

B. EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

The Bill provides the framework for a single post-compulsory education and training (PCETR) and research sector in Wales covering higher education (HE), further education (FE) and training, adult community learning (ACL) and work-based education, apprenticeships and local authority-maintained school sixth forms. On enactment the Bill will establish the Commission for Tertiary Education and Research (Commission) which will be the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales. The role of the Commission will be to act as an overarching body with wide powers to shape the PCET and research sector for the benefit of all learners aged 16 or over, in accordance with strategic priorities set by the Welsh Ministers.

The Bill sets out a number of strategic objectives for the Commission, three of which are relevant in considering matters of equality:

- Promoting lifelong learning
- Promoting equality of opportunity
- Promoting tertiary education through the medium of Welsh

It is intended that the Commission will replace the Higher Education Funding Council for Wales (HEFCW) as a listed public authority in the Equality Act 2010, and it will also be required to adhere to the specific duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. As a public authority the Commission will be subject to the public sector equality duty which requires it in the exercise of its functions, to have regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act; to advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic (or multiple characteristics) and persons who do not share it.

Having set the framework for the new Commission, and established it as an arms-length body, it would not be appropriate for Welsh Ministers to be too prescriptive in how the Commission should advance its strategic duties and objectives; rather they will leave the day-to-day running of the organisation to the board and its officers. However, it is expected that the actions taken by the Commission to fulfil the above strategic objectives will have an overall positive impact on people within protected characteristics groups, and those who identify across multiple characteristic groups (intersectionality). It is expected that the Commission will take all necessary steps to ensure educational inequalities narrow, that standards rise, and that barriers to continuing in tertiary education are minimised, continuing the work that HEFCW have taken forward in this area. Welsh Ministers require an account of progress to be referenced in the Commission's Annual Report.

The Commission will not usually engage directly with individual learners in tertiary education. Its relationship will be with tertiary education providers. Therefore, at this stage the impact of the Bill on individuals will not be direct. However, of course as the funder and

regulator of providers it is only right that the Commission considers the impact that its decisions might have on learners and the levers it has to drive change.

The PCET Vision published in November 2020 documented how we would wish to have a more equal PCET sector to break down the inequalities that are seen in society, in particular inequalities of class, geography, race, gender and disability. The PCET Vision was accompanied by Principles for Change document, which discussed the requirement for systematic action to break down the inequalities of access, attainment and employment outcomes that we continue to see across education.

The new Commission will be designed to align education and training more closely to employers' needs, to protect the interests of learners, to ensure that vocational and academic learning are equally valued and to create and sustain a Wales of vibrant culture and thriving Welsh language. As well as delivering greater productivity, the narrowing of educational inequalities will expand opportunities, raise standards, address employability concerns and ultimately combat poverty.

Further impact assessments will be carried out in due course when subordinate legislation is being drafted detailing the direct nature of the Commission's work. This subordinate legislation will be subject to consultation. There will be opportunities for full engagement with stakeholders, including those within protected characteristic groups, whilst policy is being developed. It will be easier for the impacts to be envisaged by those stakeholders at that stage when specific detailed policy considerations are being drafted on, for example, the registration conditions.

Considerable engagement with stakeholders across the whole PCET sector was undertaken as soon as the decision to accept the recommendations of the Hazelkorn report was made, and this has continued throughout the policy development process. Engagement has resulted in changes to underlying policies and subsequently to the Bill. This engagement has included:

- considerable work undertaken by the apprenticeship policy team over recent years as part of the Welsh Government's Inclusive Apprenticeships: Disability Action Plan^[1].
- work undertaken to promote Welsh language within the apprenticeship programme as set out in the Further Education and Apprenticeship Welsh Medium Action Plan^[2].

