Getting Them Together

– the equalities agenda in education, autumn 2007 and beyond

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Confusion?

During the last week of September 2007, farewell newsletters were sent to their friends and supporters by the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC). All three of the commissions would cease to exist on 28 September and from 1 October each would be part of a new body, the – the what?! The CRE letter told its friends that it was joining something called the CEHR, the Commission for Equality and Human Rights. The DRC and the EOC, however, had a slightly different story. They for their part, they said, were joining the EHRC, the Equality and Human Rights Commission.

The confusion perhaps does not matter.[1] Certainly it's pretty trivial compared with other matters facing the race equality field at the present time, and the need to work increasingly closely with allies, colleagues and comrades concerned with other strands, fields and dimensions in the overall equalities agenda. But the confusion also looks significant. If the three senior partners in the new commission ('the legacy commissions', as they are now known) still did not agree what its name was, only a few days before it came into existence, what are the chances they will work together with harmony, let alone synergy, in the months and years ahead? And what are the chances they will give a timely lead to the rest of us? And the chances they will welcome and integrate new legal concerns around age, religion and sexuality, and – as a matter of urgency – weave equalities and human rights into a seamless web of thinking and action?

For the field of education, such questions are sharpened by the arrival in September 2007 of the new legal duty to promote community cohesion, and by the publication of the CRE's considered view that the regulatory watchdog we look to for guidance, stimulus and challenge, Ofsted, 'has the poorest record of any inspection or regulatory body. It does not accept that it has a responsibility to monitor RED [race equality duty] performance of public authorities within its arena of responsibility. It is arguably the most uncooperative public authority the Commission has had to deal with over the last two years.'[2] It is difficult to imagine a more damning judgement. The CRE also reports that Ofsted's latest (2007) race equality scheme is 'still non-compliant,' and that 'the case has been referred to the Legal Affairs Directorate and action is pending. OFSTED does not currently have a REIA [race equality impact assessment] approach and its interpretation of its responsibilities in respect of the duty varies considerably from that of the Commission.'[3]

This topic is urgent in education not only because of the new community cohesion duty, and not only because of a severe lack of confidence in Ofsted amongst race equality specialists, but also because many local authorities this autumn are developing single equality schemes, if they have not already done so, and are encouraging schools and other settings to do the same. It is unfortunate that local authorities, schools and settings cannot look to Ofsted for support and guidance, nor even – yet – to the new CEHR/EHRC.

This article has two parts. Both are concerned with bringing together the separate strands of the national equalities agenda. The first part focuses on the theory and practice of equality impact assessments (EQUIAs). The second is about developing shared understandings of the nature of prejudice, and of the relationships between prejudice, discrimination and inequality. The purpose of the article as a whole is to be a resource and reference point for deliberations and decisions currently taking place.

Part One: Equalities impact assessments (EQUIAs)

The concept of impact assessment was developed in the equalities field in Northern Ireland in the 1990s, having been imported from the field of environmental concerns. Key concepts were unintended consequence and adverse impact; key principles were the need to conduct assessments before new policies were introduced and the need for them to be evidence-based, rather than based on hope and speculation reflecting ideology or political expediency. To be evidence-based, they had to take into account the views and knowledge of experts in environmental sciences, and also the experiences and perceptions of individuals and communities most likely to be directly affected.

When the concept of impact assessment was adopted in the equalities field in the rest of the UK, through the Race Relations Amendment Act and its regulations, the basic concern in the first instance was similarly to identify, and to prevent or minimise, possible adverse impacts.[4] More recently, however, particularly due to the influence of new thinking and legislation around disability and gender, there has been a growing realisation that identifying and removing negative impacts is not enough. Also, and even more importantly, it is necessary to identify and maximise potential positive impacts.

The DfES, now split between the DCSF and DIUS, has latterly been at the forefront of this development. It was pressed to take race equality impact assessments (REIAs) seriously by the CRE, which in its turn was influenced by lobbying connected with the October 2005 White Paper entitled *Higher Standards, Better Schools for All*. 'The paper is white,' observed Gus John, 'in every sense of the word.'[5] No REIA was conducted and published at the same time as the White Paper, even to consider negative impacts let alone positive ones. (Incidentally, the CRE did not at that time explicitly stress the importance of maximising positive impacts, as distinct from avoiding adverse ones.[6]) But more recently substantial assessments have been published by the DfES in connection with the reform of further education and with the government's overall strategy for adult skills.[7] Both of these reflect an understanding that legislation expects public authorities to be proactive and to take opportunities, as part and parcel of the EQUIA process, to reduce and remove inequalities that already exist.

