



Y Comisiwn Addysg Drydyddol ac Ymchwil  
Commission for Tertiary Education and Research

## Condition: Equality of Opportunity

A provider registered with or funded by Medr **must** deliver measurable outcomes to further each of the following aims:

- increase participation in tertiary education by people from under-represented groups
- retention of learners who are members of under-represented groups to the end of courses
- reduction of any gaps in attainment between different groups of learners, where the differences arise from social, cultural, economic or organisational factors
- provision of support for learners from under-represented groups finishing their courses, to continue in education, find employment or start a business

### Condition Category

This is an ongoing condition of registration. This is a condition of funding.

### Legal Basis

Section 3 of the **Tertiary Education and Research (Wales) Act 2022** (the Act), sets out the promotion of equality of opportunity as a strategic duty for Medr.

Section 33 of the Act requires Medr to implement a mandatory ongoing registration condition on equal opportunity, whereby Medr “must ensure that the ongoing registration conditions of each registered provider include conditions requiring the delivery of measurable outcomes to further each of the aims in subsection (2).” (those aims listed above).

Under Section 108 of the Act, Medr must consider whether to impose terms and conditions relating to “the delivery of measurable outcomes to further each of the aims in subsection (2).” (Those aims listed above).

Providers **must** also comply with other relevant statutory duties and frameworks.

## Compliance Requirements

To comply with this condition, providers **must**:

1. meet requirements set out in the supplementary detail on requirements which supports this condition (or any subsequent revisions) and provide evidence of delivery of measurable outcomes
2. actively consider the potential for collaboration with other providers to support increased opportunities for participation and progression for those learners from under-represented groups
3. align with relevant legal and statutory duties as this condition does not replace or remove providers' existing legal duties or statutory obligations
4. take account of relevant information, guidance and advice published by Medr

## Monitoring

Medr will monitor compliance with this condition in the following ways (for definitions of these, please see Medr's approach to monitoring):

- **Annual Assurance Returns:** providers will be expected to self-declare and submit evidence that they have met the compliance and continuous improvement requirements of the condition
- **analysis of data:** Medr will monitor compliance and continuous improvement using a range of available quantitative and qualitative data. Where possible, Medr's analysis will be contextualised
- **learner surveys:** in instances where outcomes from surveys are related to the effectiveness or impact of equality of opportunity
- **Estyn and QAA reviews:** in instances where the outcomes of reviews relate to the effectiveness or impact of equality of opportunity
- **Reportable Events:** in instances where those events relate to the effectiveness or impact of equality of opportunity
- **regulatory concerns submissions and complaints monitoring:** in instances where concerns raised with Medr, or analysis of complaints data, identify themes or systemic issues that relate to compliance with the Equality of Opportunity Condition
- **engagement activities:** at either provider or sector level, Medr will review how its advice or guidance is being considered and embedded
- **independent sources of assurance:** including reviews, inspections, information from other regulators, and professional or statutory body reports. Medr will consider relevant sources of independent assurance to inform its understanding of provider risk and / or assurance

Providers with a prior record of non-compliance, deteriorating trends in data or identified as at risk of future non-compliance may be subject to increased scrutiny. Failure to comply with monitoring requirements will prompt further investigation and possible interventions.

## Review and Amendment

Medr will regularly review this condition to ensure that it aligns with evolving sector needs, policy changes, and feedback from stakeholders.



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## Supplementary Detail: Equality of Opportunity

### Applies to: Equality of Opportunity Condition

#### A Provider Registered with Medr Must:

1. Comply with this and any future supplementary detail on requirements issued by Medr as it relates to the Equality of Opportunity Condition from 1 August 2027.

#### A Provider Funded by Medr Must:

2. Work towards compliance with supplementary detail issued by Medr on the Equality of Opportunity condition of funding from 1 August 2026 and comply with this and any future supplementary detail on requirements from 1 August 2027.

