Equality Impact Assessment

Title: Inclusive Education and Learning Policy Review

NES directorate or department: NHS Scotland Academy, Learning & Innovation

Date Report Completed: June 2023

# Introduction

Equality Impact Assessment is a process that helps us to consider how our work will meet the 3 parts of the Public Sector Equality Duty. It is an important way to mainstream equality into our work at NES and to help us:

* take effective action on equality
* develop better policy, technology, education and learning and workforce planning solutions for health, social care and a wide range of our partners, stakeholders, and employees
* demonstrate how we have considered equality in making our decisions.

The Inclusive Education and Learning Policy supports NES's ambition to ensure that everyone can benefit from our education programmes and resources. It sets our direction as an education leader in health and care and is the starting point for thinking about design and delivery. The aims of the policy are to:

* promote equity in access to learning and development opportunities for the health and social care workforce;
* support positive learning experiences and outcomes for all our learners;
* contribute to a workforce that is skilled to deliver person-centred health and social care to Scotland’s diverse population;
* contribute to reducing health inequalities in the population; and
* work towards creating an inclusive and equitable workplace culture.

The policy supports these aims by setting out principles to inform our work as an education and training provider. It also sets out what we mean by inclusive education and learning. Our vision (outcomes from the policy are):

* Health and social care staff will have equity in opportunity in access and experience of education and learning.
* The content of our education and learning will reflect and be inclusive of diversity. It will support progress in addressing societal inequalities by promoting greater understanding of them.

# Evidence

In assessing the impact of the policy, the Short-Life Working Group undertook a review of relevant research literature to identify barriers to education and learning for the types of education and training supported by NES. The literature review (see Appendix B) was supplemented by the input of NES’s Staff Networks and the views of other staff through a consultation process. This ensured the policy was rooted in the experience of learners and NES staff in designing, supporting and delivering education and training.

The policy and EQIA were submitted for consultation by NES staff through various channels. A consultation survey was circulated to:

* four staff equality networks;
* Technology Enabled Learning (TEL) Trainers sub-group;
* TEL Community of Educators sub-group;
* All Directorates via the Equality and Human Rights Steering Group;
* NES Digital Learning group; and
* NES eLearning professionals.

The survey received 13 responses. In addition to the consultation survey, 3 drop-in sessions were held (one for all staff and two for staff network members) to discuss the policy, respond to queries and gather verbal feedback. A consultation session was also held specifically with the TEL trainers sub-group.

# Assessment

We have considered how this work will impact on the Public Sector Equality Duty. This includes how it might affect people differently, taking account of protected characteristics and how these intersect, including with poverty and low income. This is important as a national NHS Board in our work to address health inequalities.

We have also considered children’s rights where appropriate and our role as a corporate parent.

A Fairer Scotland Assessment requires public authorities to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. We have included our Fairer Scotland Assessment in this Equality Impact Assessment.

See Appendix A: Table of potential impacts on population groups.

* How will the policy progress equality of opportunity for people who experience inequalities?

The ambition of this policy is to achieve equity in access to education and learning and contribute to a workforce that is informed of equality issues relevant to their role. The policy is intended to set out how we will achieve this by considering barriers to learning and education and how we can address these proactively to support an inclusive approach to the education and learning that NES provides.

The content of our learning provides an opportunity to ensure we do not perpetuate inequalities through lack of awareness of the experiences of different population groups. We have a role in the design of curricula and resources to equip staff with the knowledge and skills to provide services to a diverse population.

* How will the policy eliminate discrimination, victimisation or harassment or other unlawful conduct?

The policy seeks to take a proactive approach by putting in place reasonable adjustments for learners to enable participation.

Principles underpinning the policy seek to advance equality, eliminate discrimination, victimisation or harassment.

* Promoting awareness of different needs of diverse groups and individuals through learning content to help reduce indirect discrimination.
* Emphasising inclusion in learning using diverse images of people, and examples/case studies emphasising a diverse workforce.
* Supporting guidance for staff and providing opportunities for staff to keep up to date with equality issues, barriers that people can face and how we can address these.
* The policy aims to provide an inclusive approach to learning, recognising that learning will have multiple identities e.g. women who are carers, with a low-income, living in a remote and rural area.
* How can the policy promote good relations between people who share a protected characteristic and those who do not? For example, think about how we can tackle any prejudice or stigma.

The policy provides an opportunity to create inclusive learning environments which recognise and welcome diversity in the population, including in job roles, experience, learning styles, previous education and learning opportunities. Bringing people from different backgrounds together to learn from each other is an important way to challenge attitudes and behaviours towards people who are different to each other. NES recognises the important role for educators in creating environments which support that.