Is the shift from avoiding negative impact to maximising positive impact *definitely* required by statute, regulation and case law? With regard to race equality, this question does not have as clear-cut an answer as is desirable;[8] and an implication from some of the case law is that it is not.[9] It cannot be seriously doubted, however, that the spirit of Section 71 of the Race Relations Act requires this shift, even if the letter may not. Even more clearly, such a shift is required by the more recent legislation around disability and gender. It is logical that interpretation of race equality requirements should be levelled up to disability and gender requirements.

It is to be hoped that the new commission will clarify this matter beyond doubt. Minimally it should publish guidance on the conduct of EQUIAs, and such guidance should be much more explicit about the need to identify and maximise positive impacts than the guidance in the race field that the CRE published in 2002 and has expanded in various documents since.[10] It should base the guidance not only on the best practice developed by the three commissions in recent years, and on key principles in the respective pieces of legislation, but also on the approaches pioneered by various public bodies, including the DfES.

The DfES was one of the first public bodies to publish a composite EQUIA, as distinct from assessments relating to disability, ethnicity and gender separately. In addition, it included age equality on a par with these three even though there is no statutory obligation to do so. This involved creating sets of criteria which were similar to each other conceptually and in phrasing. Table 1 shows the scheme that was devised. It is repetitive, but indicates how an integrated approach to impact assessments can be developed. It will no doubt be modified and improved in the coming months. It takes the form of five basic questions for which quantitative and qualitative evidence for an impact assessment is sought. Each question has three versions, corresponding to the fields of disability, ethnicity and gender. It is shown on the next page.

Further, each question has two halves, with the one half being phrased positively and the other probing possible failings and problems. In each instance the two halves are two sides of the same coin, or two ways of saying the same thing. Both halves are necessary, however, in

order to clarify issues and focus enquiries. The questions need to be asked and answered not only before new policies are introduced but also in the review of existing policies.

Table 1: Questions for evidence-based impact assessments in the field of education

Key topics	Disability	Ethnicity	Gender
1. Benefits for learners	Do our policies and programmes benefit all learners and potential learners, whether or not they are disabled? Or are disabled people excluded, disadvantaged or marginalised?	Do our policies and programmes benefit all learners and potential learners, whatever their ethnicity, culture, religious affiliation and faith, national origin or national status? Or are people from certain backgrounds losing out?	Do our policies and programmes benefit all learners and potential learners, whichever their gender? Or are participation and outcomes different for females and males, with the one gender or the other, or both, being disadvantaged?
2. Benefits for the workforce	Do our policies and programmes benefit all members and potential members of the workforce, whether or not they are disabled? Or are reasonable adjustments for disabled staff not made?	Do our policies and programmes benefit all members and potential members of the workforce, whatever their ethnicity, culture, religious affiliation and faith, national origin or national status? Or are people from certain backgrounds losing out?	Do our policies and programmes benefit all members of our workforce, whichever their gender? Or are there differential impacts, both positive and negative?
3. Attitudes, relationships and cohesion	Do our policies and programmes promote positive attitudes towards disabled people, and good relations between disabled and non-disabled people? Or is there negativity and little mutual contact?	Do our policies and programmes promote positive interaction and good relations between groups and communities different from each other in terms of ethnicity, culture, religious affiliation and faith, and national origin or national status? Or are there tensions and negative attitudes?	Do our policies and programmes promote good relations between women and men? Or is there mutual hostility, perhaps expressed through sexual harassment?
4. Benefits for society	Do our policies and programmes benefit society as a whole by encouraging participation in public life of all citizens, whether or not they are disabled? Or are disabled people excluded or marginalised?	Do our policies and programmes benefit society as a whole by encouraging participation in public life of all citizens, whatever their ethnicity, culture, faith community, national origin or national status? Or are certain communities excluded or marginalised?	Do our policies and programmes benefit society as a whole by encouraging participation in public life of women as well as men? Or are women excluded or marginalised? Or men prevented from sharing responsibility for childcare?
5. Positive impact on equality	Do our policies and programmes help to reduce and remove inequalities between disabled and non-disabled people that currently exist? Or does inequality for disabled people continue?	Do our policies and programmes help to reduce and remove inequalities and poor relations between different communities that currently exist? Or does inequality for certain communities continue?	Do our policies and programmes help to reduce and remove inequalities between women and men that currently exist? Or does inequality for women, for example in pay, continue?

