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4 Recognising diversity and supporting equality

The objectives of this chapter

This chapter explores issues about social justice, and looks at how we, as teachers, can recognise diversity and support equality through our professional practice. It addresses the areas of essential knowledge, skills and values which relate to these issues in the Professional Standards for QTLS. These include helping you to:

- **value equality and diversity and promote inclusion at college, in the workplace and in the wider community (AS3);**
- **be aware of and adhere to current legislation relating to equality and diversity, and the protection of the vulnerable; and understand how it relates to your own specialist area (AK6.1; AP6.1; AK6.2; AP6.2);**
- **promote equality, diversity and inclusion through your own practice (BS1; BK1.2; BP1.2; BK5.2; BP5.2; DS1; DK1.1; DP1.1; EK2.1; EP2.1);**
- **evaluate your own practice in terms of equality and diversity (AP3.1; AS4).**

Introduction

Let's agree first of all that the promotion of equality and diversity is not an aspect of our professional practice that we can view in isolation. It's not something separate that we bolt on to our teaching in order to tick the right boxes. It is central to our professional values; and it should underpin all our planning and teaching, as well as being evident in our interactions with learners and colleagues and others. That's why you'll find issues about equality, diversity and inclusion appearing throughout this book as we explore Assessment, Planning, Motivation, and so on. In fact, we've already encountered these issues in Chapter 2 in relation to Communication. So why a separate chapter on them?

The answer is: because they're so important. If we want the promotion of equality and diversity to underpin everything we do, it's helpful if we take some time to focus in on it, both in terms of how it fits with our personal and professional values, and of what it means in practical terms for our professional practice. What does the promotion of equality and diversity *look* like? What strategies and attitudes does it require in our classrooms or workshops, and in our organisations as a whole, in order to succeed? How do we evaluate our own success as individual teachers in terms of promoting inclusiveness? Exploring these questions is essential if we are to understand the values on which we base our practice.

What is social justice?

One of the terms we use to talk about equality and diversity is *social justice*. Implicit within that phrase is the aspiration to create a just society, one in which everyone is treated fairly. It's unlikely that any of us would disagree with this as a worthwhile goal. But if we want to do

our bit towards achieving it, we need to think carefully about what we take this to mean. What, for example, do we understand by a *just society*?

Philosophers will tell us that a just society could mean one of two things, and the interpretation you opt for will depend on whether you value individual rights more than the rights of the population as a whole. The claim for the rights of the individual – to freedom from oppression, to justice, to education – is sometimes traced back to the philosopher Kant (1724–1804), who argued that no individual should be treated as a means by any other or others in pursuit of their own ends. This would mean, for example, that if I could save my entire college from closure and all my colleagues from redundancy by kidnapping the Head of Resources and forcing him to take a crash course in accounting, I could not, given this interpretation of social justice, do so without compromising my principles. If, however, I were to take the alternative view of social justice – the view that the good of the many is more important than the good of the few – I might feel fully justified in infringing the Head of Resources' individual rights in order to save the jobs and livelihoods of the entire college staff. The good of the many – or the greatest good for the greatest number – is an argument advanced by Bentham (1748–1832). It's known as the *utilitarian argument* (utility being in this sense a synonym for good), and can be used to justify any course of action which increases the overall happiness of the many, even if this means overriding the individual rights of the few.

So, what do we mean by a just society? Do we mean one in which every individual has inalienable rights which must be respected? Or do we mean one in which the welfare of the population as a whole must sometimes take priority over the rights of the individual?

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Consider the following situations and decide on the best course of action. Identify which philosophical position underpins your decision in each instance. Is your position consistent? If not, why not?

1. You have a disruptive and demanding learner in your class. She doesn't actually break any rules, but her constant attention-seeking prevents all the other learners from concentrating. You have tried every strategy to cope with this, but failed. She still demands almost all your attention. If she was removed, the others would be able to fulfil their potential and achieve their qualification. If she stays, many of them undoubtedly will not.