^[1] [inclusive-apprenticeships-disability-action-plan-for-apprenticeships-2018-21-1.pdf \(gov.wales\)](#)

^[2] [towardscymraeg2050.pdf \(colegcymraeg.ac.uk\)](#)

- supporting the delivery of a Work Based Learning Equality Strategy Programme of Action that was developed by the National Training Federation for Wales and launched in 2021^[3].
- considerable activity undertaken at the White Paper stage on a face-to-face basis with learners at Learner Engagement Events throughout Wales, to capture a wide variety of views about their learning.
- changes made to the apprenticeship policy as a result of the Draft Bill to enable a strategic approach for Welsh Ministers' and ensure a more operational level focus on the apprenticeship system for the Commission, to enable a flexible approach that can adapt to meet the needs of learners and stakeholders. The type of qualification rather than level of qualification will be specified by Ministers for individual apprenticeship frameworks. Ministers will specify at a high level the types of qualifications that might need to be included within apprenticeship frameworks. Functions relating to the certification of Welsh apprenticeships will now rest with the Commission, reflecting stakeholders' concerns.
- Welsh Government met regularly with Estyn, Union Partnership Group, ADEW and Qualifications Wales to discuss the Bill. Discussions with stakeholders have led to a number of key changes in the Bill: In recognition of a need for parity and to ensure that no one sector was excluded from the learner engagement provisions, the scope of the Learner Engagement Code's general principles has now been extended to include school sixth forms; a new duty has been introduced as part of the Minister's 'second chance nation' ambition, ensuring that lifelong skills and training becomes the norm by securing proper further education and training for learners aged 19+ in terms; and introduced the requirement to consult the Commission on careers services, all as a direct result of comments by stakeholders during the draft Bill consultation and subsequent policy discussions. New policy developments, or more detailed operational matters, to be achieved by means of subordinate legislation will be subject to consultation and will require the necessary integrated and regulatory impact assessments.
- work with HEFCW and stakeholders to co-create a draft set of principles for learner engagement/student partnership in the PCET sector. This is intended to stimulate discussion as a precursor to the Commission's role in developing and overseeing a Learner Engagement Code for PCET. We anticipate that the principles will include references to inclusivity and equality for learners in different settings and from different backgrounds.
- the Strategy and Implementation Board (and its precursor) has met regularly since 2019 to discuss the Bill and its underlying policy with stakeholders. The Board includes representatives from across the sector including: Adult Learning Wales, Careers Wales, Catholic Education Service, CBI, Chairs of Universities Wales, Colegau Cymru, Coleg Cymraeg Cenedlaethol, CYDAG, Education

^[3] [New five year plan focuses on inclusive apprenticeships for Wales \(wales247.co.uk\)](https://www.wales247.co.uk)

Workforce Council, Estyn, Federation of Small Businesses, Higher Education Funding Council for Wales, Institute Of Directors, Learning at Work Institute, National Centre for Learning Welsh, National Mission Change Board, National Training Federation Wales, National Union of Students, Qualifications Wales, Quality Assurance Agency, The Association of Directors of Education in Wales (ADEW), University and College Union (UCU), Universities Wales, Welsh Local Government Association. Discussions have taken place regarding the reforms encompassed in the Bill.

