
Ymateb i Ymgynghoriad / Consultation Response

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Pwnc / Subject:	Equality and Human Rights Commission - Our Strategic Plan consultation 2025 - 2028

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Response

Introduction

The proposed focus areas seem proportionate and consider current societal issues well. We have commented in detail in the survey on areas that the EHRC might want to consider in addition to or as part of its work on the suggested themes. In general, these comments encourage the EHRC to consider in its review:

- the links to education provision
- how these themes can contribute to inequity in education
- the availability of and use data
- the impact of actions on outcomes

Consultation questions

Are you responding as an individual or from an organisation?

An individual

An organisation

Equality: Which of the following characteristics protected under the Equality Act 2010 are relevant to your response?

Select all characteristics and statements that apply.

	I work in this area	I am interested in this area	I have personal experience with issues in this area
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion and belief	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Although, we don't work directly in the areas crossed above, they are all areas that are relevant for our work with providers.

Human Rights: Which of the following apply to your response?

Select all that apply.

- I work on human rights issues
- I am interested in human rights issues
- I have personal experience with human rights issues
- None of the above

Where is your organisation based, and where can people access it from?

For example, you may be based in England, but serve people from England, Scotland, and Wales.

Select all countries that apply

England

Scotland

Wales

How much do you agree with the following statement:

'I know what the Equality and Human Rights Commission does'.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

We are a regulator with statutory powers to improve equality and human rights and enforce the law in Great Britain. More detail of how we are thinking about doing this in 2025-28 is set out in the draft Strategic Plan.

How do you believe EHRC can make the greatest difference as a regulator of equality and human rights?

Drag and drop the following in order of (1) most difference to (5) least difference, or select the number from the list at the left of each statement.

Providing data and evidence on equality and human rights.

1

Advising governments, regulators, and others on how to improve systems and ensure policies and laws are in place to promote equality and human rights.

4

Providing information, guidance and advice to support organisations to meet their duties under equality and human rights laws.

2

Helping individuals to understand their rights.

5

Taking action against organisations that break equality and human rights law, holding law breakers to account and securing justice for those who have had their rights breached.

3

How do you believe EHRC is currently most effective as a regulator of equality and human rights?

Drag and drop the following in order of (1) most effective to (5) least effective, or select the number from the list at the left of each statement.

Providing data and evidence on equality and human rights.

1

Advising governments, regulators, and others on how to improve systems and ensure policies and laws are in place to promote equality and human rights.

2

Providing information, guidance and advice to support organisations to meet their duties under equality and human rights laws.

3

Helping individuals to understand their rights.

4

Taking action against organisations that break equality and human rights law, holding law breakers to account and securing justice for those who have had their rights breached.

5

In our draft plan we have outlined Work, Participation and Good Relations, and Justice and the Balance of Rights as three possible priority areas for EHRC to focus on in 2025-28.

Some possible issues we are considering within the area of Work for 2025-28 are listed below.

Drag and drop the following issues from (1) most important for EHRC to focus on to (8) least important for EHRC to focus on, or select the number from the list at the left of each statement.

Sex discrimination, harassment and/or victimisation, including sexual harassment, in the workplace.	<input type="text" value="7"/>
Pay and employment gaps for women, disabled people and several ethnic minority groups.	<input type="text" value="2"/>
Barriers to participation in the workplace for disabled people, including issues related to reasonable adjustments.	<input type="text" value="4"/>
Major public sector investments don't sufficiently support equality through addressing skills, employment and poverty.	<input type="text" value="6"/>
Disproportionate levels of discrimination, harassment and victimisation within the workplace for workers with certain protected characteristics, including ethnic minority groups.	<input type="text" value="5"/>
Increasing likelihood of being in insecure employment (such as zero-hour contracts).	<input type="text" value="8"/>
Risk of discrimination or rights breaches due to new technology in the workplace, for example, automated recruitment processes.	<input type="text" value="3"/>
Risk of discrimination or rights breaches due to the increasing prevalence of home/hybrid working arrangements.	<input type="text" value="1"/>

Are there any other issues relating to Work that you think EHRC should consider in 2025-28?