Question: Whose rights are paramount here? Would you recommend the disruptive learner be excluded for the greater good of the many? Or would you respect the individual's right to education and training and resign yourself to the other learners achieving poor results?

2. One of your learners is, for some reason, unpopular with the rest. When you organise group work, none of them wants to work with him.

Question: Do you persevere, on the grounds that he has a right to be included in group work? Or do you let him work alone or with you in the interests of keeping the rest of the class happy and onside?

3. Your college is facing the possibility of a merger with a larger, neighbouring college. At least 20 jobs will be lost if this goes ahead; but you have received absolute assurance that yours will be safe. On the other hand, if the merger doesn't go ahead, the college will reorganise and four jobs will be under threat, including your own.

Question: You are staff representative on the Board of Corporation. How will you vote when the question of the merger comes up?

4. One of your learners has a hearing impairment which also affects the clarity of her speech. Your next lesson plan, which you've used successfully for three years now, involves learners making and taking simulated phone calls and taking accurate notes of the conversation. It specifically covers one of the objectives of the course specification. The learner who has a hearing impairment insists she wants to join in the activity, and doesn't want to be singled out in any way.

Question: Do you re-think and re-plan the lesson around that one learner's needs? Or do you stick to your plan on the grounds that the majority of the learners will benefit greatly from the exercise? Or do you devise an alternative activity for the learner in question, despite her request, because you know she can't do herself justice in a phone exercise?

5. One of the pieces of coursework which goes towards your learners' summative assessment is a group task. It has to be assessed based on overall final product and not on individual contributions to the task. In allocating the groups for this task you have the opportunity to put one of the weaker but hard-working learners in with a very able group. This will have a good chance of bringing up his overall grade, but could – and in fact almost certainly will – adversely affect the grade of the others slightly. You feel the less able student deserves this chance. If you put him with his usual group it is quite possible that they will fail the task and this would keep his overall mark down to just below a pass.

Question: How will you manage the learning here? Whose rights are the most important? Does the less able student have the right to be put in the group where he'll be enabled to do as well as he possibly can? Or should you uphold that same right for the more able group?

Discussion

1. So, would you recommend the disruptive learner be excluded for the greater good of the many? If so, you are taking a utilitarian standpoint in which the right of the individual to this particular course of training or education is abrogated – withdrawn – in favour of the good of the many (the good in this instance being the freedom to take full advantage of their learning opportunity). If, on the other hand, you decided that the rights of the individual here are sacrosanct, you'd be deriving your position from the Kantian argument that no individual should be treated as a means to an end (in this instance, exclusion of that one learner would be a means to improve the learning opportunities of the others). As we've seen, either course of action could technically be justified on the grounds of social justice.
2. And what about the isolated learner? Do you let him work alone or with you in the interests of keeping the rest of the class happy and onside? This would be the utilitarian answer. Or do you persevere until you have facilitated his inclusion? I know which I would do. One of the difficulties, though, that faces us all as teachers is the degree to which we are constrained by lack of time. Facilitating inclusion in a sensitive and supportive way is not a quick or easy process, and there will always be the temptation to take the easier route. However, it seems to me that this particular scenario presents us with additional moral issues. The other students may well be 'happier' if the isolate is excluded. But what sort of 'happiness' is that? If the happiness or 'good' involved in the utilitarian argument is of the morally dubious sort – enjoying someone else's pain or unhappiness, for example – then we will probably want to question the application of the utilitarian approach in such circumstances. These learners don't want to include this particular learner? Including him will make them unhappy? Tough! They have a lot to learn about social justice, and learning to be inclusive and tolerant is a good place to start.
3. How will you vote when the question of the merger comes up? This is a nasty one, isn't it? It raises yet another complication to the philosophical debate – and again it's a moral one. It seems to me that if you were not personally involved in this situation, you would be able to vote against the merger on purely utilitarian grounds and with a light heart. Fewer job losses mean (in this simplified scenario) the greater happiness of the greater number. But wait a minute! If I'm one of