- there has been engagement with trade unions regarding the collaborative nature of their role in tertiary education. As a result of those discussions a stage 2 amendment was tabled and subsequently agreed to insert a new strategic duty requiring the Commission to promote collaboration between providers of tertiary education and trade unions but only where the Commission considers that such collaboration is likely to assist in the discharge of the Commission's other strategic duties. This strategic duty will help support the principle of bringing social partnership into the decision-making of the Commission when dealing with matters of a strategic nature, ensuring that the voice of the Welsh workforce, both within the education sector and more widely, and represented through trade unions, can influence strategic decision-making.
- Welsh Government have worked closely with NUS who have been keen to see stronger provisions in the Bill in relation to learner voice, to ensure that learner views are at the heart of decision making regarding tertiary education courses. As a result of their comments and discussions, a stage 2 amendment was tabled and subsequently agreed to alter the continuous improvement strategic duty to provide that in discharging this strategic duty, the Commission must have regard to the views of learners about the quality of the tertiary education they receive. The enhanced learner engagement provisions and representation on the Board enable enhanced communication, engagement and representation of learners in tertiary education which will provide formal and frequent engagement for learners with protected characteristics.
- During the course of the Bill's progress, the Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018 came into force and will be fully implemented over the school years 2021 to 2022, 2022 to 2023 and 2023 to 2024. Engagement with Natspec raised issues regarding the impact of the ALN reforms regarding equitable access for students to FE with complex needs, and the need to ensure that the Commission has a close working relationship with stakeholders on the ALN reform. The Minister has committed to considering a further requirement on the face of the Bill in relation to ALN and will work with the CYPE Committee and stakeholders in developing this.
- Following consideration of concerns raised during engagement with stakeholders, and to ensure that access and equality of opportunity remain a key focus, the Bill was amended at Stage 2 to subject all registered tertiary education providers to a mandatory general ongoing registration condition in respect of equality of opportunity. The Commission will be required to publish guidance as to its expectations under this registration condition, monitor providers' compliance with it, and take intervention measures where

required. This condition require registered providers to demonstrate delivery of measurable outcomes which further the aims, listed on the face of Bill, relating to increasing participation, improving retention, reducing attainment gaps, and improving employment and further study outcomes for students from under-represented groups.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age		<p>The Commission's role in shaping the whole PCET and research sector in Wales in accordance with its strategic duties will enable a greater focus on equality of opportunity for all learners aged 16 and over, regardless of any protected characteristics. The strategic priorities set by Welsh Ministers will ensure that the Commission plays a key role in promoting access to tertiary education and eliminating inequality, which will have a positive impact on learners from all protected groups. From an accountability and transparency perspective and to ensure that outcomes can be measured, the Commission must prepare a report that (a) gives details of how the Commission has exercised its functions during the year; (b) explains the progress the Commission has made during the year towards implementing its strategic plan; (c) gives details on tertiary education provided in Welsh; (d) gives details on the effectiveness of Learner Protection Plans; and (e) gives details on the effectiveness of the Learner Engagement Code. The annual report may include any other information the Commission considers appropriate.</p> <p>The Bill provides for mandatory ongoing registration conditions on equal opportunity; these require registered providers to demonstrate delivery of measurable outcomes which further the aims relating to increasing participation, improving retention, reducing attainment gaps, and improving employment and further study outcomes for students from under-represented groups. This will provide for a consistent and wide-ranging approach to the equal opportunity and widening access duties.</p>	<p>The power to make regulations regarding eligible persons for the duty to secure proper facilities for persons aged 19+ includes a power to make reference to age. This could create further possibilities for age discrimination, the equality impact of which would need to be fully assessed when preparing and presenting those regulations.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>The Bill does not discriminate or distinguish between age groups except in respect of the Commission's duty to secure facilities for further education and training.</p> <p>Section 90 of the Bill places a duty on the Commission to secure proper facilities for further education and training for persons aged 16-19, which are suitable to the requirements of individuals, and which meet local curriculum entitlements under the Learning and Skills Act 2000.</p> <p>Section 91 of the Bill places a duty on the Commission to secure proper facilities for relevant further education and training for eligible persons aged 19 and over. Relevant education and training will be specified in regulations, and regulations may also specify eligible persons by reference, among other things, to age.</p> <p>The Commission must also secure reasonable facilities for further education and training for persons aged 19 and over. Facilities are reasonable if they are of a quantity and quality that the Commission can be reasonably expected to secure.</p> <p>The effect of these provisions is to create slightly differing criteria for the facilities which must be secured for persons aged 16-19 and 19+. Several responses to the draft Bill consultation including Colegau Cymru, the Learning and Work Institute, HEFCW and UCU highlighted the need to strengthen the duties to fund further education for adults, so as to ensure greater equality between age groups and to expand lifelong learning opportunities. The inclusion of the duty to secure proper facilities</p>	

