*

Only one participant could identify all nine protected characteristics without support. However, most of the group had a generalised appreciation of equality issues and could identify some of the nine characteristics. Further, based on this general knowledge they believed race, sex (in terms of biological birth sex), disability and age were likely to be included as protected characteristics. Some of the group thought religion, sexual orientation and gender reassignment would be also included and a few identified that marriage/civil partnership and pregnancy/maternity would probably be recognised by the Act.

Both the experienced and novice tutors expressed a morally-framed, general commitment to equalities. They were decisive that supporting equality and diversity was important for their work in college and more generally in society as a whole, making comments like:

Alison (experienced): *My view is for equality on all levels, that's across ages, across race barriers, across ability. I just feel nobody should be prejudiced against.*

Claire (novice): *I'm very much for equality and diversity, even if it doesn't get you in a good place. Even when I was a student I always challenged people about things*

All tutors understood they had an important role to play in promoting equality for all college users and were clear it was their role to confront staff and students should unacceptable behaviour or actions arise

Chloe (novice): It's the tutor's responsibility to challenge, whether that be in front of the whole class or if you took them to one side. How are they going to know any different unless you challenge them about it? They are just going to carry on believing the same thing.

Trainee Outcomes

While generally enjoying their placement experience and feeling supported in terms of subject support, trainees were not convinced their colleges were promoting or had embedded equality in its daily practices, commenting as follows:

Santosh: I've not been made aware of how the protected characteristics are taken care of. I've not known the process. There is a barrier I've observed where it seems to be about teaching and learning and that's it.

Some of the trainee responses were surprising in that they demonstrated an unexpected naivety about global and national affairs. When specifically asked if they thought recent news events, for example the success of the UK Independence Party (UKIP) in recent by-elections; or the reporting of terrorist incidents by Islamic state had any impact on their work or could increase tensions between different ethnic groups, trainees gave the impression they had not thought about how these events might impact on their work. This is surprising in the context that three of the trainees were of Asian origin and would be the target of UKIP's repatriation policies or may be associated with the assumed racist threat supposedly presented by all young Asians. Similarly the White trainees did not give the impression that national and world events could influence their teaching, also appearing to believe they were only engaged to teach their subject.

Hibba: Who's Nigel Farage? Who are the UK independence Party? I haven't heard of them.

Although the trainees felt that their course had prepared them well for teaching their subjects they were less certain on how they could, should or would challenge equality issues in teaching situations. Some expressed they did not yet have the confidence to manage these

broader issues. If this reluctance to engage with bigger issues is coupled with the trainees' general ingenuousness, some of these new tutors may struggle to recognise equality issues should they arise in their classrooms and would appear to have no clear strategies to manage these concerns. While this may not result in a failed subject observation, it seems to do little to advance the aim of positively promoting equality.

Experienced Tutors Outcomes

The experienced tutors all agreed that equality issues were an integral part of their work as college tutors. They believed it was their direct professional responsibility to challenge discrimination should it occur in the classroom and all had the confidence to do this, agreeing that managing equality and promoting diversity was a central part of their professional responsibility. However, they were uncertain whether their employer still paid the same explicit attention to equality, believing it had moved down the college agenda, to be replaced by other issues such as cost effectiveness and raising attainment. Further, tutors seemed to believe that college management had delegated sole responsibility for promoting equality to frontline college tutors. Interestingly the tutors' perception that the college gave less obvious support to equality connected with their views that it had become their personal, professional responsibility to promote equality, stating:

Alison: Equality is something that we automatically do now. We take it for granted. There may be a temptation to 'tar everyone with the same brush', but we have to make sure that if we see that sort of reaction from anybody we make it clear that it's inappropriate.

Henry: There is no flexibility in this role. You cannot afford to slip. If you think it's right to blur the lines because you've had a bad day, you'll be brought to account. It's never right to blur the lines on your responsibilities.

The experienced tutors demonstrated a much greater social and political awareness, believing that the biggest challenge to their work in building a cohesive, mutually respectful learning community was the growth of religious fundamentalism (across many faiths) and the entrenched views held by some students and staff. These views sometimes prevented dialogue when students would bluntly assert that certain practices (for example same-sex relationships) and life styles were wrong. This was not necessarily connected to the students' age range but was connected to the level of their fundamentalism. In contrast to the trainees the experienced tutors recognised the impact of changing world events acknowledging how global terrorism may lead to heightened tensions between different

groups of college users. However, they were collectively relieved to report that these events did not seem to have created unrest within the college.

Conclusions and Implications for Further Education Colleges

The aim of this study was to explore the level of understanding of the most significant piece of equality legislation to be introduced to the UK since the mid 1970s when both the Sex Discrimination and Race Relations Acts were introduced. Both experienced and novice tutors seemed to have a general awareness of this Act, but neither group had a detailed understanding of this legislation and gave the impression that within their colleges equality and diversity was no longer given priority status. While experienced tutors suggested implementing equality had now become second nature to them, the novice tutors lacked this same level of understanding on how diversity might be managed within an educational context. Both groups were unable to clearly articulate the declared corporate college equality priorities and thus could not state how well, or whether, these priorities were being achieved. Against the backdrop of major and continuing global events, this in itself is a significant concern. Tutors are at the forefront of educating future generations. This places a requirement on all tutors, novice and experienced alike, to be adequately informed so they remain aware of developing issues and so they are clear on how such issues may be addressed and, if necessary, confronted. While public sector organisations once provided extensive race and sex awareness training for employees to help them manage new diversity situations, it seems such equality training is no longer routinely available for all staff or that refresher training was readily available. World events have changed the nature of intercultural relationships for all communities and colleges need to consider how they will manage internal and changing cross-cultural relationships. As sites where many different cultural groups meet to work and study, colleges must remain at the forefront of development and building unified communities.

References

Bartlett, S. And Burton, D. (2007) *Introduction to Education Studies*, 2nd edition, London: Sage.

British Educational Research Association (BERA, 2011) *Ethical Guidelines for Educational Research* available at www.bera.ac.uk/wp-content/uploads/2014/02/BERA-Ethical-Guidelines-2011.pdf accessed 14 December 2014.

Department for Education – DfE (2010) *Equality Act 2010: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities*, available at <http://www.educationengland.org.uk/documents/pdfs/2012-guidance-2010-equality-act.pdf> accessed 10 August, 2014.

Fryer, P. (1985) *Staying Power, The History of Black People in Britain*, London: Pluto Press.

Manchester Metropolitan University (MMU), *The Women's Timeline*, available at <http://www.mmu.ac.uk/equality-and-diversity/doc/gender-equality-timeline.pdf> accessed 24 January, 2015.

Maykut, P. and Morehouse, R. (1999) *Beginning Qualitative Research: A Philosophic and Practical Guide*, London: Falmer Press.

National Health Service (NHS) (2013) *A Disability History Timeline: The Struggle for Equal Rights Through the Ages*, National Health Service.

Peart, S. (2014) *Equality and Diversity in Further Education*, Northwich: Critical Publishing.

Race, R. (2011) *Multiculturalism and Education*, London: Continuum.