the few whose job is being sacrificed for the good of the many, I'm almost certainly going to feel rather different about it. The complication which this scenario invites us to think through is *self-interest*. Self-interest isn't something we can just ignore. We have to be aware of the way it operates to influence our judgements. In the context of the previous two scenarios, for example, we might have felt a personal dislike of the attention-seeking learner and wanted her off the course for our own selfish reasons (scenario 1), or have decided in our own interests to opt for a quiet life and let the isolated learner continue to work on his own (scenario 2). Taking a wider view of this, it's important to remember that, in the context of diversity and inclusion, we may often identify ourselves as one of the many with a shared self-interest. In this position it behoves us, as teachers, always to remember the interests of the few.

4. Did you decide to go ahead and teach the lesson as planned; or did you re-think and re-plan the lesson around that one learner's needs? At first sight this would appear to be an obvious example of the need for differentiation. With ingenuity you can easily devise an activity that will meet the individual learner's needs and at the same time satisfy the course specifications. One class, two alternative activities to teach and assess the same outcomes: this is what we mean by differentiation. However, in this case the learner in question has made it clear that she doesn't want to be treated *differently*. She wants to participate in the same activity as the other members of her class. So now you have a rather different kind of dilemma. Do you respect the individual's right to be included without being made to feel 'different', or do you have a duty to ensure she receives her full entitlement as a learner, which includes learning activities and assessment strategies which meet her individual needs? Suddenly this has become a question about who makes the decisions about what's best for the learner. And if it isn't the learner herself who is allowed to make those decisions, then how does that square with her 'rights'? This is a question of some significance as we shall see later in this chapter. Whatever course of action you decided upon in this case, you will certainly have discovered that the answer is not straightforward.
5. The final scenario asks us, whose rights are the most important? Can we be justified in supporting the less able learner towards a 'pass' grade at the cost of the more able learners losing a few marks? 'Why not?' you may ask yourself. 'After all, that way the more able ones will still pass, and there's the added advantage that he will too.' And yet I find this one the most difficult dilemma of the lot. In a sense we make decisions like this all the time. We teach classes where there is a mix of ability and a range of learning needs, and inevitably some learners will demand more of our time and attention than others. We could argue – though I hope we don't – that every minute we give to less able learners is a minute that could have been spent further improving the chances of the more able ones. But that isn't a good reason to withdraw our attention from those who need it most. In fact most of us would find such an argument distasteful if not downright offensive. It should logically follow, therefore, that we would be happy to help this less able learner along by managing the learning in such a way that he is able to pass his course. But, given that position, we could as easily argue that we could probably achieve a pass even for the less motivated group of learners with whom he usually works if we were to devise groupings with a balance of low and high achieving learners. Obviously this will have the effect of levelling the marks, and some learners will come out of it with a lower grade than they would have had if they'd been allowed to work with other high achievers. But the advantage would be that some learners who would otherwise have failed will all have been given a chance now of passing. So that would perfectly well justify the strategy. Or would it?

Individual rights, or the good of the many?

How consistent was your position in responding to those scenarios? Did you find yourself taking a utilitarian stance, defending the good of the many; or did you take a Kantian view and stand up for the rights of the individual? If you're like most people you will have applied

whichever seemed best to fit the specific case. In practice, it would seem, we – by which I mean not only you and me but also our political and social infrastructure in the UK – choose which of these positions to apply, depending on the circumstances. We don't operate to a hard and fast philosophical position. We apply a certain pragmatism. Or, as philosophers would say, the stance we take is *contingent* on the case in point. For example, the rights of the individual are respected in law. But if that individual becomes a danger to others – by breaking the law, say – their individual right to freedom is overridden by the right of the many to be protected from them, and so they find themselves imprisoned on what are basically utilitarian grounds. To some extent we can see that same principle operating in our classrooms and workshops. As teachers we will defend individual rights – up to a point. And that point is contingent on all sorts of other circumstances, including and especially the welfare, rights and happiness of other learners.

