

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Education (Postgraduate Doctoral Degree Loans) (Wales) support scheme for AY 2018/19
Name of official:	
Department:	Higher Education Division, Economy, Skills and Natural Resources
Date:	May 2018
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

The Diamond recommendations (The Diamond Review of Higher Education Funding and Student Finance Arrangements in Wales, Final Report, September 2016) included consideration for doctoral scholarships.

In November 2016, the UK Government consulted on a proposed doctoral support package to be offered to students ordinarily resident in England. The Department for Education (DfE) published the findings in March 2017. The UK government are proposing to commence a programme of support available to eligible students ordinarily resident in England and those who are usually eligible for support by virtue of the UK's membership of the EU, who are starting postgraduate doctoral degree courses in the 2018/19 academic year..

Welsh Government officials have been engaged with the Student Loans Company ('SLC') with the objective of making postgraduate doctoral support available to students ordinarily resident in Wales and EU students studying in Wales. The SLC are able to implement a scheme for the 2018/19 academic year for such students. This will ensure that a doctoral loan can be available from the Welsh Ministers to students ordinarily resident in Wales at the same time that it is available from the Secretary of State for students ordinarily resident in England.

Officials carried out a 12 week consultation, ending in March 2018, regarding the implementation of a doctoral loans scheme for students ordinarily resident in Wales and EU students studying in Wales for AY2018/19.(Support for doctoral study, WG33258). A wide range of stakeholders were invited to respond to the consultation which generated 28 responses, consisting of 11 organisations and 17 individuals.

Stakeholders were generally positive about and welcomed the policy proposals which were set out in the consultation. All but one respondent agreed that support should be provided for doctoral study and a number of key themes relating to the questions emerged. It was recognised that there were other sources of funding available for a limited number of courses but access was limited further due to the very competitive nature of application. Respondents were aware that funding would be made available for English students in the 2018/19 academic year and welcomed that the same opportunities would be available for students in Wales. There appeared to be no concerns on the impact of the Welsh language and it was

suggested that the policy could contribute to the expansion of Welsh medium courses over the course of time.

Responses to the consultation have not identified any significant concerns and as a result the policy remains unchanged to the original policy proposals for the 2018/19 academic year. The Cabinet Secretary has committed to review the age restriction across all modes of study and levels of study in detail and this review has now commenced .

Making support available for undergraduate study has historically been the main policy priority for each of the UK administrations. Support is made available to ensure that those who are qualified by ability and attainment may access HE, and that individual economic circumstance is not a barrier. However, new loan support for students ordinarily resident in Wales and EU students studying in Wales postgraduate master's degrees was made available from AY 2017/19.

In AY 2015/16, there were 3,895 students self-funding a doctoral degree in Welsh universities in 2015/16, 1455 of those were from Wales.

There has, however, been increasing recognition of the importance of higher level skills to the economy and, therefore, of doctoral study. The aim of the proposed postgraduate doctoral degree loan scheme is to increase high level skills for the economy in a way which achieves value for money for the taxpayer. The Welsh Government therefore wishes to stimulate the take up of doctoral courses/ programmes by offering students additional financial support (although it is not the purpose of the proposed loan to facilitate the uptake of doctoral degree courses by students who are pursuing their studies purely for personal interest and without any particular intention to return to the workplace). The underpinning principle is value for money and affordability for the taxpayer, with the expectation that students repay loans in full or make significant repayments. The policy proposals are driven by benefits that will accrue to the economy by having an increased number of highly skilled postgraduate employees and to support employers' demand for such employees.

The proposal is for a £25,000 maximum loan, with a yearly cap of £10,280 to be paid directly to the student as a contribution to costs. It is proposed that loan payments will be made in 3 equal instalments throughout each AY.

It includes full and part time courses leading to a postgraduate doctoral (level 8 on the credit and qualifications framework) degree qualification.

It is proposed that the loans will be available to eligible students for designated courses starting from 1st August 2018 for academic year 2018/19.

