The Current Status of Equality, Diversity and Inclusion in the Further Education Sector in England

EXECUTIVE SUMMARY

Report Commissioned by AoC. Research conducted by Dr Maria Leitner on behalf of QDP Services Ltd.
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Background

The drive towards ‘Equality, Diversity and Inclusion’ (EDI) can be traced back to the Civil Rights movement in the US and to the UK’s failure in the 1960s to integrate a Commonwealth workforce. The goal of achieving EDI can be seen simply as the reasonable attempt to ensure that everyone enjoys the right to be integrated equitably into Society. The Black Lives Matter and #MeToo movements illustrate that this apparently straightforward goal is far from being achieved. In the 1980s, the EDI agenda stepped sideways into the commercial sector, primarily due to campaigns around stark gender inequalities in employment and remuneration. Since then, EDI has shown a remarkable growth trajectory, stimulated also by the Equalities Act 2010. A 2019 report by the global management consultancy BCG estimated that 98% of companies now have EDI training in place. Enlightened self-interest is a consideration here. Fortune 500 companies, whilst acknowledging ethical imperatives, believe that the social capital gained by EDI improves corporate governance, business performance and profits.

The Education Sector lags behind the Commercial Sector in engaging with EDI. Yet it finds itself situated squarely between the ethical and business imperatives driving the agenda. It is hard to deny the legitimacy of EDI as an ethical imperative. Educators are in the business of setting future life courses. If EDI is to become a reality, the Education Sector above all needs to embrace the associated principles. The Sector is also under significant financial constraints in the current climate. If EDI proves able to generate social capital, embracing the concept can only be a positive move.

One firmly established principle in promoting EDI is that change needs to start from the top. Currently, little is known about EDI in respect of the Education Sector’s Governing Bodies. To begin to address this critical gap in our knowledge base, the Association of Colleges (AoC) commissioned QDP Services Ltd. to carry out the current research exploring the status of EDI in the FE Boardroom.

Definitions

Equality, Diversity and Inclusion are deceptively simple terms. Confusion over their meaning and relative stature is a common ground on which EDI stalls. The current research follows recent nuanced definitions of EDI. Equality is recognised as constrained by intrinsic differences. In response, Equality goals are couched within the language of meeting needs. Diversity is not defined as a purely numerical construct, nor as relating purely to identities of origin such as age. Diversity of life experience, cognition and attitude are also brought into consideration. The importance of Inclusion in the EDI triumvirate is increasingly apparent. Both academic and pragmatic accounts have coalesced around the view that Equality and Diversity ‘don’t work’ in the absence of Inclusion. The cultural change catalyst Verna Myers has captured the nub of this issue:

“Diversity is being invited to the party; inclusion is being asked to dance.”

In line with her account, the research explores Inclusion and EDI defined not simply using Board composition and articulated practice, but also taking into account those attitudes and mechanisms known to underpin meaningful change.
Board Composition
The most common (42%) size for Boards in the sample was between 17 and 19 members. All bar one Board had a Chair currently in place, with all but three having Vice-Chairs alongside them. Nearly all included CEOs/Principals, Committee Chairs and both staff and student Governors. Most also had a set maximum number of members no greater than 20. The majority (66%) followed a ‘Traditional’ model of Governance. In terms of protected characteristics, whilst nearly half (46%) of the Boards had 10 or more men in their membership, only 8 Boards had this number of women. The age profile of the Boards is captured in the finding that, in spite of the average age of their students, 90% of the Boards had two, or fewer, members aged 24 or under, whilst close to one quarter had four or more members of retirement age or above. Nearly all Boards had a predominantly white ethnic composition. Asian, Asian British and Black/Black British ethnicities were the best represented minority groups here, with 66% and 49% of Boards, respectively, including at least one member from these groups. People with physical disabilities were well represented, with 37% of Boards including at least one member self-reporting this kind of disability, but fewer than one in five boards had any members declaring a mental health disability. Figures for the less readily apparent protected characteristics are less reliable. As these stand, the Boards are primarily composed of people of Christian denomination (65%) or those holding to no religious or non-religious belief (40%). Aside from a slight over-representation of single or separated/divorced people, different marital status groups show a balanced representation on College Boards. As a proportion of all Boards, people with a sexual orientation other than heterosexual/straight’ were represented on only 3% of Boards. However, in the slightly over one third of Boards where Governance Professionals were able to respond, this figure rose to 40%. The least likely protected characteristics to be found on the College Boards were Transgender/Gender reassigned people (found on only two Boards) and pregnant women (found on only 3 Boards).