### Scope and Rationale

3. Equality of Opportunity relates to under-represented groups in the context of participation, retention, attainment/awarding gaps and future success, including participation in the carrying out of postgraduate level study.
4. This document offers further information on compliance with, and monitoring of, the condition.
5. The Equality of Opportunity Condition **must** be understood within the broader context of tertiary education-related legislation and national policy. Providers' implementation of the condition **must** reflect and align with statutory duties and relevant Welsh Government strategies, ensuring coherence with the wider legal and policy landscape in Wales.
6. This information **should** be read alongside Medr's wider Regulatory Framework and Medr's ongoing conditions of funding and policy priorities.
7. The condition requires providers to deliver measurable outcomes for learners under-represented in tertiary education to advance equality of opportunity across the learner lifecycle, including (in the context of this condition):

- (a) participation: this means widening access policies, processes and services that support pre-entry and access as well as fair admissions, plus ensuring learners are effectively supported on courses as they transition between all providers and education stages, from entry level to postgraduate level
  - (b) retention: this means creating inclusive learning environments and support systems that enable all learners to remain engaged, continue and successfully complete their studies
  - (c) academic success: this means supporting learners to achieve their full potential at all stages of their education and addressing attainment/awarding gaps, and recognising the value added by providers in enabling progress
  - (d) progression: this means ensuring equitable support to improve post-course outcomes, such as employment, further studies, or self-employment
8. While the **Tertiary Education and Research Wales Act 2022** (the Act) does not explicitly require Medr to require providers to set measurable outcomes in relation to increased participation in the carrying out of research and innovation it does establish Medr's responsibility to promote inclusive access and engagement in research and innovation activities. When considering participation Medr expects providers (where they offer provision at postgraduate level) to consider measurable outcomes that promote inclusive participation in postgraduate level study, as an important part of the pipeline for the research and innovation workforce in Wales.
9. Providers **must** use their self-evaluation (see Glossary) processes to comply with this condition, taking a whole organisation approach. Medr acknowledges that all tertiary providers currently undertake form/s of self-evaluation as this relates to equality, inclusion and learner outcomes.
10. To comply with this condition, providers **must** consider the inter-related and cumulative impact that social, economic, cultural, and organisational barriers have on learners under-represented in tertiary education, including as this relates to participation in postgraduate level study.
11. Providers offering multiple types of tertiary education provision **must** ensure that measurable outcomes are developed where their data and evidence identify priorities for action. This ensures providers address equality of opportunity comprehensively across all pathways and modes of study, including postgraduate level study, where appropriate.
12. Providers **may** take account of their local, regional and national context and collaborate with other providers to address shared challenges, prevent learners' disengagement with tertiary and lifelong learning and support under-represented learners into and through tertiary education, particularly in relation to access and progression.
13. Regional partnerships and joint initiatives **may** support more effective interventions and reduce nugatory duplication. Medr will work collaboratively with the sector and partners to develop future advice and information to promote and strengthen practice. Medr will support providers through involvement and engagement, communities of practice, dissemination of

effective practice and supportive challenge, informed by data sharing and evidence-informed ways of working.

## Understanding Barriers to Equality of Opportunity

14. Equality of Opportunity is an all-age condition. The Act defines under-represented learners in tertiary education as being those disadvantaged as a result of social, cultural, economic or organisational factors. Providers **must** use this lens to define and take action to address under-representation in tertiary education, including participation in postgraduate level study.
15. Social, cultural, economic, and organisational factors are not mutually exclusive. They **may** include, but are not limited to:
  - social barriers: extrinsic, implicit and explicitly imposed societal constructs, including as they impact on people with protected characteristics
  - cultural barriers: differences in language, values, and norms which may be the result of disability, ethnicity, religion and belief, social class, age and/or sexual or gender identity
  - economic barriers: poverty, unemployment, and lack of financial resources, especially for learners from low-income backgrounds. For example, the bottom two quintiles of [Wales Index of Multiple Deprivation](#)
  - organisational barriers: provider policies and practice, culture, staff and learner diversity or lack thereof, structures, and communication practices
16. Providers **must** give due regard to protected characteristics as defined under the [Equality Act 2010](#), and align their regulatory and Medr funded commitments with Strategic Equality Plans where the provider is a listed body in Wales that **must** draw up a Strategic Equality Plan. The Equality and Human Rights Commission (EHRC), as Britain's independent equality regulator, provides advice on how to put the Equality Act into practice. Providers are encouraged to engage with EHRC resources, advice, guidance and recommendations.
17. Providers **should** develop and use robust data sources to identify and define under-representation, ensuring consistent terminology, and contextualising risks and barriers to providers' own provision in the region, and understanding of learner demographics.
18. Providers **may** consider analysis of intersection of barriers, for example economic and organisational barriers, and ensure that their data enables them to identify such learners and set measurable outcomes to address these barriers.
19. Providers **should** consider how barriers manifest across different programme levels and modes of study and different learners within levels and modes of study. For example, barriers may differ between learners in apprenticeships, higher education, adult learning, general qualifications and vocational provision and between subjects.
20. Medr has agreed to work in the spirit of the [Socio-economic Duty \(Wales\)](#), and providers are encouraged to do the same. One way that Medr discharges this duty is through its regulatory oversight and funding functions.