Notes

1. This table is derived from the DfES equality impact assessment of the government's skills strategy, June 2007.

2. The DfES made a conscious decision to use the term 'ethnicity' in preference to 'race', even though the latter is enshrined in legislation. It also deliberatively chose to speak of 'communities' in preference to 'racial groups' and to avoid entirely the unsatisfactory term 'BME'. Further, it chose to list disability, ethnicity and gender in alphabetical order, not in the order of legislation relating to equality schemes.

3. The phrase 'ethnicity, culture, faith community, national origin or national status' was formulated in 2005 in the course of the DfES's work on countering racist bullying in schools. It is intended to capture the spirit of anti-discrimination legislation relating not only to so-called race but also to religion and belief.

4. The table refers to the three strands or dimensions for which EQUIAs are required by law. In addition the DfES has formulated and used a set of similar questions around age equality.

5. The questions as phrased are for the critical review of existing policies and programmes. Such a review is a necessary precondition for the assessment of *new* policies before they are introduced.

Part Two: Towards shared understandings of prejudice, discrimination and inequality

The different strands in the equalities agenda can learn from each other's insights and theoretical approaches. Specialists fighting age discrimination, for example, have recently developed a simple model relating to prejudice which is relevant also to the other strands and dimensions of the overall agenda.[11] The model involves two dimensions along which human beings assess and approach each other. The one dimension is hostile/friendly, cold/warm, threatening/supportive, aggressive/cooperative. The second is to do with capability, power and resources. What goods does the Other have that we'd like them to share with us? What bads we don't them to inflict on us? An iconic version of this question came from Stalin: 'How many battalions has the Pope?'

The equalities agenda is about behaviours, practices and systems, not about hearts and minds. But consideration of how humans frequently structure their hearts and minds, in their assessments and expectations of each other, is relevant to identifying and removing discrimination. The dimensions of cold/warm and strong/weak can be visualised as providing the four poles in mental maps, as sketched in figure 1.

Figure 1: the mental sketch map with which humans perceive themselves and others
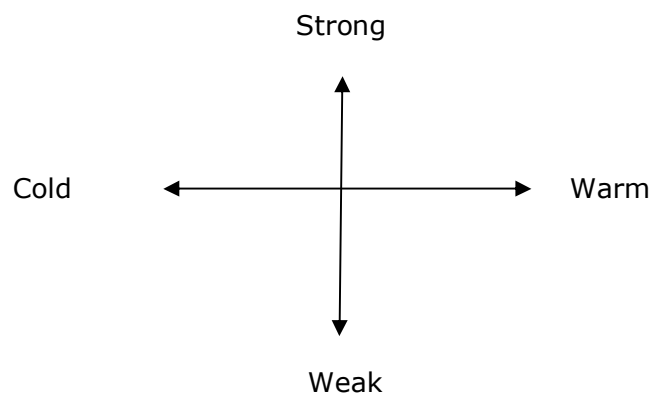
The map can be readily converted into a 2 x 2 matrix with four ideal types, so to speak, in perceptions of 'us' and 'them', self and other. Going round clockwise from the top left, there are a) people perceived to be hostile and competent b) people perceived to be hostile and weak c) people perceived to be well-disposed and weak and d) people perceived to be well-disposed and competent. The latter group is sometimes known as PLU – People Like Us. The equalities agenda is about how PLU see and treat PLT, people like them.

An immediate advantage of this visualisation drawn from insights in the age equality field is that it stresses there are three types of PLT, people like them. It's crucial to bear this in mind in the field of education, as in other fields. A famous story tells of a pre-test, post-test

experiment in relation to teaching about cultural diversity. The pre-test showed that the dominant view amongst the pupils was that foreigners are, as one child put it, stupid bastards. This was an expression of the bottom left hand quadrant of the mental map sketched above, weak ('stupid') and hostile ('bastards'). There followed some intensive teaching about high achievements in cultures different from the pupils' own. The post-test showed a marked shift had taken place in pupils' attitudes. This was expressed by one child with the statement that foreigners are cunning bastards. In terms of the map above, the shift in perception was from the bottom left to top left. From the ethical point of view underlying *Race Equality Teaching*, it was not a huge advance.

Further, the map is relevant to all six strands or dimensions in the equalities agenda. It is also, incidentally, relevant to the elephant in the room whenever there is a primary focus on anti-discrimination legislation, the name of the elephant being social class.