Equality and equal opportunity

Let's look now at two further related concepts: *equality* and *equal opportunity*. The QTLS Standards, quite rightly, place a great deal of emphasis on *equality*. They refer to 'Equality, diversity, and the need for inclusion' (AS3); and 'promoting equality and inclusive learning and engaging with diversity' (AP3.1); and so on. So what is meant by 'equality' in this context?

There are at least two ways we can answer this question. We could answer that equality is about fairness and even-handedness; that it requires us, as teachers, to ensure that we show no favouritism or antipathy towards any learner and that we are entirely non-partisan in our dealings with them. In other words, this understanding of equality requires us to *treat them all the same*. Whether they are keen and motivated or bored and disengaged; or whether they are friendly and sociable or morose and threatening, they are nevertheless *equal* and should be treated *equally*.

The other way we can interpret equality is in terms of value. If this is what we mean by equality, our focus is not on what we *do* (show no favouritism, treat them equally, and so on), but on what we *believe*. We *value* all learners equally. The way in which we interact with them will follow from this, and will be pretty much indistinguishable from that which arises from our other interpretation of equality. So we now have two ways of understanding what we mean by equality. It can be about how we *act towards* our learners, or it can be about how we *value* our learners. Now, it will be immediately evident to you that only one of these is observable. If I come to assess your practical teaching, I'll be able to observe and assess how you behave towards your learners, but how can I know whether this way of interacting arises from genuinely held values, or whether it is a set of behaviours adopted in order to ensure that your practice is in line with the QTLS Standards? And does it matter that I don't and can't know? After all, the accurate assessment of attitudes and beliefs is always problematic, as we shall discover later in this book when we come to discuss the domains of learning. To help answer our question about whether it does really matter, let's look at a practical situation.

Darren's teaching is being observed by his subject specialist mentor. He knows he's being assessed against the QTLS Standards. He takes great care to treat all his learners equally, paying particular attention to a group of female students who usually sit quietly and isolate themselves from the lesson and the rest of the class. Usually he leaves them to it. It's too

much of an effort to coax them to join in, because they don't respond; and he doesn't expect them to achieve very much anyway. But today he makes a special effort to draw them in. They look a bit surprised and show their usual reluctance, but Darren's mentor is satisfied with what he's seen, and writes on the report that Darren is meeting the standards, including AS3, AK3.1, and DS1.

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So does it matter that Darren's engagement with equality is limited to this one occasion? Does it matter if it extends as far as his behaviour but not his values?

My answer to both questions would be that yes, it does matter. But then, in terms of the Standards, how are we to assess the values that a teacher holds, other than through their observable behaviour? This is not just a dilemma for teacher trainers; it is one which all of us will confront in our teaching if part of our professional responsibility is that we should positively promote equality. Will it be enough if we simply achieve a change in learners' *observed behaviour*? Or should the goal be one of addressing their *values*? And, if the latter, how will we know if we have been successful?

Entitlement and equality of opportunity

Language-watchers among us will have noticed a recent change of phraseology in relation to equality. The most often-used expression ten years or so ago was *equal opportunities* or equality of opportunity. Colleges had their Equal Opportunities policies and Equal Opportunities committees, and so on. Now, however, we tend to use the terms *social justice* and *equality*. We can see this development illustrated in the Equality Act (2006) – of which more later – both in its title and the fact that it replaced, among others, the Equal Opportunities Commission (EOC) with the Commission for *Equality* and Human Rights (CEHR). And in the QTLS Standards there are, as we've seen, a number of references to equality, but no mention of equal opportunities. What might be the reason for this?

Part of the answer probably lies in the fact that *equal opportunities* is quite a slippery concept when we try to relate it to the practicalities of provision. For example, have a look at the following extract from the White Paper *14–19 Education and Skills* (DfES 2005).