Definition & Vision
Achieving EDI objectives is particularly challenging where clear objectives are not set and/or where there is little commonality of vision. In spite of the evident commitment to EDI shown by the Boards, close to one third had not as yet set out any formal definition of EDI. Boards were substantially more likely to have done so (83% compared to 17%) if an EDI strategy was in place.

Conceptual issues around EDI also flag a risk that Boards may be unclear about the precise aims. Whilst 13% of Board Members felt strongly that the term ‘Diversity & Inclusion’ is the signifier for a single concept, the majority (88%) viewed these as two separate things. Board Members were unified in their definition of boardroom inclusion.

Accountability & Structure
Governance Professionals’ responses suggest that the most common accountability structure is for College Principals to take ownership of EDI (88%) with the whole Board (87%) holding responsible for decisions. Boards following a ‘Traditional’ model (66%) were more likely to have an appointed EDI committee contributing to policy development than those following either a ‘Carver’ model (38%) or a ‘Mixed’ model (25%). Between 27% and 59% of Governance Professionals named other individuals or groups as contributing to policy. The past holders seen as being the least likely to contribute to EDI policy were the Governance Professionals themselves. Governance Professionals believed that the principles of EDI are firmly embedded in Board protocol. Most Boards (94%) were seen to have a Code of Conduct, other Guidance or Training addressing EDI. In 55% of Boards, EDI protocols were set out as formal policy. By far the most common formal EDI duty undertaken by the Boards was the rather passive one of receiving an annual update report on EDI. Yet there is clearly active engagement with EDI in some contexts. Governance Professionals commonly stated that their Board ensures that the curriculum meets the needs of students and the wider community from the perspective of EDI. Equally, Boards were seen to monitor recruitment to ensure that applicants for senior posts are drawn from as diverse a pool as possible. Governance Professionals were less convinced that their Board either monitors or seeks assurance in respect of EDI outcomes. Only a minority felt that Boards evaluated the impact of major decisions on protected groups. A lack of attention to audit and monitoring was a consistent theme in the research.

Mechanisms & Action
The majority of Colleges were seen to produce EDI policies and reports, but close to one third did not have an EDI strategy in place at either College or Board level. A substantive minority (17%) were seen as having a strategy in development. This implies that strategic engagement with EDI may be a comparatively recent phenomenon in the FE Sector. The strategies in place were equally likely to have been developed at College as at Board level. The distinction between having a commitment to EDI and having a strategy in place was reflected also in the Board Members’ responses. Whilst the majority (92%) felt confident in saying that their Board promotes inclusion, fewer than half (48.0%) stated that their Board has a strategy in place to achieve this goal.

All Governance Professionals, without exception, stated that that their College had a formal EDI policy. The vast majority (92%) also felt confident that this EDI policy is publicly available. The accessibility of these policies seems open to question, however, given that, in spite of legal requirements, close to one in ten of the colleges in the Document Analysis sample did not have an EDI policy on their website. Around half of the Governance Professionals also felt that EDI policies are updated annually, but the textual similarities between policies over time in the Document Analysis suggest that updating may be quite cursory.