People campaigning against age discrimination refer to the bottom right hand quadrant as the 'dear and doddery' quadrant – old people are seen as well-disposed ('dear') but without power or competence ('doddery'). [12] (The definition of 'old'. Incidentally, is 15 years older than oneself!) In the field of disability equality there is a similar concern to shift attitudes and perceptions from the bottom right quadrant to the top right. In relation to sexism and gender equality the map is a reminder of three kinds of myth with which men have historically viewed, and are still capable of viewing, *la deuxième sexe*: dumb blonde (bottom right); the Eve who weakly allows Satan into paradise and uses then her wiles to seduce Adam (bottom left); and the evil stepmother or witch who is equally satanic but exercises power through casting spells, reducing males to frogs, bulls or beasts, or petrifying them to bloodless and impotent stone.

With regard to the race and ethnicity dimension of the equalities agenda, the bottom left quadrant represents classical racism. White people saw others as, in Kipling's infamous phrases, fluttered folk (weak and disorganised) and wild (vicious and dangerous), and half-devil (hostile) and half-child (weak). The onus on white people, their burden in Kipling's term, was to civilise others, namely to make them, if possible, PLU. Or if that was not possible (and basically racism envisaged it was profoundly impossible), to get them into the bottom right quadrant, the place where, in a phrase from the times of European imperialism, the natives are friendly, even though subjugated. The bottom right quadrant is also sometimes referred to as the place of 'colour-blind racism' or 'velvet racism'.

In reality, though not in rhetoric, the bottom right hand quadrant is where discourse of community cohesion has come about. It's where there are good Muslims or, in North American parlance, good niggers; it's where ethnic minorities know their place, and don't try to rise above it. People perceived by white people to be not white, known nowadays with the absurd and offensive abbreviation BME, are shifted by the community cohesion agenda from being half-devil, half-child to being all-child.

(These are harsh words, and admittedly over-the-top in their cynicism and concerns. But it is sobering to recall that the community cohesion agenda in England began, in late autumn 2001, with entirely explicit concerns to prevent disturbances and riots on the streets involving young South Asian males, particularly young males of Muslim heritage. The purpose was to control, not to share or learn. The government-inspired headline introducing the agenda was 'Ethnic communities scarred by the summer riots should learn English and adopt "British norms of acceptability".'[13])

People perceived to be PLU are people whom it is possible to like, love and respect, and with whom it is possible to engage in dialogue and enriching encounter. Incidentally, PLUs are not necessarily all nice all of the time. Other people, yes, may be stupid or cunning bastards. But so may PLUs be ignorant and vicious. The line between good and evil, said Solzhenitsyn, runs through each individual human heart, not between 'us' and 'them'.[14]

The map is about hearts and minds – cognition, attitudes, discourse, narratives, interpretative frameworks. What is the relationship between these on the one hand and behaviours, practices and systems on the other – the relationship between prejudice and discrimination? And what is the relationship between hearts and minds and structures of equality and inequality? These are fundamental questions throughout the equalities agenda and it is

relevant to revisit them here, however briefly. Common sense tends to suppose there is a simple chain of cause and effect: intolerant hearts and minds lead to discriminatory behaviours and these result in unequal distributions of power and resources. This widely held view is particularly popular amongst teachers and lecturers in the education system, in so far as we imagine that our primary task is the formation of individual hearts and minds, since it reassuringly implies society still needs us. The common sense view is shown schematically in Figure 2:[15]

Figure 2: A commonsense view of cause and effect

Prejudice $\longrightarrow$ Discrimination $\longrightarrow$ Inequality

However, common sense is here, as so often elsewhere, a simplistic and insufficient guide. More complex relationships between cause and effect in relation to inequality need to be considered, for each of the three main components in Figure 2 is both cause and consequence of each of the others, as visualised in Figure 3.

Figure 3: A more complex view of cause and effect

Prejudice

Discrimination $\longleftrightarrow$ Inequality
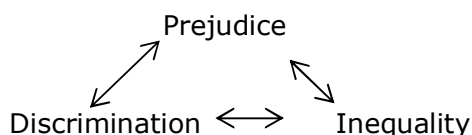
The two-way arrows in Figure 3 recall, for example, the well-known dictum that 'slavery was not born of racism. Rather, racism was the consequence of slavery.' [16] Kipling's half-devil, half-child imagery was in important respects generated by, not just the motivating force behind, imperialism. It was a kind of *post hoc* justification. Similarly in the other strands and dimensions of the equalities agenda: attitudes, cognition, discourse, stereotypes and mental maps derive from the desire to explain, justify and perpetuate unequal power relations and discriminatory practices, but are not themselves the cause of inequalities. Reducing and removing inequalities involves challenging attitudes, yes most certainly. But there's more, much more, to the equalities agenda than that. For example, if we wish to challenge the stereotype of Other as weak and resourceless, the need is not primarily to educate ourselves about the Other but actually to share resources with the Other, empower the Other, and (it follows) disempower ourselves.