There is a maximum age limit of 59 years of age on the first day of the first academic year of the course.

The doctoral loan balance is added on to any existing Postgraduate Master's Degree loan.

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2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

Officials recognise that the policy which imposes an age limit of 60 (on the first day of the first academic year of the course, a student needs to be 59 or less) amounts to age discrimination for the purposes of the Equality Act 2010 and also raise issues of compatibility with the European Convention on Human Rights (namely article 14, discrimination, in conjunction with article 2 of protocol 1, the right to education). The consultation raised the issue of discrimination and explained why the Welsh Government thinks that the discrimination is justified and proportionate and it sought comments and responses from stakeholders on this point and asked whether they think there is a way of mitigating the impact of the proposals.

Some respondents indicated their disappointment at the age restriction whilst understanding the rationale behind the policy. Some respondents commented that the age limit chosen seemed arbitrary considering the fluid nature of employment and retirement, and the current trends for working later in life. One respondent commented on the contribution that mature doctoral students make to education, learning and research, and this significant contribution should be seen as an end in itself, with less emphasis placed on the return of investment.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

As there is currently no Welsh Government support available for doctoral studies in Wales, and therefore it is expected that the support package will be generally well received.

It is expected that the introduction of support to doctoral students will increase the numbers of students undertaking doctoral studies.

We are relying on data supplied by HED Statistics Branch for the Higher Education Statistics Agency Student Record and the Annual Population Survey, by the Office for National Statistics relating to the employment rates and repayment rates. We consider this evidence to be satisfactory, however as there is no previous system in existence in the UK and this will be in addition to existing sources of funding, it is still difficult to predict uptake of the loans with much certainty at this stage.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

Consideration was given to the possibility of a 'safety valve' in the regulations, namely a provision which would allow the Welsh Ministers (SLC) to actively consider, in relation to particular students, the likelihood of those students entering employment after their course and repaying their loan. The possibility of less intrusive measures to achieve the Government's aim was considered in weighing up the proportionality of the age 60 limit. It was considered that another system which required individual investigation and assessment would create a heavy administrative burden which would consume scarce resources and would potentially introduce scope for inconsistent decision-making. It was concluded that such a system would be less appropriate than an age limit of 60.

The Cabinet Secretary has committed to review the maximum age policy across all student support in 2018/19, and officials will consider any recommendations in relation to doctoral support in future years.

The policy involves age discrimination, but we haven't identified any other protected characteristics that will be impacted by this policy.

The policy aim of the scheme is to increase, in the context of finite resources, high level skills for the economy and the policy attempts to assist in further removing the financial barrier to eligible students wishing to study for a postgraduate doctoral degree. The proposed system is a simple process and relatively low cost which allows Welsh Ministers to provide support to those studying for a doctoral qualification who don't have any support from other means.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (Children and young			No impact	Students will need to have completed an undergraduate qualification before entering into postgraduate study and although this policy does not restrict those up until the age of

<i>people, up to 18)</i>				18; this policy is not designed for this age group.
People 18-50			No additional impact.	This is the age group which will mostly benefit from the additional support.
Older people (50+)			There will be a negative impact for students who are 60 or over on the first day of their course.	Students aged 60 and over on the first day of the course / programme will be unable to apply for a loan. An age limit is discriminatory under the Equality Act but this can be justified if it meets a legitimate aim and is proportionate. The aim of the doctoral loans scheme is to increase, in the context of finite resources, high level skills for the economy. Given that context it is necessary to ensure value for money for the taxpayer and the view of officials is that the imposition of the age limit is rationally connected to the aim of the scheme. The age 60 limit mitigates against the risk that loan support is disproportionately taken out by older students who will be unlikely to repay the loan in full or make significant repayments and who would have a limited number of working years in which their skills would be available to the economy. Consideration has been given to a "safety valve" provision in the regulations which