Most Board Members (90%) received an induction on joining their Board. Encouragingly, 73% of those who had, stated that EDI had been included. Taking into account length of service, it seems likely that this has been an increasing
trend over the last decade. A growth in ‘EDI thinking’ is indicated also by 60% of Governance Professionals stating that one or more Board members had received EDI training within the last year, although this was not referenced in boardroom discussions. One individual-level characteristic which stood out was the slightly ironic finding that respondents from ethnic minority groups (64%) were less likely to have received EDI training than their white counterparts (81%). Although Board Members gave further details of the EDI training they had received, few focussed either on the aspect(s) of EDI covered or the type of training. The main point to note here is the high proportion of training conducted entirely online (28%). This may in part reflect the constraints imposed by COVID, but there was also no indication either here or in the Document Analysis that colleges or boards had explored which forms of Training are most likely to be effective.

Board Members were overwhelmingly of the opinion (90%) that their Board makes the recruitment of diverse Governors a priority. Their main concerns here are set out in the Figure below. It is clear that the characteristics considered most important are being representative of their stakeholders and having the necessary skills to perform their function as a Governing body. The need for new Governors to be representative of protected characteristic groups is rather less apparent. The focus on cognitive diversity and other characteristics reflecting individual differences is however of interest. This focus implies a more sophisticated intuition regarding EDI on the part of College Boards than that displayed by many purely commercial boards. How likely Boards are to actually recruit cognitive diversity remains in question. Only 13% of Board Members felt that their Board had tried to identify differences in thinking style.

Governance Professionals said that Diversity is recruited by engaging with community organisations. The question here, is which mechanism wins out in contributing to Board numbers.

The majority of Boards (85%) were seen as having refreshed their numbers within the last two years; although the high number of appointments and resignations referenced in the Document Analysis suggests that this may be the consequence of natural turnover rather than strategic planning. Only 52% of the Governance Professionals suggested that one reason for renewal was a focus on increasing diversity. For the Governance Professionals, the paramount concern (83%) was to improve the skills mix on the Board.

The only routine Board practice which more than half (62%) of the Board Members felt was used to promote EDI was encouraging challenge of the consensus. This supports the importance assigned by Board Members to cognitive diversity. It may imply that many Boards already operate in an atmosphere of openness to challenge. As the Figure below shows, however, the weight given to this practice varied between Boards. Land-Based Colleges were the least likely and General FE colleges the most likely to encourage members to challenge a Board’s consensus of opinion. Governance Professionals were also less likely than Board Members to feel that this was encouraged. The methods most commonly used to encourage challenge were training on creating a safe space (22%) and the use of Devil’s Advocate roles (28%). The least likely approach was the sharing of Chairing responsibilities (15%).

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**Is Challenging the Consensus encouraged?**

- **Board Members**: 80%
- **Governance Professionals**: 68%
- **Land-Based Colleges**: 37%
- **General FE colleges**: 66%

A surprisingly high proportion of Board Members (27%) felt unable to confirm whether or not their Board had been in a position to influence EDI policy. Of those who did, the majority (85%) felt sure that the Board had influenced College policy. Notwithstanding the very positive Board attitudes towards EDI in both Surveys, only 36% of Board Members felt that their Board currently pays sufficient attention to EDI. Chairs, and those with prior Board experience, notably either in the FE or Charitable Sectors, were the most likely to hold this view. Other suggestions commonly cited were recruitment and promotion practices (25%) and monitoring outcomes (11%). Both mechanisms which final support in the outcomes of this research.

