

Working Together for Advice Developing Discrimination Advice



TRAINING & LEARNING STRATEGY Strategy Paper 2 Agreed May 26th 2009



Part 1: Introduction

Reasons for engaging with the issue:

This workstream is part of the Working Together for Advice project which is funded by the Big Lottery Fund. The Developing Discrimination Advice workstream is being led by the Law Centres Federation. The Law Centres Federation, Citizens Advice and AdviceUK and all have staff members dedicated to the workstream.

Discrimination is an issue which impacts upon the lives of many of the clients who seek advice. The workstream aims to contribute to the increased identification and resolution of discrimination issues within advice work by raising the profile, developing further understanding of the various implications of discrimination and assisting in developing the procedures necessary with which to deal with such cases.

This document makes recommendations regarding the strategic approach which this workstream will take in order to effectively deliver training and learning around discrimination. The strategy reflects and aims to give effect to the overall workstream goals.

Aims and Objectives:

Aim:

- To increase the availability of high quality discrimination advice.

Objectives:

- To develop and pilot a range of training and learning materials on discrimination and human rights advice.
- To increase the confidence and skills of advisers in the sector.
- To bring advice agencies together through training and the piloting of discrimination referral networks.
- To engage at a strategic level with the EHRC in order to create a national discrimination advice training strategy.
- To develop a joined up approach to discrimination training which reflects the need for partnership working in order to establish a cohesive approach to discrimination related advice provision.

- To empower advice agencies to reach further into our disadvantaged communities to ensure more people get appropriate advice as well as ensuring clients don't fall through the net or are passed through the referral process incorrectly.

Training as one of the ways forward:

Whilst it is important to recognise the benefits that appropriately targeted and delivered training can bring to an adviser's increased awareness and knowledge of discrimination related issues. It should also be recognised that training is only one of the elements necessary in order to achieve this.

Training around discrimination issues should play an important role in creating a culture which runs alongside various other initiatives and strategies which prioritise the importance of identifying and acting on discrimination issues within the sphere of advice provision. Other such factors include:

- prioritising the practical implications of embedding the principles of equality and diversity at the heart of the ethos of the organization;
- creating a workforce culture which both values and implements the values of equality and diversity;
- standardising partnership approaches to training around discrimination;
- highlighting the importance of social policy work;
- creating ways in which agencies can work together in order to deal with discrimination cases and supporting the workforce in order to enable them to do so.

This training and learning strategy hopes to take into consideration and reflect this approach and it is important to note that this strategy will run parallel to the referral network strategy so that the workstream can develop and pilot a more co-ordinated approach to enhancing the provision of discrimination advice.

Setting the strategy (the focus of our training):

The development of a workforce to provide high quality discrimination advice should be seen as progressive. It is not simply a case of providing proficient training in the related substantive issues but that it is also necessary to ensure the foundations upon which this knowledge can be properly understood are firmly in place.

The focus of the training must therefore be that we ensure there is a foundation of skills in place within the agencies which will enable further work to be undertaken with regard to discrimination cases. Advisers, as well as other frontline staff, must have a heightened awareness of the basics of discrimination and how it can impact on their clients (both practically and psychologically) upon their clients. This understanding and awareness must be in place in order to further build upon knowledge with regard to identifying

discrimination, relating it to current legislation/case law and ultimately feeling sufficiently confident to be able to take action with, and on behalf of, the client.

Of equal importance must be that the training provided acknowledges the 'skills' requirements which enable this work to be undertaken. Factors around attitudes to clients, questioning skills, etc. as well as access to appropriate resources and knowledge of appropriate referral possibilities have been incorporated into our training strategy.

It is important to recognise the depth of both generalist and specialist non-employment discrimination advice and the regional variations within the provision. It is therefore our intention that this strategy will help enable the effective identification of discrimination issues by front-line staff and generalist advisers; that generalist advisers will be able to confidently deal with discrimination issues to a certain extent (as well as refer them as appropriate); and that specialists in other areas will be able address discrimination issues within their own specialism to a further extent, including recourse to the county courts.

Putting strategy into action:

How the training and learning strategy relates to need around discrimination advice:

Various methods of training needs analysis have been carried out by the workstream in order to enable us to set this strategy. These are as follows:

- A mapping survey of need within CABs, AdviceUK and Law Centres;
- Feedback from various regional focus groups;
- Feedback from Citizens Advice guidance tutor forums;
- Engaging with external stakeholders;
- Mapping of materials currently available to advisers (see Appendix II);
- Mapping of discrimination referral networks.