## Provider Self-Evaluation of Equality of Opportunity

21. All tertiary providers **must** conduct ongoing equality of opportunity self-evaluation to identify barriers to equality of opportunity and inform their development and monitoring of measurable outcomes.
22. Medr supports the use of providers' existing strategic and operational planning self-evaluation frameworks where these are fit for purpose and aligned with providers' priorities, legal duties, and quality assurance mechanisms. Assurance processes may include but are not limited to Estyn and QAA processes, Strategic Equality Plans and adult community learning partnerships tools. Such processes **should** aid the development of measurable outcomes for the Equality of Opportunity Condition.
23. Providers' self-evaluation **should** include:
  - a review of their own current policies, data, services and practices related to equality of opportunity to identify social, economic, cultural, and organisational barriers to the access, retention, success and progression of under-represented learners in their organisation
  - the identification of strengths, gaps, areas for development across the learner lifecycle where social, cultural, economic or organisational barriers occur
  - the outcomes of ongoing equality impact assessment
  - the engagement and involvement of staff and partners to inform actions
  - the use of disaggregated and contextualised data to understand barriers and inform actions
  - the specific context and priorities of the provider's region, recognising some providers operate regionally, nationally and globally
  - consideration of opportunities for collaboration with other providers and partners to address shared challenges and support under-represented learners into and through tertiary education
  - the use of clear and consistent terminology, aligned with data sources to measure trends over time
  - alignment with Strategic Equality Plans (SEPs), Public Sector Equality Duty (PSED) and other statutory duties (where relevant)
  - the findings of self-evaluation, conducted on an ongoing basis, including considering progress against measurable outcomes and taking further action as appropriate.
24. In line with the Learner Engagement Code, providers **must** engage learners and learner representative bodies (where they exist) to inform actions.
25. If the areas above are not already covered fully in providers' existing self-evaluation/assessment processes they **should** be incorporated in the process to inform developing measurable outcomes.
26. When conducting self-evaluation, providers **should** take account of the self-evaluation principles currently in development as part of a collaborative project between Medr, QAA, Estyn and the sector. Medr will publish further information about this by the end of the 25/26 academic year.

27. Self-evaluation **may** be contextualised to reflect the providers' individual mission and purpose, including learner demographics, provision types (e.g. adult education, further education, apprenticeships, higher education), and regional and/or national context, as appropriate.
28. Providers **may** take a whole organisation approach, considering how policies, practices, services and culture contribute to equality of opportunity outcomes.
29. Providers would not normally be expected to submit their ongoing self-evaluation against this condition to Medr. Medr does not expect to be overly prescriptive about the self-evaluation process unless measurable outcomes are unambitious or limited, or if concerns and risks are raised with us or identified by us. Where Medr is not assured, it may ask providers for more information about their data and evidence, policies, processes, services or related activity.

### Developing Measurable Outcomes

30. Measurable outcomes are intended to:
  - drive continuous improvement in equality of opportunity
  - provide evidence of progress, pace and ambition in reducing inequalities
  - support strategic planning and accountability
  - enable providers to prioritise actions which are data-informed, taking account of their mission, purpose and regional and national context
31. Medr will publish data, advice and information to support developing measurable outcomes to help provide clarity on what proportionality means in practice and this will be developed collaboratively with providers and sector bodies, to support implementation of the condition.
32. Medr expects providers to be clear and ambitious in setting measurable outcomes.
33. Measurable outcomes **must** be developed across the priority areas of the condition (participation, retention, academic success, progression and where appropriate participation in postgraduate study), as they relate to under-represented groups.
34. Measurable outcomes **must** be sufficient and have potential to be impactful across the tertiary education learner experience. What matters is that they are:
  - reflective of all stages of the learner lifecycle to address identified barriers
  - evidence-informed and aligned with provider priorities
  - specific and clearly defined
  - capable of delivering tangible, ambitious improvements, at pace
  - normally set over a four-year rolling period with one-year milestones.