There is also an opportunity to address prejudice and stigma through the content of our learning e.g. ensuring that issues relevant to those who can be marginalised, and experience discrimination are recognised in our content and that we avoid perpetuating discrimination.

It aims to be proactive in ensuring there is equity in access to education and training for those staff groups who can be furthest from opportunities for learning in the workplace.

## In conclusion, at the current time, there is no potential for unlawful discrimination, and we have built in actions to advance equality of opportunity and foster good relations.

# Next Steps

The Equality Impact Assessment has informed the following actions:

We intend to:

1. Evaluate implementation to ensure the policy is achieving its aims.
2. Explore how we monitor the diversity of our learners. This is reflected in [NES’s Strategy 2023-2026](https://newsletters.nes.digital/corporate-strategies/corporate-strategy-2023-26/) and our Key Performance Indicators and work underway to develop appropriate measures.
3. Develop the knowledge and skills of our educators in:
   * delivering inclusive learning environments;
   * supporting learners e.g. a ‘Once for NES’ approach to reasonable adjustments and supporting neurodivergent learners;
   * improving equity in access to learning and education; and
   * ensuring the content of education and learning reflects population diversity and inequalities e.g. racialised health inequalities.
4. Communicate NES’s commitment to inclusive education to staff and to our partners.
5. Provide work aids to support inclusive education practice such as guidance notes on specific issues or types of education, inclusive education templates (e.g. accessible PowerPoint slide templates) and standard operating processes.
6. Produce illustrative case studies based on NES (and other) good practice.
7. Revisit the EQIA and progress with actions in 12 months and report to the Education and Quality Executive Group.

# Sign-off

Director: Kevin Kelman 

Date: 16.6.23

# Appendix A: Table of potential impacts on population groups

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| Population group | Potential impacts |
| Low income | Access to IT equipment; opportunity for education and learning e.g. less protected time during working hours; access to a learning environment conducive to learning; travel costs if training is at a venue; costs of data when accessing education on own devices. |
| Socio-economic background | Previous experiences of education and learning; potential lack of opportunity to access further and higher education; power dynamics and psychological safety; lack of confidence in ability to achieve learning outcomes. |
| Disability | Digital accessibility; challenges in accessing or fully engaging with digital events or resources; challenges in attending or fully engaging with in-person training events; lack of visibility of disability in learning content; lack of awareness about what reasonable adjustments can be put in place. Lack of awareness from other learners about diversity in peer learning styles and support needs to provide inclusive education. Learners with ‘hidden’ disabilities do not feel sufficient psychological safety to disclose barriers to access.  Potential negative impact on learners who use BSL. |
| Neurodiversity | Training delivery and design which does not take into account different ways of learning and barriers to access and understanding in the content of learning e.g. text-heavy learning formats; the pace of learning in live sessions. |
| Mental health; other long-term conditions | Potential impact on learner’s ability to engage fully with every learning event – flexibility to catch up without any disadvantage. |
| Race/ethnicity | English may be the learner’s second language; avoiding content which might perpetuate discrimination or prejudice; cultural background and attitudes to learning may differ; expectations and experiences of learning may influence engagement with learning events and resources; additional challenges faced by learners who are working in a new country (e.g. they might be separated from their social support networks, they might not be well-acquainted with peers or systems/procedures/hierarchies); potential experience of facing discrimination from managers, peers and patients. Psychological safety. Recognition of the need to take action on anti-racism and potential for this to be included in curricular resources to address systemic bias. |
| Age | Assumptions of peers and line managers in supporting learning opportunities, digital literacy; different learning styles. |
| Sex | Direct discrimination, marginalisation, assumptions of line managers and peers about participation of women in education and training. |
| Gender reassignment | Potential impact on trans if learning environment is not inclusive, if there are transphobic attitudes from other learners or if content of education is not inclusive of trans issues. |
| Caring responsibilities | Accessing learning opportunities outside of normal working hours, marginalisation by managers and peers, reduced time to complete learning assignments at home Unpredictability of the caring role can make it difficult for learners to commit to learning opportunities. Importance of flexibility in accessing learning to accommodate caring responsibilities. This may disproportionally impact of women. |
| Religion/belief | Potential impact on minority religions if there are culturally biased references in learning content, failure to take account of religious festivals and observance in scheduling learning events. |
| Sexual orientation | Potential negative impact on lesbian, gay, bisexual orientation if images and other learning content are exclusive e.g. assumptions about parents and families; recognition of the discrimination that LGB people face. |
| Care experience | Learning content or language that excludes care experienced individuals by making assumptions about family backgrounds.  We know that care experienced children experience poorer educational outcomes which can perpetuate inequality in later life e.g. access to further/higher education; employment opportunities; poor experiences of education may impact on engagement with learning in the workplace. |
| Low literacy | Failure to provide adequate learner support, inappropriate use of written formats for some education resources, inappropriate use of complex language. |
| Remote and rural | Potential challenges in accessing in-person events for staff in remote and rural locations; issues with accessing adequate wi-fi connection. Learners based on the islands may be particularly disadvantaged in accessing digital learning due to slower internet speeds, inferior signal and higher costs. Staff in island communities will also face higher costs and additional travel time when participating in face-to-face learning.  The challenges to learners in remote and rural locations are recognised in NES’s Strategy 2023-26 which includes the objective: ‘Scope and develop a National Centre for Remote and Rural Health and Social Care’. |
| Other |  |