When looking at the workplace environment for certain groups of employees with protected characteristics, including ethnic minority groups, the commission could include a review of progression and recruitment practices in relation to promotion and progression.

Consider how to ensure that vulnerable workers aren't disproportionately affected by job changes due to climate transitions and that 'green' job opportunities are fair.

The commission would be strengthened further by addressing the underrepresentation of women, ethnic minorities, and other groups in senior roles.

The commission should consider flexible working options – how do we ensure that they are available to all, especially parents, caregivers, and disabled workers?

Some possible issues we are considering within the area of Participation and Good Relations for 2025-28 are listed below.

Drag and drop the following issues from (1) most important for EHRC to focus on to (7) least important for EHRC to focus on, or select the number from the list at the left of each statement.

Impact of public services moving to digital by default, particularly on some groups, including older and disabled people.

4

Private sector organisations do not have to comply with website accessibility regulations and meet digital accessibility requirements.

7

Disabled people face barriers when accessing public transport.

5

New and existing technology, such as artificial intelligence, increases the risk of discrimination and breaches to privacy rights.

3

Higher levels of school exclusions for Black Caribbean children, Gypsy, Roma and Traveller children, children with special educational needs and disabilities (SEND), additional learning needs (ALN), additional support needs (ASN) and boys.

1

Social tensions due to polarised public discussion of equality and human rights issues.

2

Are there any other issues relating to Participation and Good Relations that you think EHRC should consider in 2025-28?

1. With regards to school exclusions:
 - data on school exclusions collected in Wales is out-dated making it difficult to talk about “current data” or “trends” and the impact on all the groups mentioned above. This hinders the ability to respond or hold others (local government education services/ education providers) to account promptly. This should be improved as part of the commission’s work in this area. Without accurate, up-to-date information, holding education providers and local government services accountable becomes difficult. We recommend that the EHRC prioritise improving data collection and reporting on school exclusions as part of its work. This will enhance the ability to address inequalities in education effectively.
 - as part of the focus on school exclusions, it would be helpful if the commission included in its review the use of ‘education other than at school’ (EOTAS) as a form of exclusion from mainstream education and the groups of children and young people that are disproportionately represented in EOTAS. This may also require a review of the collection and accuracy of data, as well as the reasons for and length of use of EOTAS and its impact on educational attainment and life changes of these groups. This review should examine not only the accuracy of data but also the reasons for and duration of EOTAS use. Understanding its impact on educational attainment and life opportunities will be crucial to addressing systemic and historical inequalities.
2. With regards to the polarised discussion of equality and human rights issues, enabling young people to develop the skills to question whether polarised views are shared by wider society would be helpful. To help this, more could be done to compel the media, particularly social media, to identify views and posts that are targeted using algorithms. This would help support developing awareness and/ educating young people that media can be used to skew the perception of the prevalence of views intentionally. The EHRC could play a role in promoting media literacy education, particularly focusing on how algorithms and targeted content

shape perceptions online. By encouraging transparency from media platforms, especially social media, on the use of algorithm-driven content, the EHRC can help develop an environment where children and young people develop the ability to critically assess the validity of extreme viewpoints. This effort would significantly contribute to broader educational efforts in building critical thinking and digital/on-line literacy.

3. The commission should also look at the risks of the use of machine learning in education generally and by schools and education practitioners. It may want to focus in particular on its use in assessments and the potential impact of this on machine-learnt bias which increases discriminatory assessment practices. The commission should also look at the effects of this on learners with ALN, including with regard to accessibility. The commission should explore how machine learning could unintentionally reinforce existing disparities, and promote transparent, equitable use of these technologies in education.

Some possible issues we are considering within the area of Justice and the Balance of Rights for 2025-28 are listed below.

Drag and drop the following issues from (1) most important for EHRC to focus on to (8) least important for EHRC to focus on, or select the number from the list at the left of each statement.

Legal clarity around issues where there may be tension between the rights of two or more groups, for example, in relation to sex and gender or matters of religion or belief.