Concluding note: the case of ramps

It is relevant to consider ramps, those things which facilitate access to public buildings for people using wheel-chairs. When these were first required by law, there was a lot of muttering about political correctness. How ridiculous, people said (or, anyway, thought) to spend so much money on something that will benefit such a small numerical minority, those who use wheel-chairs.

But actually, of course, ramps are of enormous value to lots of other people as well – parents and grandparents with infants in buggies, and anyone with a heavy suitcase on wheels, and anyone temporarily affected by a sprained ankle, or feeling a bit weary. We also all benefit from ramps in a rather invisible or philosophical way. For ramps subliminally remind people, every time they see one, regardless of whether they actually use them, that our society recognises and accommodates difference. We are all of us a bit or very different, in the eyes of some of our fellow-citizens. We all of us therefore benefit from living in a society where difference is accepted and indeed welcomed.

And so it is with all the equalities agenda. Measures intended for a numerical minority or power-less group are actually or potentially valuable for everyone. Or so, anyway, the story goes. It's a story, as of autumn 2007 and for a long time yet, to be continued.

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[1] About two weeks later, the confusion was to an extent cleared up. The new body is to be known for all practical purposess as the EHRC, though its name from a strictly legal point of view remains the CEHR.

[2] *CRE Monitoring and Enforcement Plan – Final Report*, by Nick Johnson and Phil McCarvill, September 2007, p.39.

[3] Ibid., p.38

[4] Paragraph 3.16 of the CRE statutory *Code of Practice on the Duty to Promote Race Equality* (2002) contains many references to avoiding adverse impacts, and none at all to maximising positive impacts.

[5] 'Educating the British: what is Tony Blair's agenda?' in *Taking a Stand: Gus John speaks out on education, race, social action and civil unrest 1980–2005*, published by the Gus John Partnership, 2006, p. 1. John quotes in full (pp.44–55) letters he wrote to the CRE and the DfES on 3 and 4 November 2005, and replies which he and Linda Bellos received in December and January 2006.

[6] 'Trevor [Phillips] made it clear that there should be an emphasis on identifying potential adverse outcomes and mitigating them' – letter to Gus John dated 25 January 2006 from the CRE, referring to a meeting in autumn 2005 between the chair of the CRE and Ruth Kelly, the then Secretary of State for Education and Skills, quoted in *Taking a Stand* (see note 3), p.51.

[7] The EQUIA relating to the skills strategy can be accessed at http://www.dfes.gov.uk/skillsstrategy/index.cfm?fuseaction=content.view&CategoryID=6 . Scroll down to the bottom for links to the executive summary, the full assessment and the statistical supplement.

[8] There is a full discussion of this question in *Race Back from Equality: has the CRE been breaching race equality law and has race equality law been working?* by Rupert Harwood, Public Interest Research Unit, September 2007. Details at http://www.piru.org.uk/

[9] With regard to case law, Harwood (note 8 above) cites the case of Mrs Diana Elias in the High Court (paragraph 97) which 'gives the impression that the requirement is to assess adverse impact and possible means of reducing it, but does not indicate that there is also a need to assess and maximise potential positive impacts.'

[10] Most recently in *Equal to the Task: how overview and scrutiny can help local authorities to meet their equality duties*, Centre for Public Scrutiny, in association with the CRE, DRC and EOC, September 2007.

[11] *Ageism: a benchmark of public attitudes* by Sujata Ray, Ellen Sharp and Dominic Abrams, compiled for the Centre for the Study of Group Processes at the University of Kent for Age Concern England, 2006.

[12] Sujata Ray *et al,* as in note 11.

[13] Article by Colin Brown, *The Independent on Sunday*, 9 December 2001

[14] "If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being: and who is willing to destroy a piece of his own heart?" – *The Gulag Archipelago.*

[15] Figures 2 and 3 are adapted slightly from *The Future of Multi-Ethnic Britain*, Profile Books for the Runnymede Trust, 2000, pp. 72–3.

[16] Eric Williams, *Capitalism and Slavery*, first published 1944.