# Appendix B: Literature review (summary of key findings)

### What is inclusive education?

Inclusive education has been defined in studies as a process of overcoming barriers to participation and learning for all students (students with diverse abilities, cultures, gender, and racial/ethnic background.1

Inclusive education is a global movement that emerged as a response to the exclusion of students who were viewed as different (e.g. students with disabilities, students of colour, students from lower caste backgrounds, and students from low socioeconomic backgrounds) by educational systems; these constructions of difference are highly consequential for they have mediated over time student access and participation in education.

There should be a shift in the focus of inclusive education from students with disabilities to overcoming barriers to learning and participation and providing resources to support learning for all students.

Inclusive education should focus on dismantling overlapping and complex barriers to learning and participation in schools and should create spaces for collaboration for professionals across disciplines and fields.8

### Inclusive learning at work – Determinants

#### Staff preference, age, staff awareness, educator understanding, psychological safety

Companies looking to develop an inclusive learning strategy need to consider the preferences of their workforce. Considerations could include the following:

* Staff of different age backgrounds might learn differently, and your development offerings need to support this.
* Using mix-options of learning such as independent training group sessions and peer-to-peer learning.
* The deeper you understand your staff’s aspirations, the better you can provide learning activities that truly fit their needs. Inclusive Clinical Learning Environments give space for co-creation, guarantee that the voices of all learners are heard and appreciated, and foster the flourishing of varied human capital, keeping with an approach that regards diversity as a vital element of organisational performance.9
* Regular internal surveys to identify areas of improvement.
* Focus groups and speaking directly to managers to get feedback might give more in-depth feedback, as respondents can explain points fully and do not follow the “tick-in-the-box” system.
* Employee feedback can uncover the areas where staff feel they need development and identify skill gaps. Equipping employees with knowledge to put into practice is important.
* Employers can show they value their staff by providing tailored, flexible training programmes. These also equip employees with the necessary skills for career progression.
* Deliver inclusive learning activities through a variety of blended methods, including digital and face-to-face webinars, talks, training including recruitment and selection, and leadership.
* Workplace mentorship is especially beneficial for women and minority employees: over 30 per cent said it played an “extremely important” role in their career.
* To ensure inclusive practices, it is advised that all staff receive disability awareness training.
* The level of understanding among educators about inclusive learning will impact the success of inclusive learning.
* Six broad factors that affected inclusion within health care organisations: (1) the presence of discrimination; (2) the silent witness; (3) the interplay of hierarchy, recognition, and civility; (4) the effectiveness of organisational leadership and mentors; (5) support for work-life balance; and (6) perceptions of exclusion from inclusion efforts.3
* Psychological safety is the perception that an environment is safe for interpersonal risk-taking, exposing vulnerability, and contributing perspectives without fear of being shamed, blamed, or ignored. Psychological safety has been associated with improved team learning and innovation, leader inclusivity, and team members' sense of belonging. In medical education, psychological safety has additional benefits.14

### Benefits of inclusive environment in the workplace

Organisational efforts that focus on creating an inclusive environment may promote greater retention of a diverse workforce, reduce the costs related to attrition, and ultimately affect patient satisfaction and care quality.3

### Barriers to inclusiveness in the workplace

A common theme that emerged was the lack of effectiveness of formal channels, such as going to human resources, leadership, supervisors, or an ombudsman, to address challenges with workplace culture and interactions.

It is found that a lack of inclusive culture within health care organisations impacts on job performance and emotional wellness.