**Which aspects of Diversity should Boards represent?**

- **Local community**: 85%
- **Functional skills**: 81%
- **Protected characteristics**: 46%
- **Cognitive diversity**: 55%
- **Diversity of attitude**: 31%

Once group characteristics stray beyond either those which are formally protected or those which are pragmatically desirable, recruiting diversity becomes substantially less of a focus. In spite of the strength of opinion shown with regard to matching the profile of stakeholders, Socioeconomic status and ‘other’ aspects of diversity were seen by only a minority (37% and 4% respectively) as a priority for their Board in respect of recruitment. Governance Professionals also presented a less promising account here. One quarter stated that there were currently no strategies in place for recruiting diverse Governors. Where these were in place, Search or other Committees took the lead, with Boards taking the lead in four instances. The number of Governance Professionals stating that processes/strategies were ‘being developed’ (22%) again implies that commitment outstrips the development of mechanisms for change. The primary strategy cited for recruiting diversity was the use of existing Governor networks (80%). Given the Governor profile identified, this seems unlikely to achieve any very substantial change in Board membership. More promisingly, 72% of
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In spite of their caution in concluding that EDI had been achieved, the majority (87%) of Board Members felt that their Board both assesses and acts on EDI outcomes. This flags the amount of work still to be done and also emphasises the need for more effective mechanisms to be explored. Governance Professionals were in close agreement. Responses further suggest that Board Members do tend to draw a close connection between the implementation of EDI values and a need to measure outcomes. Governance Professionals believed that Diversity is an important agenda for the future (86%) and that EDI objectives are set (87%). The Board’s main goal here was seen as setting objectives for the College alone, not for the Board itself. The method most commonly (79%) used by Boards for monitoring EDI was receiving the annual EDI report. Outcomes from the Document Analysis suggest that this is, unfortunately, often a rather token mechanism. The importance of Link Governors was also noted here, however, and only four Boards reportedly failed to monitor progress at all.

One protected characteristic group clearly under-represented on the Boards were people self-assessed as having a mental health disability. People with a physical disability were, if anything, over-represented. In total, 37% of Boards included one or more members with a physical disability, whilst only 4% of boards included one or more members with a mental health disability. These figures compare to recent population estimates (DWP 2020) of 21% and 27% respectively. The figures for physical disability may reflect the age of board members. However, the disparity may also speak to the ability of Boards to support the inclusion of one disability over another.

A number of protected and ‘unprotected’ characteristics are hard to identify in the absence of direct disclosure. For perfectly understandable reasons, disclosure is not always forthcoming. In respect of these characteristics, Governance Professionals were simply asked whether they believed their Board had anyone representing this group within its membership. Respondents were for the most part unable to comment here in respect of Transgender/Gender Reassigned; Socioeconomic and Pregnancy/ maternity groups. In respect of characteristics which they felt confident in recognising, English as a second language and geographic mobility showed a balanced representation. Educational attainment was however skewed towards the higher end and cognitive style was biased towards ‘risk sensitive’ and ‘convergent’ thinkers.

Measuring Outcomes

It is encouraging to note that few (7%) Board Members felt that they had not been involved in any EDI-related activities whilst on their Board. The two most prominent activities here were ‘Governor training and development’ and ‘policy development’. Given other information in the Surveys and Document Analysis, it seems likely that both activities are generally more passive than active. Nevertheless, the finding that close to half (43%) of the Board Members had engaged in awareness raising activities and around one third in either equalises work in the community or work around Culture and Voice remains a very positive outcome.

The Governance Professionals’ Survey provided an insight into the distinctions between those EDI activities put in place for students, staff and Board Members respectively. The single most common activity for students was awareness raising (93%). In the case of both staff and Governors, it was training and development (96%) provided this for staff, 81% for Governors. Given the evident awareness of EDI amongst students and young people, this seems to be a disparity pulling in the wrong direction. Responses also indicated a strong gradient of opportunity. Yet, whatever EDI activity was considered, Board Members lay at the bottom of the slope. This is particularly unfortunate since Board Members express considerable enthusiasm for receiving more such opportunities.