This initial approach to measurable outcomes enables providers to own and be accountable for their outcomes. Medr will work collaboratively with providers, in line with Medr's regulatory principles, offering support and challenge where appropriate.

35. Providers have flexibility in identifying and setting outcomes but in the return of Annex A **must** demonstrate:
  - how outcomes were identified
  - evidence for prioritising this outcome
  - how impact will be measured
  - what improvements are expected over what time period
36. Measurable outcomes **must** be set on a rolling basis for up to four years, updated annually, and with one-year milestones. Changes to outcomes **must** be communicated to Medr based on evidence and data.
37. Outcomes **must** be measurable, evidence-informed, and may benefit multiple disadvantaged learner groups, including those facing intersecting disadvantages and those with and protected characteristics.
38. The Equality of Opportunity Condition may align with some relevant funding streams awarded to providers by Medr. Where possible, providers are encouraged to align their measurable outcomes with the aims and outcomes of relevant funding streams.
39. A template providers **must** return can be found in Annex A.

### Monitoring Compliance with this Condition

40. Following ongoing self-evaluation and the development of providers' measurable outcomes, these **must** be submitted to Medr. Following the initial submission (see Annex A), providers **must** provide annually to Medr evidence of their progress against milestones and outcomes as part of Medr's Annual Assurance Return (AAR) (see Glossary).
41. This cycle of self-evaluation, measurable milestones, outcome setting, and annual review aims to drive continuous improvement, ensure accountability, and embed equality of opportunity priorities across the whole organisation.
42. In the academic year 2026/27, higher education providers holding existing Fee and Access Plan will need to complete an assurance statement as part of the AAR confirming continued equality of opportunity commitments. All other providers will need to complete a statement of assurance as part of the AAR which acknowledges the Equality of Opportunity Condition, confirming understanding of the purpose and confirming they will continue to engage with Medr and work toward full alignment with the Equality of Opportunity Condition from 2027/28.
43. Medr will expect the initial submission of measurable outcomes and milestones (Annex A) in December 2027 as part of the Annual Assurance Return. These outcomes will be for the period commencing academic year 2027/28 until 2030/31.
44. From 2028/29 all providers **must** submit their progress against measurable outcomes to Medr, confirming their ongoing commitment to making progress at pace in advancing equality of opportunity. This annual assurance will require evaluative summary statements from providers which **may** include:

- evidence of progress against outcomes
- identifying where progress has been limited or have not led to significant improvements and the reasons why
- highlighting practices that have made transformational improvements
- key challenges or risks to delivery of outcome measures and actions to mitigate them
- where milestones or outcomes are changed the rationale **must** be provided.

45. Medr will monitor compliance, progress and continuous improvement through:

- **Annual Assurance Returns:** providers will be expected to self-declare and provide evidence (measurable outcomes and progress) to evidence that they have met the compliance and continuous improvement requirements of the condition
- **analysis of data:** Medr will monitor compliance and continuous improvement using a range of available quantitative and qualitative data. Where possible, Medr's analysis will be contextualised. Data analysis will enable Medr to monitor progress, pace, ambition, compliance. Data will consider analysis by protected characteristic where that data is available.
- **learner surveys:** in instances where outcomes from surveys are related to the effectiveness or impact of equality of opportunity
- **Estyn & QAA reviews:** in instances where the outcomes of reviews relate to the effectiveness or impact of equality of opportunity
- **Reportable Events:** In instances where those events relate to the effectiveness or impact of equality of opportunity
- **regulatory concerns submissions and complaints monitoring:** in instances where regulatory concerns raised with Medr, or analysis of complaints data, identify themes or systemic issues that relate to compliance with the Equality of Opportunity Condition
- **engagement activities:** at either provider or sector level, Medr will review how its advice or guidance is being considered and embedded
- **independent sources of assurance:** including commissioned evaluations, reviews, inspections, information from other regulators such as EHRC, and professional or statutory body reports. Medr will consider relevant sources of independent assurance to inform its understanding of provider risk and/or assurance