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Read the following extract carefully and make some notes on what you think it is saying about a) equality, b) entitlement, and c) equality of opportunity.

... this White Paper ensures that young people are able to pursue qualifications pitched at the right level for them, whatever that might be. QCA and the LSC already plan to develop a range of units for those working below level 2. These would cover functional skills, vocational and general learning and personal and social development. We intend that every young person should be supported and challenged to achieve the most of which they are capable. The new proposal for stretch in the White Paper achieve that for some young people; the new proposals for better progression at foundation level achieve it for others. (DfES 2005, para 9.11)

Discussion

What is proposed here is about equality, in the sense of the government acknowledging an equal duty of care for all young people, and also in the sense of acknowledging that they all have an equal right to education and training. As young citizens they all have an entitlement to the level of education and training that meets their needs. But do these proposals offer them all an equal opportunity? You would probably have to conclude that they do not, although you may well feel there are valid reasons for this. So, an equal value may be placed on all these young people, and they may all be equally entitled to education and training; but this will not necessarily provide them with equal opportunities – for career progression, earning potential, higher education, and so on. They may all be entitled to education and training, but they are not all automatically entitled to the *same* education and training. This is one of the reasons that *equal opportunities* is a problematic term to apply in practice. In the next chapter we shall see that much of the recent legislation on education and training has been about establishing and revising differentiated provision for learners.

Diversity

What do we mean by diversity? In very simple terms it expresses the fact that not all our learners are the same. They may be diverse in terms of their cultural background, their physical or learning abilities, their age, their 'race', their religion, their gender and sexual orientation. We will encounter some level of diversity in most educational or training organisations; but we could argue that it is in the Lifelong Learning sector where we will find the greatest diversity of all. This is because the provision of the sector is not aimed at a specific group of learners – in terms of age, for example, as schools do; nor in terms of level of qualification, as universities do. The range of courses in the Lifelong Learning sector is the underlying reason for the diversity of our learners. But the sense in which we use the term *diversity* in this chapter, and in relation to the Standards, is not simply descriptive. It implies the very set of values which we have been examining here. It conveys not simply difference, but difference coupled with equality. In our teaching we are likely to encounter a wide and diverse range of learners, and it is part of our responsibility to demonstrate through our professional practice that we *value and respect all learners equally*.

Current legislation

Let's go back now to the *Equality Act* of 2006. The single commission it established (the Commission for Equality and Human Rights (CEHR)), as well as replacing the Equal Opportunities Commission (EOC), also replaced the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC). The Act now requires public authorities to promote equality between men and women, and to explicitly prohibit sexual harassment. It also makes it unlawful for anyone or any body or organisation to discriminate against anyone on the grounds of religion and belief; and it also enables provision for the prohibition of discrimination on the grounds of sexual orientation.

As a teacher, you need to be conversant with current legislation, not only in order to understand what the law requires of you, personally and professionally, but also to enable you to clarify such requirements for your learners when necessary. Some sorts of offensive behaviour which previously would have been discouraged by college or organisation rules or policies are now prohibited by law. These include discriminatory behaviour, or bullying, by learners on the grounds of a fellow learner's sexual orientation or beliefs.

Other key legislation over the past 30 years includes:

- 1975 Sexual Discrimination Act;
- 1976 Race Relations Act;
- 1995 Disability Discrimination Act;
- 1999 Sex Discrimination (gender reassignment) Regulations;
- 2000 Race Relations Act (1976) Amendments;
- 2002 Sexual Discrimination (Election Candidates) Act;
- 2003 Race Relations Act (1976) Amendments;
- 2003 Employment Equality (Sexual Orientation) Regulations;
- 2003 Employment Equality (Religion or Belief) Regulations;
- 2003 Employment Equality (Age) Regulations.