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		<p>for relevant further education and training for eligible persons aged 19 and over reduces the previous distinction under the Learning and Skills Act 2000.</p> <p>Provision for which proper facilities must be secured for people aged 19 and over will be specified in regulations, and therefore may be more specific than the duty for persons aged 16-19. This is to enable the Welsh Government and the Commission to most effectively allocate limited financial resources. The regulations will be subject to consultation and their potential impact on stakeholders, including those with protected characteristics, assessed during the policy development.</p> <p>The broader range of qualifications and previous education which persons aged 19 and over might bring to further education and training when compared with persons aged 16-19 requires that regulations allow the provision prioritised to be specified, to control costs and make clear which provision will be available. This is not necessary for the provision for persons aged 16-19, where there are already well-established patterns of provision for school leavers who largely enter education at this age with similar prior qualifications and educational background.</p> <p>The Open University commented that the Commission should deliver for all ages of students and ensure parity of esteem across all levels and modes of study, including distance learning, by engaging with a diverse student body and providers. With a much wider remit to oversee, the Commission will need to ensure that any individual part of the PCET sector is not disadvantaged.</p>	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Disability			
Visual impairment	Positive	<p>The strategic priorities set by Welsh Ministers will ensure that the Commission plays a key role in promoting access to tertiary education and eliminating inequality, which will have a positive impact on learners from all protected groups.</p> <p>The RNIB and the National Deaf Children’s Society Cymru responded to the consultation regarding the new Commission. They agreed that the PCET sector required reform and that a single Commission with a clear remit to shape a system that works for the people of Wales and the Welsh economy is to be welcomed. They believed that the success of the legislation should include promoting and improving post-16 provision for young disabled people.</p> <p>The National Deaf Children’s Society Cymru emphasised that there will be a need to consider a range of disabled learners. They pointed out that disabled learners are not one homogenous group and have a variety of different needs. It is therefore important that the Commission works with providers to require them to provide evidence that they have sought views from a range of disabled learners. The Commission can encourage providers to work together with other providers to ensure that the viewpoints of all needs are considered. The Commission’s progress in these areas will be considered as part of the post-implementation review.</p> <p>The 2018 EHRC report ‘Is Wales Fairer?’ identifies that the representation of disabled people is particularly low in apprenticeships and action was required to improve the situation.</p>	Not applicable.
Hearing impairment	Positive		
Physically disabled	Positive		
Learning disability	Positive		
People suffering from with their mental wellbeing	Positive		
Other impairments or issues	Positive		

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>Disabled learners, health conditions and additional learning needs were consulted at our Skills Cymru events.</p> <p>Further information on their feedback to our legislative proposals is contained in the link to the summary below. https://gov.wales/sites/default/files/consultations/2018-02/171204-pcet-learner-voice-events-en.pdf</p> <p>The particular needs of disabled learners and students will be considered in more depth during the implementation planning phase, and when the detailed policy for the subordinate legislation is being developed.</p> <p>On establishment, the Commission will consider all the various comments received from and about disabled students and learners using the social model of disability to ensure equality of access to tertiary education.</p>	
<p>Gender Reassignment (the act of transitioning and Transgender people)</p>	<p>Positive</p>	<p>Our proposals are based on helping all learners and students to achieve their educational potential in tertiary education, including people who are transgender. The proposals are not gender specific.</p> <p>On establishment, the Commission will be required to ensure that those people who are transgender or going through gender reassignment are not discriminated against within tertiary education.</p> <p>The development of the Learner Engagement Code will encourage the Commission to reach out to those students who</p>	<p>Not applicable.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		have traditionally not had a voice. Its aim will be to encourage engagement and discover barriers and discrimination they face and seek to eliminate those issues.	
Pregnancy and maternity		Our proposals are based on helping all adults and young people to achieve their educational potential. The Bill will not directly affect people because they are pregnant or have recently given birth. However, the learner engagement provisions incorporated in the Bill are there to identify issues with provision, including inequity, and to create an effective feedback loop to identify issues that need to be addressed, supported by the equality provisions to enable action to be taken.	Not applicable.
Pregnancy	Positive		
Maternity (the period after birth)	Positive	<p>Feedback from our consultation events highlighted the barriers that new parents face when trying to access learning and training opportunities. One of the main barriers faced was the struggle to access childcare support or flexible options in order to juggle their work, family and learning commitments.</p> <p>Young parents noted barriers relating to finances, lack of information, having young children, confidence, and transport. Some reported being asked to leave their vocational courses upon finding out that they were pregnant, for health and safety reasons.</p> <p>Their main priority was to provide for their children and as such they stated that they would be unable to cover the cost of childcare and studying.</p> <p>We will share the results of our consultation exercise with the Commission once it is established, along with feedback from</p>	

