

20 January 2025

Dear

ATISN 23215 - Welsh Government's implementation of the Equality Act 2010 in respect of the protected characteristic of Disability in Higher and Further Education

Information requested

Thank you for your request which I received on 19 December 2024. You asked for information on the Welsh Government's implementation of the Equality Act 2010 in respect of the protected characteristic of Disability in Higher and Further Education.

Our response

1. What steps, if any, has the Welsh Assembly Government (or any agency on their behalf) taken to ensure that the above obligations of are implemented?

The recommendations contained in the Equality and Human Right Commission's '[Is Wales Fairer?' Report](#) has helped shape our National Equality Objectives 2024-2028 which are broad and cross-governmental. They provide the foundation for our work to eliminate inequality, promote equality, and foster good relations between people. They reflect our focus on creating a Wales which will provide fair access to services for all and deliver fairer outcomes for our diverse people and communities across Wales.

The following Welsh Government documents outline how the Equality Act 2010 is implemented:

- Strategic Equality Plans - [Equality plan and objectives | GOV.WALES](#)
- Annual Report on Equality - [Welsh Government annual equality reports | GOV.WALES](#)
- National Equality Objectives 2024 - [Written Statement: Achieving an equitable Wales: The National Equality Objectives 2024-28 \(18 March 2024\) | GOV.WALES](#)

On 28 February 2024, the then Minister for Education and Welsh Language published the Welsh Government's [Statement of Strategic Priorities for Tertiary Education and Research and Innovation](#) (Medr) as required under section 13 of the [Tertiary Education and Research \(Wales Act\) 2022](#) ("the Act").

Medr consulted on its [Strategic Plan](#) last year, which set out how it will address these priorities and how it will discharge the strategic duties given to it under the Act, as well as other legislation that places duties on public bodies in Wales.

Medr has duties under the [Equality Act 2010](#) provisions and published its [Strategic Equality Plan](#) which sets out how it will meet its duties under the [Public Sector Equality Duty](#) (PSED).

In response to the '[Locked Out: Liberating Disabled People's Lives and Rights in Wales beyond COVID-19](#)' report, the Welsh Government established the Disability Rights Taskforce.

The taskforce recommendations are being used to develop a Disability Rights Action Plan, which will be published for consultation in early Spring 2025.

2. What policies, if any, does the Welsh Assembly Government (or any agency on their behalf) operate, enforce, prescribed? If so, what are these policies?

Under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Welsh Government must review its [National Equality Objectives](#) every four years (from 1 April 2012).

The objectives are linked to the actions set out in individual equality plans, such as the [Anti-racist Wales Action Plan](#) and the [LGBTQ+ Action Plan](#), which were developed in partnership with stakeholders, who also work with us to deliver on the actions they contain.

3. Does the Welsh Assembly Government, or any of its public authorities operating under the Scottish [Welsh] Government's oversight, set standards? If so, what standards?

The Equality and Human Rights Commission (EHRC) (Wales) is the Welsh Government's regulator of equality and diversity. Information on its legal powers is available at [Our legal powers | EHRC](#).

The Equality and Human Rights Commission publishes '[Is Wales Fairer?](#)' publications, most recently in 2023. See page 106 for the chapter on Disability.

Medr is a new Welsh Government Public Body, established in August 2024 to regulate tertiary education. The Tertiary Education and Research Act remit information is available at [Tertiary Education and Research \(Wales\) Act | GOV.WALES](#).

Medr's [Strategic Equality Plan](#) sets out its equality objectives. Medr undertakes integrated impact assessments of its policies.

Universities and colleges are required by the Equality Act specific duties to publish their Strategic Equality Plans and equality objectives.

4. What monitoring arrangements are in place for audit, quality control and the student experience regarding the protected characteristic of Disability?

Medr will develop new arrangements for the oversight of funding, regulation and the learner experience. Medr's draft Strategic Plan and information on institutional risk reviews for regulated institutions is set out on their [website](#).

5. What are the outcomes of any audit, quality control and student experience monitoring?

See Medr's [website](#) for further information on regulation and fee and access plans and Medr's approach to monitoring.

6. What arrangements, formal, informal or legal, are in place to resolve disputes quickly, between staff, students, and their respective institutions?

Learners can [complain to Medr](#) about systematic problems about quality and standards within their provider, normally after having completed their own provider's complaints procedures.

As above, Medr's approach to monitoring and institutional risk reviews is on their [website](#).

Universities in Wales are autonomous bodies, therefore responsibility for addressing student complaints rests with them in the first instance, in accordance with their own students' complaints procedure.

The [Office of the Independent Adjudicator](#) (OIA) is the body responsible for reviewing student complaints about higher education providers in Wales and in England.

All institutions which are members of the OIA scheme are expected to have complaints procedures which comply with the OIA's [Good Practice Framework](#). This framework sets out principles regarding accessibility, fairness and independence, inclusivity and response times.

Furthermore, if learners believe they have experienced discriminatory treatment, they should be advised to seek advice from the [Equality and Human Rights Commission](#).

7. Following the Court's decision in the case of University of Bristol v Abrahart what steps, if any, has the Welsh Assembly Government (or any agency on their behalf) taken to apply and implement this case law?

In July 2024, the Equality and Human Rights Commission published an [advice note for the higher education sector](#) arising from the legal case of the University of Bristol vs Abrahart. Universities must take account of the information provided in the note, particularly in relation to what the EHRC now considers compliance with what the law looks like based on the court findings.

8. How has the Welsh Assembly Government (or any agency on their behalf) implemented the Advice Note for Higher Education dated 10 July 2024 by the EHRC regarding the case of University of Bristol v Abrahart?

On 20 November 2024, Medr drew universities' attention to the Bristol v Abrahart ruling via a published [circular](#).

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or email Freedom.ofinformation@gov.wales. Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,