Integrity

Remarkably few dissenting voices queried whether colleges and Boards put their EDI principles into practice. Almost all Board Members (97% in respect of Colleges and 98% in respect of Boards) felt that their organisation had a culture of Diversity and Inclusion. There was, however, a notable disparity here between views regarding Diversity and those regarding Inclusion. Nearly all (94%) Board Members defined their Board as ‘inclusive’, substantially fewer (63%) felt justifiably in defining it as ‘diverse’. Governance Professionals had only slightly more favourable opinions (70% described their Board as ‘inclusive’). This more positive outlook is somewhat undermined by both the clear lack of diversity displayed in board composition and by the Governance Professionals’ comments regarding aspects of Diversity which their Board lacks. (age being an oft cited issue here).

Board Members’ accounts of their own experience of Board culture matched the picture painted of the Boards’ approaches to EDI more generally. Notably with regard to inclusion. Very few individuals felt that they were ‘outsiders’ on their Board, most felt well embedded into Board culture; valued and enabled to present as their authentic self. The lower level of positive endorsement for statements more closely related to diversity than to inclusion raises again the question of whether Boards are ‘Diverse’ and ‘Inclusive’ to equal degrees.

Although confident in their Board’s intentions to promote EDI, Board Members were more cautious in concluding that their College and/or Board had succeeded in the goal of implementing EDI. One third of respondents felt that their Board was failing to achieve this and just under one fifth saw any ‘failure’ to put EDI principles into action not as setting objectives for the College alone, not for the Board itself. The method most commonly (79%) used by Boards for monitoring EDI, was receiving the annual EDI report. Outcomes from the Document Analysis suggest that this is, unfortunately, often a rather token mechanism. The importance of Link Governors was also noted here, however, and only four Boards reportedly failed to monitor progress at all.

The Governance Professionals’ Survey provided substantial information around Board composition. This, together with outcomes from the Document Analysis gives an objective, if blunt, indicator of where College Boards currently sit on their journey towards EDI.

The characteristic most commonly represented on the College Boards was experience in the Finance Sector. Most Boards had members, usually at least a quarter of members, drawn from the same line this Sector. Only one Board had no-one currently on the Board with this background. The most understandable and it is also understandable, that Boards, from colleges holding the highest annual total income were the most likely to have strong Finance Sector representation. However, from an EDI perspective, the lodestone is the representation of people from protected characteristic groups. These characteristics tend also to be the most prominent in the minds of Board Members according to Survey responses.

Whilst hardly a nadir to equality, it is comforting to note, given past historic patterns, that no Board was reported as having fewer than two women within its membership and just under one quarter (24%) of Governance Professionals reported that their Board comprised an equal mix of men and women. The age profile of the Boards in contrast remained firmly in line with historical patterns showing the anticipated weighting towards older groups and, in particular, towards retirees. The ethnic profile of Boards also failed at first sight to suggest a convincing picture of board diversity. The majority of boards had either no members or only one member drawn from a range of ethnic minority groups. The ethnic minority groups most likely to find themselves with some representation (one or more members) were those of either Asian/Asian British ethnicity (70% of Boards) or Black/African/ Caribbean/Black British ethnicity (50% of Boards). Taking the boards as a whole, the representation of ethnic groups broadly reflects Census estimates available at the time of the research, but these are now substantially out of date.

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Gender is a focus this is almost wholly in the context of the Gender Pay Gap. The least likely focus, again, was on Religion, Faith or Belief and Sexual Orientation/Non-Cis Gender.

The time-based analyses flagged a number of patterns. One particularly noticeable pattern was that both the length and breadth of Board Minutes have increased considerably over the last decade. This is indicative of the increasing regulatory, financial and other burdens on the FE Sector.

A second key point is the importance of triggering events in promoting conversations around EDI. For example, whilst rarely discussed prior to this date, boardroom discussions around Ethnicity soared upwards from June 2020. It would be hard not to equate this timing with the Black Lives Matter movement. Similarly, the frequency of discussions around Mental health/Wellbeing, already showing an upward trend, rose sharply from September 2019 onwards, in line with COVID-19.
Where do we stand?