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		<p>learners detailing the barriers that they experience to accessing education. Bringing planning and funding together across the PCET sector will enable a more coherent approach to be adopted. The Commission will need to take these issues into account along with its statutory strategic duties and the strategic priorities as set out by Welsh Ministers. It is at this stage that the Commission will have the ability to have a positive impact on those who are pregnant or for those in the period after birth. The Commission's progress in this area can be assessed in its reporting, as well as in the post-implementation review.</p> <p>The Welsh Government has accepted the 33 recommendations in the independent report 'Talented Women for a successful Wales' on widening access for STEM subjects. Two of these are specifically for the Welsh Government to action:</p> <ol style="list-style-type: none"> 1. The Welsh Government should make improved gender balance in STEM a theme in educational policies and programmes for teacher training, curriculum reform, careers advice, apprenticeships and further and higher education funding. 2. The Welsh Government should review its support for childcare and consider how it can further support a wider range of parents with the costs of childcare – with the long-term aim of developing an offer of high-quality early childhood care and education. <p>Commitment to these actions will be reflected in the Statement of Priorities the Welsh Government will give to the Commission.</p>	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Race		<p>The Bill is not race specific and no indirect impact on a particular race has been identified. The Bill is based on helping all learners and students to achieve their educational potential in the tertiary education sector and expanding opportunities for those in under-represented groups, which includes particular racial groups. The strategic priorities set by Welsh Ministers will ensure that the Commission plays a key role in promoting access to tertiary education and eliminating inequality, which will have a positive impact on learners from all protected groups.</p> <p>Enabling and improving learner engagement is a key provision in the Bill that was informed by responses from our young people's consultation which highlighted the barriers that ethnic minority group members face when accessing PCET. They also highlighted the common barriers of financial difficulties, lack of information and achieving the right grades as issues.</p> <p>In addition, they felt that discrimination was a problem for young people, saying that there should be procedures in place to ensure checks are carried out on institutions to ensure they are monitoring the behaviour of staff. Discrimination in relation to selection onto courses was also raised as a concern for this group, who suggested that a blind selection process would be helpful.</p> <p>A number of stakeholders, such as FE and ACL representatives, indicated concerns that establishing a committee for the Welsh language could have the unintended consequence of Welsh language issues being marginalised. Additionally, stakeholders felt that it should be for the Commission to decide how it should</p>	Not applicable.
Ethnic minority people e.g. Asian, Black,	Positive		
National Origin (e.g. Welsh, English)	Positive		
Asylum Seeker and Refugees	Positive		
Gypsies and Travellers	Positive		
Migrants	Positive		
Others	Positive		