The 2002 legislation relating to election candidates may not seem at first sight to be particularly relevant to ourselves as teachers. But, in fact, this Act made provision for positive measures to be taken in order to address the disparity between numbers of men and women chosen to stand for parliament. It may be useful to draw an analogy here with the way we recruit learners onto programmes that traditionally have been gender-specific, such as nursery nursing or construction. The 2002 legislation provides a precedent for 'positive action' – that is, taking active measures to redress the imbalance. This could mean, in theory, offering a place on a programme to a male applicant rather than a female applicant who might be equally or even better qualified for admission, in the interests of a more even gender balance. Inevitably, this sort of thing remains controversial.

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In terms of the two conflicting interpretations of social justice which we considered earlier in this chapter, how would you evaluate the practice of 'positive action'? It may help here to think about means and ends.

Applying the legislation to our professional practice

You can access all this legislation in full through the internet, using most search engines. A useful key phrase for your search is *Anti-discrimination legislation*. You can also access very useful summaries through, amongst others, the ACAS website, *teachernet*, and the website of the Metropolitan Police Authority (MPA).

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Choose two pieces of legislation which, in your view, have the most relevance to your own professional practice, and use your ICT skills to access both these and the Equality Act of 2006, either in full or in the form of summaries of their main points. When you have read and reflected on these, consider the following questions.

1. How effectively do your own institutional policies (for example, on Equality or Diversity) reflect current legislation? (You should be able to acquire copies of all college policies through your Human Resources or Personnel department.)
2. What specific issues in relation to this legislation are raised by, or particularly relevant to your own specialist subject area?

You may find it useful to address these questions with the help of a critical friend or mentor, or with a group of colleagues who share your subject specialism.

A SUMMARY OF KEY POINTS

In this chapter we have:

- > emphasised that the recognition of equality and diversity is central to our professional values;
- > discussed what we mean by 'social justice' and the tension between individual rights and the greatest happiness of the greater number;
- > explored some of the issues surrounding 'equality' and 'equal opportunity';
- > discussed the relationship between beliefs, values and observable behaviour;
- > summarised the Equality Act (2006) and other relevant legislation, and considered how these apply to our professional practice.

Branching options

The following tasks are designed to allow you to apply or explore further some of the contents of this chapter. If you are using this book to support your professional development leading to a teaching qualification, or a formal programme of CPD, you may find it useful to choose a task according to the level at which you are currently working. These are indicated in brackets.

1. Reflection and self evaluation (NQF level 5)

Choose one class or group which you currently teach, and reflect on the following questions, giving examples and making notes, where appropriate, in your professional journal.

- How do you promote equality and diversity to these learners?
- How do you ensure, in your planning and teaching, that you don't discriminate against any learner on the grounds of gender, race, religion, disability, sexual orientation or age?

2. Evaluation: theory and practice (NQF level 6)

Employing your research skills, use the internet or library to identify which pieces of anti-discrimination legislation have been informed by, or are relevant to, the following milestone reports in the field of inclusive education and training.

- 1996 Tomlinson Report (Report of the FEFC Learning Difficulties and/or Disabilities Committee chaired by Prof. John Tomlinson).
- 1999 Kennedy Report (*Learning Works*).
- 1999 Moser Report (*A Fresh Start – Improving Literacy and Numeracy*. Report of working group chaired by Sir Claus Moser).
- 2002 LSDA's *Access for All*.

3. Engaging critically with the literature (NQF level 7: M level)

Consider the following questions.

- In what sense can we argue that education is a 'right'?
- What do you understand by 'equality' in the context of education and training?
- To what extent might there exist a contradiction between inclusion and diversity on the one hand, and the raising of standards of achievement on the other?
- In your view, is the promotion of equality and diversity a practical issue or a moral one, and how would you distinguish between the two?

REFERENCES AND FURTHER READING

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Websites

- www.dfes.gov.uk for legislation and regulations
- <http://inclusion.uwe.ac.uk> for summaries of policy, reports and legislation
- www.niace.org.uk for summaries of policy, reports and legislation.