

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Wales) Regulations
2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about fee and access plans as defined in section 2(2) of the Higher Education (Wales) Act 2015.

Fee and access plans may be submitted to the Higher Education Funding Council for Wales (“HEFCW”) for approval by institutions which meet the criteria set out in section 2(3) of that Act. Approval of a fee and access plan by HEFCW leads to the automatic designation of an institution’s courses for the purposes of statutory student support. The Welsh Ministers provide student support under regulations made by them by virtue of section 22 of the Teaching and Higher Education Act 1998.

Regulation 3 provides that an application for a fee and access plan must include information relating to an institution’s financial viability, the organisation and management of its financial affairs and the quality of the education provided by, or on behalf of, the institution.

Regulations 4 to 6 prescribe the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

Regulation 7 specifies the matters that HEFCW must take into account when deciding whether, or not, to approve a fee and access plan.

Regulation 8 requires publication of an approved plan.

Regulation 9 provides for the variation of an approved plan.

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Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 2(4), 6(1), 7(3), 8(1) and 9(1) of the Higher Education (Wales) Act 2015(1), make the following Regulations.

In accordance with section 55(3) of the Higher Education (Wales) Act 2015 a draft of these Regulations was laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Wales) Regulations 2015.

(2) These Regulations come into force on ... and apply in relation to Wales.

Interpretation

2. In these Regulations “the 2015 Act” (“*Deddf 2015*”) means the Higher Education (Wales) Act 2015.

Applications for approval of a fee and access plan

3. An application by an institution for approval of a fee and access plan must include information that—

(1) [2015 anaw xx.]

- (a) demonstrates the financial viability of the institution;
- (b) specifies the arrangements for the organisation and management of the institution's financial affairs;
- (c) demonstrates that the quality of education provided by, or on behalf of, the institution is adequate.

Provisions to be included in fee and access plans

4. Regulations 5 and 6 prescribe for the purposes of section 6(1) of the 2015 Act the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

5. A fee and access plan must—

- (a) set out the objectives of the institution, determined by the governing body, relating to the promotion of equality of opportunity and the promotion of higher education;
- (b) specify the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the objectives in paragraph (a).

6. A fee and access plan must include provisions requiring the governing body of an institution—

- (a) to take, or to secure the taking of, measures to attract applications from prospective students who are members of under-represented groups;
- (b) to take, or to secure the taking of, measures to retain students who are members of under-represented groups;
- (c) to provide, or to secure the provision of, financial assistance to students;
- (d) to make available to students or prospective students information about financial assistance available to students from any source, or to secure that such information is made available;
- (e) to inform any prospective student, before the student commits to undertaking a course, of the aggregate amount of fees that the institution will charge for the completion of the course, or to secure that any prospective student is so informed;
- (f) to monitor—
 - (i) compliance with the provisions of the plan; and
 - (ii) progress in achieving the objectives set out in the plan.

Matters to be taken into account by HEFCW

7. In making any determination in respect of approval or rejection of a fee and access plan HEFCW(1) must take into account—

- (a) the safeguarding of fair access to higher education;
- (b) the provisions included in the fee and access plan relating to the promotion of equality of opportunity and the promotion of higher education;
- (c) the fees payable by qualifying persons undertaking qualifying courses(2);
- (d) the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the promotion of equality of opportunity and the promotion of higher education;
- (e) the information required by regulation 3.

Publication of approved fee and access plan

8. Where HEFCW has approved a fee and access plan, the governing body must publish it in a manner which makes it conveniently accessible to students and prospective students.

Variations of fee and access plans

9.—(1) A governing body may apply to HEFCW for approval of a variation to the approved plan whilst the approved plan is in force.

(2) A variation to an approved plan is to take effect only if approved in writing by HEFCW.

(3) In making any determination in respect of approval or rejection of a variation to the approved plan HEFCW must take into account the matters set out in regulation 7(a) to (d).

(4) Where HEFCW have approved a variation to an approved plan the governing body must comply with regulation 8 as if in that regulation the words “fee and access plan” were substituted by “variation”.

Name

Minister for Education and Skills, one of the Welsh Ministers

Date

(1) Higher Education Funding Council for Wales.
(2) “Qualifying course” and “qualifying person” are prescribed for the purposes of section 5(2) and (5)(b) of the 2015 Act by the Higher Education (Qualifying Courses and Persons) (Wales) Regulations 2015 (S.I. 2015/xxx (W.xxx)).