[Hate crime](#), particularly for some protected characteristic groups.

Low charge and prosecution rates, long delays, high numbers of withdrawals and poor treatment of some groups around rape and serious sexual offences.

Children in youth detention experience human rights violations, for example, solitary confinement and pain-inducing techniques.

Increased proportion of young people from ethnic minority groups in detention.

Overrepresentation of Black people in the prison population, higher rates of arrest for Black people, as well as higher likelihood of being subject to stop and search.

Welfare and safety of women and girls in detention, including high levels of self-harm and issues for pregnant women and risks posed by inconsistent use of safe and appropriate settings.

Risk to the right to protest caused by changes in legislation and policing practices.

Are there any other problem areas relating to Justice and the Balance of Rights that you think EHRC should consider in 2025-28?

Within the context of hate crime, the commission should include as part of its review

- a focus on hate crimes against girls and women, particularly in the context of a rise in misogyny. The commission should focus on supporting schools and PRUs to implement awareness campaigns, support

systems, and preventive measures aimed at fostering respect and understanding among pupils

- a focus on hate crimes among children and young people by supporting schools and PRUs to develop approaches to promote tolerance and reduce incidents of violence and discrimination.
- the importance of education and the role of educators schools and PRUs play a vital role in combating hate crime. The Commission should consider different approaches for training and resources that empower teachers to address issues of hate crime within the classroom effectively. This could include incorporating hate crime awareness into the curriculum and developing tools for educators to facilitate discussions around respect, diversity, and inclusion.-
- how education providers can accurately acknowledge, track and monitor hate crimes and deal with issues promptly and robustly
- how education providers can develop their curriculum offer to educate proactively on hate crime

With regards to children in detention and the increased proportion of young people from ethnic minority groups in detention, as part of its work, the commission should review the equity of the curriculum on offer for these children and young people and how this impact on their future life chances.

With regards to overrepresentation of ethnic minority groups in the criminal justice system, the commission could include in its work

- equity of access to education in detention - ensuring that children and young people in detention have access to quality educational resources is critical. The commission should examine disparities in provision and consider what policies are needed that promote equal access to education, helping to improve reintegration outcomes.
- equity of resettlement care, support and guidance for those in detention
- and the impact of this work on improving outcomes – this may involve a review of the data gathered and how it is used by prisons to improve their support. The Commission should analyse data on educational interventions and their effectiveness in improving outcomes for ethnic minority groups within the criminal justice system. This analysis should inform best practices and highlight successful

programs that enhance educational support and promote positive life choices.

Are there any priority areas missing from these proposals where you would like to see the EHRC take action in 2025-28?

The proposed focus areas seem proportionate and consider current societal issues well. We have commented in detail in the survey on areas that the EHRC might want to consider in addition to or as part of its work on the suggested themes. In general, these comments encourage the EHRC to consider in its review:

- the links to education provision
- how these themes can contribute to addressing inequity in education
- the availability of and use data
- the impact of actions on outcomes

Do you have any further comments on the EHRC's draft Strategic Plan?

What is the name of the organisation you work for or are responding on behalf of? (optional)

Estyn

What type of organisation do you work for?

Select all that apply.

Academic or think tank

- Business or private sector
- Civil society (for example, a charity or union)
- Public sector
- Regulator, inspectors and ombudsman
- Other (please specify):

What is the size of your organisation?

- 1 to 9 people
- 10 to 49 people
- 50 to 249 people
- 250 or more people

What sector do you work in?

Select all that apply.

- Education
- Health and social care
- Justice and personal security (for example, hate crime, homicides, sexual violence, domestic abuse, conditions of detention, access to justice)
- Poverty or housing (or other sectors covering living standards)
- Political and civic participation
- Access to services
- Privacy and surveillance
- Social and community cohesion
- Work and employment
- I do not work in any of these sectors. What is your sector?

Can EHRC staff contact you directly regarding your submission to this consultation?

Yes

No

Do you want to receive email updates regarding the development of the EHRC's Strategic Plan 2025-28?

Yes

No