

CELG(4) EHR 08

COMMUNITIES, EQUALITY AND LOCAL GOVERNMENT COMMITTEE

Inquiry into : The future of equality and human rights in Wales

Response from : The Higher Education Funding Council for Wales (HEFCW)

### **Inquiry into the future of equality and human rights in Wales**

The Higher Education Funding Council for Wales (HEFCW) welcomes the opportunity to respond to this Welsh Government consultation and Inquiry and we stand ready to work strategically with the Welsh Government, the higher education sector and other partners on issues of equality and human rights in Wales.

#### **Higher Education Funding Council for Wales**

Our response is framed within the context of HEFCW as a Welsh Government Sponsored Body which funds higher education institutions, as well as HEFCW as an employer.

As a body that funds universities and colleges in Wales, we recognise the importance of advancing equality of opportunity, complying with, and going beyond our statutory duties. We engage with universities and other partners to broaden the diversity of the student population and foster good relations.

One of HEFCW's five core strategic themes is to secure inclusion, progression and success in higher education for learners of all ages and backgrounds, in support of the Welsh Government's social justice expectations, as set out in *For our Future*<sup>1</sup>. We achieve this by ensuring accountability for the use of public funding which universities receive to meet Welsh Government priorities. For example, universities are required to submit to us Fee Plans, in order to charge higher-level fees. Fee Plans must specify how fee income is used to support equality of opportunity and the promotion of higher education. Universities also submit to us widening access strategies which articulate how they support learners from diverse backgrounds to prepare for, and succeed in, higher education, taking account of the university's mission and purpose. In addition, we expect that universities will use specific funding from us, their own resources, other external funding and sponsorship to contribute to their widening access policies.

The consultation also raises issues of socio-economic class, poverty and their impact on equality. We recognise the impact that poverty has on access to, and success in, higher education and employment. We have aligned our widening access policy implementation with the Welsh Government's flagship 'tackling poverty' programme, Communities First. We encourage and incentivise universities to recruit from Communities First areas. We have also published our Child Poverty Strategy setting out our intentions to contribute to delivering the Welsh

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<sup>1</sup> *For our Future: The 21<sup>st</sup> Strategy and Plan for Wales*  
<http://wales.gov.uk/docs/dcells/publications/091214hestrategyen.pdf>

Government's commitment to the eradication of child poverty as set out in its *Child Poverty Strategy for Wales*<sup>2</sup>.

Finally, in our role as employer, we recognise our corporate responsibility to staff in relation to actively improving equality of opportunity and good relations between staff and eliminating institutional and/or individual behaviours that militate against this.

## **Consultation response**

The Inquiry's terms of reference identify four areas for consideration. Our response to each of these areas is set out below.

### **1. How well the specific public sector equality duties (PSED) are functioning in Wales**

Our understanding of this issue is informed by our work with the UK-wide Equality Challenge Unit and its work with the steering committee of the Higher Education Opportunities Network and the Chair of the Higher Education Race Action Group. Specific public sector equality duties have provided an impetus for change in higher education. While we recognise that legislation is not the only mechanism to enact change, the PSED has set goals for public sector bodies to progress towards.

However, we consider that it is too soon to comment on the effectiveness of the PSED: the general duty has only been in place since 2010 and the PSED Wales only since April 2011 (although there were previous duties for race, gender and disability). We anticipate that some public sector organisations such as universities would still be embedding practice to meet the current equality duties. Therefore, we would caution against making substantial changes to the PSED at this early stage.

### **2. The Equality and Human Rights Commission in Wales**

Approaches to equality and human rights policy and legislation in Wales have become increasingly divergent, with some equality issues devolved to Wales and the potential for further devolution. Therefore, the Equality and Human Rights Commission in Wales is increasingly important to ensure that UK policy developments fully take account of the needs of Wales and that the Commission delivers a programme of work appropriate to the needs of Wales.

We recognise that the Commission is a key partner in the delivery of the Welsh Government's Programme of Government. Therefore, we welcome the Inquiry's consideration of issues relating to the Commission in Wales, including the issue of its reduced budget, over which the Welsh Government has no control.

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<sup>2</sup> See Welsh Government's Child Poverty Strategy  
<http://wales.gov.uk/topics/childrenyoungpeople/poverty/newcpstrategy/?lang=en>

We continue to find the Commission's publications useful in informing our equality work because they are specifically framed within the Welsh context.

### **3. The link between poverty and equality and the socio-economic duty**

Education-related data and evidence indicates that an individual's educational and economic outcomes, such as decisions about accessing higher level-learning and skills, lifelong learning, accessing the professions and earning potential over their working life is related to their characteristics and circumstances: not only, for example, gender, age or ethnicity, but also financial circumstances<sup>3</sup>. For example, in Wales, pupils eligible for Free School Meals (FSM) are 2.5 times less likely to get A\*-C grades in core subjects than their ineligible peers. Across the UK, there continues to be significant gaps in higher education participation between different groups of students. According to UCAS data, 18-year olds from the most advantaged areas are still three times more likely to go to higher education than those from the most disadvantaged areas and entry rates to UK universities that require high grades are typically six to nine times greater for applicants from advantaged areas<sup>4</sup>. HEFCW's policy implementation recognises the impact of socio economic disadvantages, such as poverty, as outlined in the 'HEFCW' paragraph above. Therefore, we would welcome further consideration of a socio-economic equality duty in Wales to support social justice and social mobility.

#### **Accountability for equality and human rights legislation in Wales.**

We recognise the Welsh Government's intentions in the Programme of Government to 'explore how stronger Welsh accountability for equality and human rights legislation can be achieved', in a context where equality duties are not fully devolved and the Wales specific duties would fall if the general duty was repealed. Greater Welsh accountability would ensure alignment between the operation and impact of equality duties in Wales.

**David Blaney**  
**Chief Executive**

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<sup>3</sup> See for example, *An Anatomy of Economic Inequality in Wales* (March 2011) [http://www.wiserd.ac.uk/wp-content/uploads/2011/05/WISERD\\_RRS\\_002.pdf](http://www.wiserd.ac.uk/wp-content/uploads/2011/05/WISERD_RRS_002.pdf)

<sup>4</sup> See *Higher Education in England: Impact of 2012 Reforms* <http://www.hefce.ac.uk/about/intro/abouthighereducationinengland/impact/>