				might mitigate the negative impact of the above policy. However, it was considered that another system which required individual investigation and assessment created a heavy administrative burden which consumed scarce resources and introduced scope for inconsistent decision-making and such a system would be less appropriate than an age 60 limit. , A policy review on the current age limit has commenced..
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			There is no evidence to suggest that the changes will affect disabled students. We asked stakeholders in our consultation whether they identified any other issues regarding any of the protected characteristics that the WG should be aware of and whether there are any	Eligible postgraduate doctoral students have access to a separate Disabled Students Allowance under the Education (Student Support) (Wales) Regulations 2018.
Hearing impairment				
Physically disabled				
Learning disability				
Mental health problem				
Other impairments issues				

			steps the Welsh Government might take to limit any negative impact. There were few comments with regards people with disabilities, but there was a suggestion that they may be subject to greater financial pressures. There was an acknowledgement that the introduction of loans for doctoral degrees is a positive development, but does not create an equal situation for those with protected characteristics. However, eligible students are able to apply for the Disabled Students Allowance, even if they do not access a loan.	
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4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			There is no evidence to suggest that this change will impact on gender	The additional support in the form of loans will be available to eligible students, regardless of gender. The loan support will not be dedicated fee
Female				

			specific students. However we asked stakeholders if there are any other issues regarding any of the protected characteristics that the WG should be aware of and whether there are were steps the Welsh Government might take to limit any negative impact. Some responses highlighted that women are under-represented in academia and that childcare grants should be made available to doctoral students. They calculated that the doctoral loan could be spent entirely on childcare fees if the learner had 2 children in nursery. One respondent raised the issue of being able to pause	or maintenance support. It will be for eligible students to determine how the loan is used.
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			study and return, whilst retaining the loan entitlement. Respondents did highlight that the policy was available to part-time students and over a period of up to 8 years which were considered positive steps to support parents and those wishing to combine study with other commitments.	
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			There is no evidence to suggest that this change will impact on gender specific students.	The additional support is available to eligible students, regardless of gender.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How
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				might it impact?
Marriage			There is no evidence to suggest that this change will impact on students because of their marriage or civil partnership	This policy will provide additional funding for eligible students regardless of their marital status.
Civil Partnership				

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			This policy does not affect students who are pregnant.	There is no evidence to suggest that students who are pregnant will be adversely affected by this policy.
Maternity (the period after birth)			This policy does not affect students who are on maternity leave.	There is no evidence to suggest that eligible students on maternity leave will be adversely affected by this policy.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g.			None	Entitlement to support is dependent on residency in Wales (save for EU

Asian, Black,				students and their families) and not a student's country of origin or race.
National Origin (e.g. Welsh, English)				
Asylum Seeker and Refugees				
Gypsies and Travellers				
Migrants				
Others				

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			None	Additional student support will not adversely affect students because of their religion. We are aware that some students will not access loans due to their religious beliefs and we are considering alternative student finance products to deal with this issue, having obtained new Ministerial functions in the Higher Education and Research Act which are exercisable in relation to Wales and which reflect new functions of the Secretary of State which are exercisable in relation to England.
Belief e.g. Humanists				
Non-belief				

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4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			None	There is no evidence to suggest that students will be disadvantaged and/or impact on their ability to apply or become eligible for student finance support because of their sexual orientation.
Lesbians				
Bi-sexual				

4.10 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 Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions		Yes		The age limit provisions raise issues of compatibility with the European Convention on Human Rights (article 14 in conjunction with article 2 of protocol 1). The aim of the policy is to increase, in the context of finite resources, high level skills for the economy. It is not the purpose of the scheme to facilitate the uptake of doctoral degree courses by students who are pursuing their studies

				purely for personal interest and without any particular intention to return to the workplace. The scheme must provide value for money for the taxpayer. The Welsh Government considers that the imposition of the age 60 age limit is rationally connected to the above aim of the scheme. It is necessary to mitigate against the risk that the loan is disproportionately taken out by students who will be unlikely to repay the loan in full or make significant repayments and who have a limited number of years in which their skills will be available to the economy. It is considered that the age 60 limit provides a proportionate means of achieving high level skills for the economy in a way which achieves value for money for the taxpayer.
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