Nineteen Boards which contributed to both the Governance Professionals’ and Board Members Surveys were also in the random sample used for the Document Analysis. These Boards provided the opportunity to triangulate between the three sources of information.

Definition & Vision: Board Members held the most positive views regarding this aspect of EDI, only in the case of one Board did members doubt that their Board held a clear picture of EDI. Governance Professionals were less certain (68% reached this conclusion). The Document Analysis identified evidence of clear definition/visions in the case of only 42% of the Boards. Accountability & Structure: The members of only 58% of Boards felt that their Board was meaningfully accountable for EDI. Since this figure was 84% for Governance Professionals and 89% for the Document Analysis, this may be due to Board Members having less awareness of process. Mechanisms & Action: Neither Board Members nor Governance Professionals (47% and 31% of Boards respectively) felt confident that their Board had put in place mechanisms, or engaged in actions, likely to improve EDI outcomes. The Document Analysis, more positively, identified 58% of Boards here. Integrity: Board Members and Governance Professionals agreed entirely with each other and 53% of Boards identified by each as having put its principles into practice. The Document Analysis gave a higher figure (73%). This discrepancy may be due to Board turnover. The Document Analysis looked at all Board Minutes, not simply those current within the last two years (the timeframe over which Boards were likely to be refreshed). Measuring Outcomes: Board Members (68% of Boards) were more optimistic than Governance Professionals (42% of Boards) around the tracking of EDI outcomes. The Document Analysis was in closer alignment with the Governance Professionals, with only 53% of Boards identified as having measured outcomes.

The above analyses focussed on comparing information for the Boards taken as a whole. A further analysis focussed on whether respondents and boardroom discussions were in alignment for the same Board. Key outcomes here were that the three sources were most likely to concur (53% of Boards) when the focus was on accountability and structure. They were least likely to agree (10%) in respect of identifying mechanisms and actions. This suggests that Boards currently have greater clarity around broader issues such as where EDI sits within the College and Board remit than they have around either mechanisms for achieving EDI or what has been achieved so far.

The Deloitte Model sets out a ‘plan of action’ for EDI starting in the boardroom which begins with establishing the stage an organisation is at. The stages are described as:

- **Compliant** (‘seeks to avoid legal risks. does not actively promote inclusion EDI’)
- **Emergent** (‘recognises the importance of EDI but does not actively oversee this’)
- **Embracing** (‘values EDI governance but sees this as separate from core function’)
- **Integrated** (‘EDI strategy is part of core function but EDI is not yet embedded’)
- **Inclusive** (‘consistently governs through an ‘EDI lens’, EDI formally embedded’)

The Boards with information from both Surveys and Document Analysis provided the most robust indicator of current status. Cluster analyses of core measures (e.g. Integrity) pinpointed the most likely stage of development for each Board. Extrapolating from this, the current ‘state of play’ for FE College Boards is as set out in the following figure:

The distribution of EDI stages suggests that there is a polarisation in the FE Sector between Colleges and Boards which have already fully embraced EDI and those which are currently finding their way towards this goal. As research progresses this indicative baseline will be built on, to evidence the trajectory of EDI. Work is ongoing to develop an EDI Index giving a practical measure of change.
Additional recommendations are given in the main report. Key recommendations to consider are:

• All Boards need to ensure that they have a clear and contextualised definition of EDI
• Boards early on in their journey to EDI should identify models of best practice and work through the elements that fit with their context
• Boards need to put in place evidence-based strategies to promote EDI
• Boards need to ‘bookend’ efforts to improve EDI with audits of issues and outcomes
• The focus of efforts to promote EDI needs to be realigned towards inclusion
• Boards should identify the most effective training interventions to promote EDI
• Boards should capitalise on the enthusiasm of their members for EDI activities
• EDI policies need to be regularly and conscientiously updated and held on websites in line with legal requirements
• Government and other authorities need to support the FE Sector with resources
• Research is needed to combine objective measures with 360° views of EDI