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>interact with the Welsh-medium agenda, and that although the Commission will need to safeguard Welsh language provision, it needed the flexibility to determine the best mechanisms to achieve this rather than through the imposition of a statutory committee. The Bill now reflects this favoured approach, but also enables the Commission to establish and determine the membership, terms and scope of other committees as it deems necessary. In addition, an amendment was tabled and subsequently agreed, to include anew duty to promote the Welsh language. It expands the strategic duty to include encouraging demand for tertiary education to be provided in Wales through the medium of Welsh, in addition to encouraging participation in such education. It requires the Commission to take all reasonable steps to ensure there is sufficient provision of tertiary education through the medium of Welsh to meet 'demand'. The Commission would be under a target duty to take all reasonable steps to ensure that there is sufficient tertiary education provided in Wales through the medium of Welsh to meet such demand.</p> <p>The 2018 EHRC report 'Is Wales Fairer?' highlighted that ethnic minorities experience an attainment gap in higher education, with White British students in Wales having an 8.5 percentage point attainment lead over ethnic minority students.</p> <p>The EHRC report 'Tackling racial harassment: universities challenged' received examples of anti-Semitic and Islamophobic slurs, and anti-English sentiment at Scottish and Welsh universities, for both staff and students, as part of a pattern of repeated harassment.</p>	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>Their survey revealed that around a quarter of students from ethnic minority backgrounds (24%) and 9% of White British students had experienced racial harassment since starting their course. This is equal to 13% of all current students in British universities (EHRC, 2019a). The figures were highest for Black students (29%) and Asian students (27%). Male students (16%) were twice as likely as women (8%) to have experienced racial harassment in UK universities (EHRC, 2019a), which illustrates the increase in risk of students experiencing disadvantage or discrimination because of their intersecting identities.</p> <p>The EHRC also heard from Muslim students who had been subject to offensive references to ‘terrorists’ and additional security checks at events, and who said they felt the need to hide or play down their religious identity. Their student survey showed that 9% of White British students had also experienced racial harassment since starting their course. They heard about incidents of anti-English sentiment at Scottish and Welsh universities and offensive comments about Gypsy and Irish Traveller students.</p> <p>All this will be considered in more detail during implementation planning, and further equality impact assessments will be carried out when the secondary legislation, following the Bill coming into force, is being developed and when the Commission begins its work with providers.</p> <p>Considerable work has already taken place in this area by the Welsh Government and HEFCW in An Anti-Racist Wales Action</p>	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		Plan, and the Commission will continue with that work once it is established.	
Religion, belief and non-belief		<p>The Bill is based on helping all learners and students to achieve their educational potential in tertiary education. No issues around religious or non-religious beliefs were highlighted to the team during consultation. There is no evidence the Bill will have an impact on students and learners because of their religion and belief or non-belief.</p> <p>Organisations which have sixth forms with religious characteristics have been consulted throughout the development of the Bill.</p>	Not applicable.
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)	None		
Belief e.g. Humanists	None		
Non-belief	None		
Sex / Gender		The Bill is not gender specific and no indirect impact on a particular gender has been identified. It is intended to help learners and students to achieve their educational potential.	Not applicable.
Male	None	<p>The Welsh Government has accepted the 33 recommendations in the independent report 'Talented Women for a successful Wales' on widening access for STEM subjects. Two of these are specifically for the Welsh Government to action:</p> <ol style="list-style-type: none"> 1. The Welsh Government should make improved gender balance in STEM a theme in educational policies and programmes for teacher training, curriculum reform, careers advice, apprenticeships and further and higher education funding. 	
Female	None		

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>2. The Welsh Government should review its support for childcare and consider how it can further support a wider range of parents with the costs of childcare – with the long-term aim of developing an offer of high-quality early childhood care and education.</p> <p>The majority of the recommendations are for schools, universities, and STEM businesses in Wales to action, with the Welsh Government ‘advising, encouraging and facilitating’ where appropriate.</p> <p>The HEPI report <i>Boys to Men – the Underachievement of Young Men and how to start tackling it</i>¹ looked at the growing educational underachievement of boys in HE and suggested that being a white, working-class boy is the worst combination to be in the British education system. Boys are performing less well than girls across primary, secondary, higher education and apprenticeships and the situation is getting worse.</p> <p>The 2018 ERHC report ‘Is Britain Fairer?’ found that men were likely to experience attainment gaps in higher education compared to women. 25.6% of men had degree-level qualifications as compared to 30.7% of women. However, the types of subjects studied by women were different, with women less likely to study STEM subjects than men.</p> <p>The Bill will not directly impact on individuals in tertiary education, but once the Commission is implemented it will need</p>	