In addition to the above and in order to ensure the training provided is appropriate to each individual region we intend to carry out a micro training needs analysis (tna) in each of pilot regions identified thereby recognising that each region may have different needs. Although the training courses will have been written and prepared and we will not be in a position to modify content we can respond to differences in the way (e.g. frequency) which courses are delivered. Each agency within the region will be asked to complete a short questionnaire which will then be analysed in order to identify any significant differences in need to the generalised needs already identified by the workstream.

The purpose of carrying out this further research is to help ensure that as well as responding to the general need around discrimination advice we also acknowledge that there can be variation between different areas with relation to client groups or recognised marginalised communities. A further purpose is to highlight any prior learning of targeted staff and respond to it appropriately.

We envisage that the training courses piloted will then be adapted for future use by each region in order to make them as relevant and as effective as possible in responding to each areas' specific requirements.

How we ensure those who need training receive it:

The workstream will identify a member of staff in the designated lead agency within each region working with us on the pilot to be responsible for liaising with the designated workstream worker. With the use of our guidance document (see Appendix III) we will enable the link person to identify those who would benefit from our training in this area. For example for our Information Level course we would envisage the attendance of all reception staff, certain new staff members as well as any generalists who may wish to refresh their training and skills. Any volunteers and other members of staff who feel the training would be beneficial to them should also have an opportunity to attend the training.

Part 2

Intended coverage of the training and learning strategy:

We will work closely with all the relevant agencies within each region in order to effectively promote the training courses as well as advertise more widely through the various national and regional networks of the partners involved in the project. This will reflect the intention that the training will be widely available to advisers based throughout all the regions.

Through the application of this training strategy we envisage addressing three distinct areas of need around discrimination learning:

Awareness of the issues:

- What discrimination means/consists of;
- Understanding and awareness of the implications of discrimination for clients;
- Understanding the importance and implications of social policy work around discrimination.

Skills element:

- Being able to demonstrate empathy, being non-judgmental, asking appropriate or difficult questions and using appropriate language;
- Supporting client in progressing the case;
- Negotiation skills;
- Representation skills;
- Being able to apply issues raised by discrimination cases to social policy initiatives.

Knowledge element:

- Legal definition of discrimination;
- Basic understanding of discrimination within the legal context;

- Knowledge of specific discrimination strands;
- Knowledge of how discrimination/HR legislation impacts upon specific enquiry areas;
- Knowledge of relevant resources;
- Knowledge of second and third tier support;
- Understanding of legal remedies and procedures;
- Knowledge of how, when and where to signpost/refer clients;
- Knowledge of court/tribunal procedures.

The various elements listed above will be appropriately applied to the three levels of training which will be provided, i.e.:

Level 1 – Information level

Level 2 – Generalist advisers

Level 3 – Specialist advisers

A table has been drawn up indicating at which level the individual elements of training and learning are most appropriate. This can be seen on page 2 'Priority training needs in discrimination advice' of the 'Training Needs Analysis – summary of findings' document at Appendix I.

Types of training to be incorporated within the project:

There will be eight different training and learning opportunities which the workstream intends to develop, these are as follow:

- 1) Information level – skills and knowledge course
- 2) Generalist adviser – skills and knowledge course
- 3) Specialist adviser – skills and knowledge course

The above courses will be delivered in person however pre-course material and prior knowledge assessments will be delivered electronically (or manually for those without access to the internet). Post-course evaluation and assessment of learning (potentially leading to accreditation) will be done in the same manner.

- 4) E-learning based training – developing an e-based learning suite which will address the issues relevant at information level.
(The idea behind developing an e-learning suite is to address those who are unable to access the training courses as well as to provide a sustainable way of continuing with discrimination training at this level. We hope to secure funding to allow this course to be maintained and updated for a certain period of time so that it can be used as an appropriate and efficient tool for training in discrimination in the future).
- 5) Train the trainers – develop training for all those trainers who will be delivering the above courses. The training will focus on the specific skills required to deliver discrimination related training in order to ensure uniformity and guarantee quality control.

- 6) Public Legal Education (PLE) – see separate strategy paper.
- 7) Pro Bono mentoring scheme pilot for specialist discrimination advisers. This is being developed in partnership with the Bar Pro Bono Unit and will provide one-to-one support to specialist discrimination advisers.
- 8) List of discrimination advice resources and second tier support.

How the training and learning initiatives will be achieved:

Training courses:

The training courses developed for information level workers, generalist and specialist advisers will be delivered in each government region in England (including the first and second sets of referral pilot areas).

All the courses will incorporate a combination of pre-course work, electronic learning, trainer-led sessions, individual and group based work. – *Please see Training Plan attached – Appendix III.*

The workstream will endeavour to prioritise accessibility and deal with any potential barriers to learning it identifies in order to help ensure maximum attendance. In order to achieve this it may be necessary to run the same course in the same area more than once and the workstream is open to delivering the courses in different time frames in different areas to best meet the access needs of delegates with the different pilot areas.

E-learning suite:

By developing an e-learning package at information level which workers can use we will be opening up the accessibility to our training and producing a resource that can be used across the advice sector.

An e-learning suite will also appeal to those who prefer to learn via this format, those who find it difficult to attend training and those who wish to refresh their knowledge by selecting only specific areas to study.

This resource would be interactive and incorporate the range of delivery styles available on an electronic basis, such as case studies, tutorials, knowledge checks and discussion forums.

Pro Bono mentoring scheme pilot:

This pilot is being run in partnership with the Bar Pro Bono Unit. It aims to recruit 20 mentor pro bono lawyers across England willing to provide one-to-one support on developing casework skills and legal knowledge to 20 specialist discrimination advisers working in the not-for-profit sector. The main purpose of the pilot is to reduce the isolation of discrimination advisers in the not-for-profit sector, while providing them with access to an experienced and skilled expert who can help them develop their casework skills and legal knowledge.

The scheme will be advertised to prospective mentors through the Bar Pro Bono Unit and to prospective mentees through all the partner advice networks at the end of May 2009. Interested mentors and mentees will be asked to return an application and equal opportunities application form. The matching process will be done on the basis of a number of factors, including geographical location, area of specialism and level of experience.

The pilot will run for a year until July 2010, after which a full evaluation will be undertaken with recommendations for future development of the scheme. The scheme will also be subject to monitoring and review throughout the course of the year. Mentees will be expected to keep a record of the mentoring undertaken on template recording sheets provided, and after agreeing these with their mentor, send these through for central collection by the workstream. Both mentors and mentees will be asked for feedback by phone after 6 months and then through a questionnaire towards the end of the pilot.

List of discrimination advice resources and second tier support:

The workstream will draw up a list of existing and accessible discrimination advice resources, which it will make available to advice organisations through all the partner advice networks and through the WTFA website. The list will also ask people to send us details of any relevant resources not already included so that we can build up this resource throughout the project. Towards the end of the project the workstream will consider whether to turn the resource list into a printed booklet for further dissemination.

How training initiatives will incorporate agreed competencies:

Any training developed by the workstream must adhere to agreed competencies in order to standardise training and delivery of advice throughout the sector with a view to enhancing the standard of provision of discrimination advice.

Relevant competencies for front-line discrimination advice

In order to meet the relevant standard **front-line workers** must be able to:

- a) Recognise situations where client may have been treated unfairly (either directly or indirectly);
- b) Identify the various discrimination strands on which action may be taken (i.e. gender, race, sexual orientation, disability, religion and belief, age and transgender issues).
- c) Use appropriate language and questions.
- d) Know where, when and how to signpost/refer a client for advice/information.

Please note that these competencies build upon the general competencies required at this level, including the need to be non-judgmental.

Relevant competencies for discrimination legal advice and casework

In order to meet the relevant standards **Generalist Advisers** must be able to:

- a) Recognise situations where client may have been treated unfairly.
- b) Identify the various discrimination strands on which action may be taken (i.e. gender, race, sexual orientation, disability, religion and belief, age and transgender issues).
- c) Recognise the types of discrimination issues which may arise in non-employment scenarios.
- d) Use appropriate language and questions.
- e) Recognise direct and indirect discrimination and recognise if a client has been subjected to discrimination in a legal sense.
- f) Awareness of public body duties (including possible use of HRA);
- g) Explain main components of discrimination and how they relate to the client's situation.
- h) Establish what effect the possible discriminatory behaviour has had on the client.
- i) Identify whether the behaviour is limited to the client or also applies to others.
- j) Explain and explore possible legal and non-legal remedies/options (to include social policy).
- k) Recognise the use of negotiation as a potential strategy;
- l) Understand the importance and relevance of time limits for legal action.
- m) Assist the client to take initial action.
- n) Locate, access and use appropriate and relevant resources.
- o) Know when to refer the client for specialist advice and/or representation.

In order to meet the relevant standard **Specialist Advisers** must be able to:

- a) Incorporate and build upon the competencies required at generalist level;
- b) Be aware that most non-employment discrimination cases do not reach the courts and therefore understand alternative ways forward (e.g. negotiation skills around discrimination issues);
- c) Understand the different ways in which the law applies to different strands of discrimination;
- d) Understand the relevance and application of EU directives and ECHR.
- e) Awareness of international and human rights instruments.
- f) Explain relevant procedures for preparing and presenting cases at county court and why it is important to follow them;
- g) Define relevant appeals procedures and explain how to follow them when challenging court/tribunal decisions;
- h) Explain what compromise agreements are and when to use them;
- i) Locate, access and apply appropriate resource materials;
- j) Keep up to date with relevant legislative changes and applicable case decisions.