46. Medr expects providers to make progress in achieving their measurable outcomes. Medr will take a risk-based approach to monitoring. Where providers progress is not as anticipated we will engage with them to understand the underlying reasons and identify appropriate next actions. Medr's focus will be on understanding challenges, supporting improvement, and ensuring that the needs and aspirations of under-represented learners remain central to advancing equality of opportunity across the sector.

47. Medr will take a risk-based approach to ensuring compliance with the condition. Where data, evidence or reporting indicates a risk or potential risk, we reserve the right to request additional information, evidence and/or data, meet the provider and/or visit the organisation.

48. Medr will take account of the extent to which risks are within and/or outside providers' immediate control when considering compliance and improvement and their actions to mitigate risk.
49. Where monitoring identifies sector-wide areas for improvement, or examples of effective practice, Medr may issue additional information, advice or guidance to support continuous improvement.
50. Medr will regularly review this condition to ensure that it aligns with evolving sector needs, policy changes, and feedback from stakeholders.

### Providers Timeline and Expectations for Monitoring with the Condition:

	Higher Education Providers	Further Education	Adult Community Learning	Apprenticeships
<b>2026/27</b>	Statement of assurance confirming commitment to existing Fee and Access Plan <sup>1</sup>	Statement of assurance which acknowledges the Equality of Opportunity Condition, confirming understanding of the purpose in promoting access, success, and progression for under-represented learners in tertiary education confirming they will continue to engage with Medr and work toward full alignment with the Equality of Opportunity Condition from 2027/28.		
<b>2027/28</b>	Through self-evaluation develop measurable outcomes from 2027/28 for up to four years on a rolling basis with one-year milestones	Through self-evaluation develop measurable outcomes from 2027/28 for up to four years on a rolling basis with one-year milestones.		
<b>2028/29 onwards</b>	Review measurable outcomes internally and submit to Medr annual assurance statements	Review measurable outcomes internally and submit to Medr annual assurance statements.		

<sup>1</sup> The 2026/27 academic year will be a transitional year in the Act registration conditions will be in place alongside certain remaining Fee and Access Plan regulatory requirements under the Higher Education (Wales) Act 2015. From 2027/28 all remaining Fee and Access Plan linked specified intervention powers under the 2015 Act will cease for those providers.

## Annex A: Measurable Outcomes Template – Equality of Opportunity Condition

This template is provided to support providers in setting measurable outcomes under the Equality of Opportunity Condition. Each outcome **must** be structured to include the following components and cover the period from August 2027 up to July 2031.

Outcome	Rationale for Prioritisation	Yearly Milestones	Data/ Evidence	Expected Impact for Learners & How This Will be Monitored	Annual Review, Progress and Any Adaptations
<p>Which area the outcome is targeting, e.g. participation, retention, etc</p> <p>Which learner group/protected characteristic/course/mode of learning is being targeted?</p> <p>e.g. Increase participation of care-experienced learners from x to y (in set annual milestones) on X courses.</p>	<p>Justification for why this outcome was chosen.</p> <p>e.g. Based on internal data showing low enrolment and feedback from stakeholders</p>	<p>Annual milestones starting from the baseline year.</p> <p>e.g. 27/28 – baseline 28/29 – target</p> <p>Add targets for each year the outcome is set for up to July 2031</p>	<p>Evidence or data sources that support the planned outcomes/ annual milestones.</p> <p>e.g. enrolment rates, learner feedback, retention and attainment data</p>	<p>Anticipated benefits if the outcome is achieved for learners.</p> <p>e.g. increased number of care-experienced learners</p>	<p>Reflections on progress each year and any activity adjustments made.</p>

Note: Providers **may** add rows for each measurable outcome. Outcomes **must** be evidence-informed and aligned with provider priorities and context. Providers **should** focus on under-represented learners with protected characteristics and those facing social, cultural, economic and organisational disadvantage, including considering how these may intersect and regional collaboration where appropriate.