¹ <https://www.hepi.ac.uk/wp-content/uploads/2016/05/Boys-to-Men.pdf>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		<p>to consider any emerging inequalities along with developing a strategic plan in line with its strategic duties and the Welsh Ministers' priorities. These issues will be considered when formulating the implementation review of the Bill.</p> <p>Further equality impact assessments will investigate these issues in greater depth when secondary legislation is enacted, on the establishment of the Commission. At that stage, an action plan of any actions that are planned to follow the completion of those equality impact assessments will be drafted.</p> <p>We will share the results of our consultation exercise with the Commission along with feedback from learners detailing the barriers that they experience to accessing education.</p>	
Sexual orientation		The Bill is based on helping all learners and students in the tertiary education sector achieve their educational potential.	Not applicable.
Gay men	None	There is no evidence it will have a direct impact on people because of their sexual orientation.	
Lesbian	None		
Bisexual	None	The legislation will not directly impact on individuals in tertiary education, but once the Commission is implemented it will be obliged to establish a Strategic Equality Plan as it will be a listed body.	
		<p>The Commission's role in shaping the whole PCET and research sector in Wales in accordance with its strategic duties will enable a greater focus on equality of opportunity for all learners aged 16 and over, regardless of any protected characteristics.</p>	

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		The strategic priorities set by Welsh Ministers will ensure that the Commission plays a key role in promoting access to tertiary education and eliminating inequality, which will have a positive impact on learners from all protected groups.	
Marriage and civil partnership		Our proposals are based on helping all students and learners to achieve their educational potential. This will not affect the institution of marriage or civil partnership or affect people because of their marriage or civil partnership. We did not receive any comments regarding the impact of marriage or civil partnership on accessing tertiary education during the various engagement events and consultations which have taken place.	Not applicable.
Marriage	None		
Civil Partnership	None		
Low-income households	None	The power to make regulations regarding eligible persons for the duty to secure proper facilities for persons aged 19+ includes a power to make reference to status and income. The equality impact assessment of such regulations will need to be fully assessed when preparing and presenting those regulations. Under the Socio-Economic duty which came into force in March 2021 the Commission will be encouraged by Welsh Ministers to consider how their decisions might help to reduce socio-economic disadvantage when making strategic decisions such as deciding priorities and setting objectives.	Not applicable

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? *(Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions).*

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
The Right to Education	<p>It is anticipated that the provisions within the legislation will have a positive impact on people's enjoyment of this right.</p> <p>The Bill's provisions positively support the UN Convention on the Rights of the Child, specifically:</p> <p>Article 28</p> <p>Encourage the development of different forms of secondary education, including general and vocational education</p> <p>Make higher education accessible to all on the basis of capacity</p> <p>Make educational and vocational information and guidance available and accessible to all</p>	<p>The Commission will provide the opportunity for young people leaving compulsory education to further develop their skills through both vocational and academic study routes.</p> <p>A key focus of the Commission will be protecting the rights of learners, ensuring that both vocational and academic studies are valued equally. This will help each young person to develop their own particular talents whether that is through a vocational or academic avenue.</p> <p>Providing opportunities for individuals to learn through the medium of Welsh in the PCET sector is a key priority for the Commission. This will help to ensure that the Welsh language skills children and young people have learned in school are maintained and developed for use in future employment. This will also allow young people who speak Welsh as their first language the opportunity to learn their chosen subject through the medium of their preferred language.</p> <p>Promoting equality of opportunity is a strategic objective of the Commission and this will help to</p>	Not applicable.

	<p>Article 29 Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.</p> <p>Article 30 Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.</p>	<p>ensure that everyone has access to tertiary education. As the Commission will be overseeing the entire sector, this will ensure that provision and guidance is available as appropriate.</p>	
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