### Enhancing inclusive learning at work

It is important to identify and engage individuals with learning difficulties and disabilities in workplace learning. There is also a potentially important role in encouraging disclosure among disabled employees. Evidence suggests that disabled employees may be particularly reluctant to declare a learning difficulty or disability, either because they may fear the implications that this might have on their employment or because they have so far felt able to ‘cope’ with their disability in the workplace.3

One useful strategy is discussing the implications of non-disclosure with the employee. Specifically, it is useful to work through ‘what if’ scenarios, discussing what would happen if a situation or circumstance arose in which their disability became an issue in the workplace. For example, what if they were asked to undertake a particular task they would struggle with? Or what if they were missing out on available support in the workplace, such as reasonable adjustments.5 When a learner declares a disability/learning difficulty or medical condition, the organisation should offer a personalised programme of advice and support.

In addition to diversifying leadership, existing administrators, leaders, and mentors should receive implicit bias training and inclusive leadership skills that include how to be reflective and responsive to feedback.

In the case of workplace learning, it is important to communicate available support for disabled employees in the early stages of employer engagement to ensure that workplace learning does not exclude anyone based on their disability. Stress the benefits of support, such as individuals achieving the best of their ability and increased support and progression in the workplace. Discuss disclosure with disabled employees participating in workplace learning who have not disclosed their disability to their employer.

### Actions proposed to create an Inclusive Learning Environment and Culture

* A key factor in creating and sustaining an inclusive environment is to empower bystanders and victims alike to speak up against acts of discrimination or incivility.
* Commitment is demonstrated to Equality, Diversity and Inclusion (EDI) through widening participation, actively seeking educational and social inclusion, fostering an inclusive and safe culture, valuing equality and respecting and celebrating diversity.4
* Identify and engage individuals with learning difficulties and disabilities in workplace learning. There is also a potentially important role for you to play in encouraging disclosure among disabled employees. Evidence suggests that disabled employees may be particularly reluctant to declare a learning difficulty or disability, either because they may fear the implications that this might have on their employment or because they have so far felt able to ‘cope’ with their disability in the workplace. Include information about the support available for disabled employees in your offer of workplace learning.5
* Make employees aware of the opportunities to disclose in confidence or privately discuss concerns about workplace learning with themselves or their employer.
* Ensure that your offer to participate in workplace learning, both on and off-site, is open to all employees.
* Communicate to employees the potential benefits of participating in workplace learning, such as formal accreditation or in-work progression, to encourage participation.
* An inclusive learning environment and culture are critical for encouraging disclosure of learning difficulties and disabilities. Differentiated delivery, catering for the needs of different groups, needs to sit within the whole organisation’s policies on health and well-being and Equality and Diversity.
* Help create and sustain an inclusive environment and culture in which people feel able to declare, confident in the knowledge that their needs will be met.
* Utilise the more inclusive language of ‘health and well-being’ and ‘equality and diversity’, rather than ‘special needs’ or ‘disability’, to encourage individuals to disclose their disability.
* Develop and deliver an annual learning programme celebrating service user engagement and how service user diversity and inclusion have assisted with addressing inequalities in health for underrepresented groups and communities.
* Evaluate workplace culture through external accreditation.6
* The essential best practice of programs inclusive of diverse individuals is the design of policies, processes, and behavioural norms that is done co-creatively with all community members. Potential pitfalls to greater inclusion include nostalgic reference to the past, neutrality that is operationalised without the rudder of explicit values and not recognising that ethical obligations between teachers, learners, and programs are at the heart of the discussion of how inclusive learning and work environments are built. Inclusive CLEs provide space for co-creation and understand the need to ensure the voices of the vulnerable.
  + Co-creation does not imply an abdication of decision-making responsibility solely to learners but rather committing to policy development with minimisation of hierarchies and respecting the voices of all who might be affected by the policies.9
* Cultivate shared responsibility among all members to create inclusive learning and workplace environments.
* Institutions should offer training on managing unconscious bias to foster more inclusive, respectful workplace environments. They might educate employees about microaggressions: verbal, nonverbal, and contextual messages that can intentionally or unintentionally communicate negative or derogatory meaning to members of underrepresented groups.7
* Education providers must ensure proactive approaches to support students with a disability, supported by regular staff training programs and student wellbeing and self-help information.13
* In the case of workplace learning, communicate available support for disabled employees in the early stages of employer engagement to ensure that workplace learning does not exclude anyone based on their disability.5
* Ensure that digital learning platforms, materials and communication methods are developed with equality, diversity, and accessibility at the forefront of planning, delivery and governance.
* Work to widen participation and access to education, training and careers for individuals from underrepresented groups. Creating opportunities throughout for active service user involvement in co-production, shaping and monitoring.11
* Strategies also include providing professional development to empower and equip members to accomplish diversity-related goals.12

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