The above competencies have been compiled from a combination of the current National Occupational Standards (NOS) for Discrimination Advice, Citizens Advice competencies for Discrimination Advice and workstream input.

Part 3:

Overcoming potential barriers to successful implementation of the strategy:

It should be noted that the pilot delivery of training and setting up of referral networks will work within the constraints of the available budget and time frames available for this project.

The main potential barrier to the success of the training strategy is that we do not get the number of delegates we need in order to be able to maximise impact and properly evaluate the training. This may be due to a combination of reasons including that those who need the training don't wish to undertake it or that they are unable to attend. It is also possible that we find there is a lack of people prepared to take on a training role to deliver the courses in the future.

The approach the workstream will take in order to try and overcome these barriers is twofold. Firstly, when carrying out our 'micro' tna we will try and engage with potential delegates by presenting the training as interesting and beneficial to their personal and professional development. Also when briefing our link person within the lead agency we will include information as to how best to present the training which highlights the positive differences it will make to the roles of those who undertake it.

We will also engage with the relevant agencies in order to work together to identify the most suitable times and venues for the training and also to overcome any issues of accessibility which may arise. We appreciate that costs of delivering the training will vary due to regional variations with some delegates having to travel long distances in areas where there agencies are especially widespread.

The other way in which we can help ensure maximum take up is to promote the e-learning alternative course to those who cannot attend the trainer-led course. It may be that some staff within the agencies can work through the e-learning suite whilst be are still involved in their region as part of the pilot and this would also enable us to provide these delegates with support and obtain their feed-back.

Resources required in order to implement strategy:

- Training co-ordinator;
- Skilled trainers/tutors with knowledge of topic areas;
- Publicity material;
- Material developers;
- Publishers;
- Venues and related requirements;
- Projectors/laptops;
- DVD/podcast production;

- Re: E-learning packages
- Material developers;
- Maintenance and updating of package

- ***Costs/fees for all of the above-more input required.***

How the strategy will be managed:

Although the workstream workers will oversee the strategy and liaise with the link persons within the pilot regions, the implementation of the programme needs to be co-ordinated. The co-ordinator function will allow for the smooth setting up and running of the training sessions and is therefore critical to the success of the project.

The workstream will evaluate the possibility of identifying a training co-ordinator within each pilot area who will be responsible for booking delegates on to courses, organising tutors, booking venues and various other functions related to course administration. An alternative is to use the training booking department at Citizens Advice

PART 4:

Evaluation of training:

The evaluation of the training will need to be carried out which demonstrates to what extent the set workstream outcomes have been achieved. As well as this the actual training and its impact will be assessed and evaluated.

There will be three levels on which evaluation of the training will be carried out within the pilot areas.

Level 1: Primary response

This will be carried out at the end of every training course and will evaluate the learners' immediate reaction and ask for responses to questions relating to:

- Whether learners enjoyed the training session;
- Whether learners felt the set objectives for the training had been met;
- Whether learners felt the materials and methods of delivery helped them to achieve the objectives set;

- Style of trainer;
- Suitability of venue etc.

Evaluation at this level will also be used with regard to the e-learning pre-course work and with regard to the front-line workers' e-learning programme.

Level 2: Evaluation of implementation of learning

This stage of the evaluation process seeks to find out whether the skills and knowledge learnt has been retained and whether (and how) it has been applied to the work they undertake within their respective agencies.

This stage may involve follow up visits, emails or telephone calls. We will be looking to find examples of ways in which they have applied the skills and knowledge learnt.

Level 3: Evaluation at organisational level

At this stage of evaluation we will be looking for feed-back from supervisors or managers as to whether or not they feel that the information learnt on the training course has benefited the organisation and, if so, how. Through a combination of qualitative (e.g. 'In your opinion has the training received by your staff improved the provision of discrimination advice?') and quantitative (have more discrimination related cases been identified since the training was undertaken by your staff?).

Through gathering information on all the trainer led courses, e-learning programmes and other learning initiatives we hope to have sufficient evidence to be in a position to produce a report which will address the effectiveness of each component of the training as well as the overall effect of piloting the training and referral strategy within each identified region.

Accreditation:

We will endeavour to ensure that some or all of the above training will carry CPD hours.

The workstream intends to research the option that parts of this course may be suitable at NVQ level.