- Given the aim of the scheme to increase high level skills for the economy in a way which is value for money for the taxpayer, it is expected that the proposed loan support will widen participation in postgraduate doctoral degree study, including for students studying on a part-time or distance learning basis and who might have struggled to access financial support before. Full-time doctoral courses are typically three or four years in length. The proposed maximum of eight years ordinary duration as set out in the regulations would cover courses in which a part-time doctorate includes a six-year period of research with an additional 'writing-up' year. Officials consider that an eight year period will cover all but a small minority of full-time and part-time doctoral degree courses available.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

- Eligibility for the loan is not based on means testing of household income and postgraduate doctoral degree courses offered by providers based in the UK which are publicly funded will be designated courses. Officials consider that the discriminatory aspect of the regulations (the age 60 limit) achieves a legitimate aim and is proportionate and that no other aspects of the scheme impact upon an individual's protected characteristics. Stakeholders have been generally positive about and have welcomed the proposals.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The policy enables those who wish to study for a doctoral degree, that the loan will provide a valuable contribution to the costs of a student's studies and officials intend that this will allow students the opportunity to undertake a postgraduate doctoral degree course that they otherwise would not be able to afford , as long as they are not receiving other government or funding from UK Research and Innovation / UK Research Councils. This is the first time that such funding has been made available by the Welsh Government.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

Those aged 60 or over on the first day of the course are not eligible for funding. . The aim of the policy is to increase, in the context of finite resources, high level skills for the economy. The scheme must, therefore, provide value for money for the taxpayer. The Welsh Government considers that the imposition of the age 60 age limit is rationally connected to the aim of the scheme. It is necessary to mitigate against the risk that the loan is disproportionately taken out by students who will be unlikely to repay the loan in full or make significant repayments and who have a limited number of years in which their skills will be available to the economy. It is considered that the age 60 limit provides a proportionate means of achieving high level skills for the economy in a way which achieves value for money for the taxpayer. The possibility of a less intrusive measure to achieve the Welsh Government's aim has been considered. It was concluded that a system which required individual investigation and assessment of students would create an administrative burden which would consume scarce resources. Such a system might also introduce scope for inconsistent decision-making and would be less appropriate than an age 60 limit.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

- Age discrimination can be justified if it meets a legitimate aim and is proportionate. As indicated above, officials consider that the age limit in the regulations can be objectively justified. The scheme has to provide value for money for the taxpayer given that it is being established in the context of finite resources. The age limit mitigates against the risk that loans are disproportionately taken out by older students who will be unlikely to repay the loan in full or make significant repayments and who would have a limited number of working years in which their skills will be available to the economy (the aim of the scheme being to increase high level skills for the economy). student support (in the form of tuition fee grants, bursaries and maintenance loans) can be prioritised for students entering or progressing their careers within the labour market and to ensure that students taking out a loan have a reasonable chance to repay their loan in full or make significant repayments.;
- to maintain a sustainable loan system, it is necessary to take account of the likelihood of loans being fully or partially repaid together with the contribution that older doctoral students can make to the economy;

- Government is required to make social and economic judgments in setting policy on the funding of higher education. Resources are limited and it is necessary to strike a balance between enabling those who wish to enter higher education to do so, the economic benefits of highly skilled graduates entering or returning to the workplace and controlling the cost to the public purse. The age limit of 60 strikes a reasonable balance between the impact on students who are aged 60 on the first day of the first academic year of the course and the wider public benefit .

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

Ongoing statistical analysis will monitor whether the policy increases the take-up of doctoral studies by Welsh students.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

The equality impact of this policy is not considered to be significant.

4. Declaration

The policy does not have a significant impact upon equality issues

Official completing the EIA

Name:
Department: Higher Education Division
Date: March 2018
Signature:
Head of Division (Sign-off)
Name:
Job title and department:
Date:
Signature:
Review Date: