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Written Consultation – summary of responses

## Executive Summary Public Good and a Prosperous Wales – the next steps

Prepared by Miller Research Ltd

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

**Overview** Executive Summary of responses to the Welsh Government's technical consultation on Public Good and a Prosperous Wales – the next steps

**Action required** None – for information only.

**Further information** Enquiries about this document should be directed to:  
PCET Reform  
Skills, Higher Education and Lifelong Learning Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
e-mail: PCETReform@gov.wales

**Additional copies** This document can be accessed from the Welsh Government's website at  
<https://beta.gov.wales/tertiary-education-and-research-commission-wales>

**Related documents** Public Good and a Prosperous Wales – the next steps  
<https://beta.gov.wales/sites/default/files/consultations/2018-04/180423-tertiary-education-and-research-commission-for-wales-consultation-document.pdf>

## Glossary

Acronym/Key word	Definition
ACL	Adult continuing education
ALN	Additional learning needs
ALW	Adult Learning Wales
ASCL	Association of School and College Leaders
BAME	Black, Asian and minority ethnic
CITB Cymru Wales	Construction Industry Training Board Cymru Wales
CMA	Competition and Markets Authority
CQFW	Credit and Qualifications Framework for Wales
CUSP	College University Skills Partnership
CYDAG	Cymdeithas Ysgolion Dros Addysg Gymraeg (Society of Schools for Welsh Medium Education)
DAPs	Degree Awarding. Powers
DWP	Department for Work and Pensions
ECITB	Engineering Construction Industry Training Board
EHRC	Equality and Human Rights Commission
ELWa	(The former) Education and Learning Wales
ESG	European Standards and Guidelines
EWC	Education Workforce Council
FEI	Further Education Institution
FHEA	Further and Higher Education Act 1992
FHEQ	Framework for higher education qualifications
FISSS	Federation for Industry Sector Skills and Standards
GDPR	General Data Protection Regulation
HEC	Higher Education Corporation
HEI	Higher Education Institution
HEFCW	Higher Education Funding Council for Wales
HESA	Higher Education Statistics Agency
IACW	Innovation Advisory Council for Wales
ITE	Initial teacher education
LPPP	Learner Protection and Progression Plan
NAEL	National Academy for Educational Leadership
NAHT	National Association of Head Teachers
NASUWT	National Association of Schoolmasters Union of Women Teachers

NEET	A young person who is "Not in Education, Employment, or Training"
NEU Cymru	National Education Union Cymru
NOS	National Occupational Standards
NSOA	National Society of Apprentices
NTfW	National Training Federation for Wales
NUS Wales	National Union of Students Wales
OIA	Office of the Independent Adjudicator for Higher Education
OU	Open University
PCET	Post-Compulsory Education and Training
QAA	Quality Assurance Agency for Higher Education
QR funding	Quality-related research funding
REF	Research Excellence Framework
RIW	Research and Innovation Wales
ROA	Regulation and outcome agreement
RSP	Regional Skills Partnership
RTO	Research Technology Organisations
SASW	Specification of Apprenticeship Standards for Wales
SQAP	Sector Qualification Advisory Panel
SSC	Sector Skills Council
TDAP	Taught degree awarding powers
TEF	Teaching Excellence and Student Outcomes Framework
TERCW	Tertiary Education and Research Commission for Wales
UCAC	Undeb Cenedlaethol Athrawon Cymru (Undeb Cenedlaethol Athrawon Cymru)
UCU	University and College Union
UKPSF	UK Professional Standards Framework
UKRI	United Kingdom Research and Innovation
ULN	Unique Learner Number
UT	University Title
WAAB	Wales Apprenticeship Advisory Board
WAS	The proposed new Welsh Apprenticeship Specification
WBL	Work based learning
WESB	Wales Employment and Skills Board
WFGA	Well-being of Future Generations (Wales) Act 2015

## **Executive Summary**

### **1. Introduction and background**

#### **Purpose of the Public Good and a Prosperous Wales – the next steps consultation**

- 1.1 This consultation set out detailed proposals for the reform of the post-compulsory education and training system in Wales and for the way in which Welsh Government research and innovation expenditure should be overseen and co-ordinated. The paper invited responses to technical proposals for the shape and operation of the new Commission.

#### **Engagement approach**

- 1.2 The consultation document was posted on the Welsh Government consultation website from 24<sup>th</sup> April to 17<sup>th</sup> July 2018 and in addition, some 19 thematic technical workshops were held.

#### **Structure of the consultation document**

- 1.3 The consultation document was laid out in 15 thematic sections, with each setting out some context, a set of proposals and a series of questions relating to these. Headline findings are presented below, against each of the questions. To fully understand the questions and responses, readers will wish to refer to the detailed proposals set out in the [consultation document](#) and full summary of responses set out below from Chapter 4:

## Overview of responses

Question		Section 1: The Commission
1	Is the proposed governance framework appropriate given the remit of the new Commission?	There was general support for a single PCET sector, but the proposed framework was seen as too prescriptive with the Commission being too closely aligned with the Welsh Government. Respondents wanted to ensure adequate representation of all sectors, staff and learners on the Commission and its board. Resourcing committees was seen as a challenge with the number of members and committees proposed.
2	Do you think that the Welsh language and development of Welsh-medium provision should be supported through a statutory committee within the Commission's statutory governance framework?	There was disagreement with the proposal across HE and FE. Whilst the importance of the Welsh language was generally acknowledged, the majority of respondents took the view that the Welsh language should be embedded across all activities and should not be the subject of a statutory committee. Schools and WBL representatives supported the proposal, given the importance of the Welsh Education Strategic Plan and given the recommendations of the Weingarten review.
3	Do you agree the Wales Employment Skills Board and the Apprenticeships Advisory Board should be brought within the Commission to strengthen links between the Commission and employers?	General (qualified) support for the proposal although specific organisations should not be named in legislation. Some suggestions that this should be at the discretion of the Commission once established. There were some doubts about the establishment of a separate statutory committee for this area of work.

Question		Section 2: The relationship between the Welsh Government and the Commission
4	Is the proposed allocation of responsibilities for strategic planning between the Welsh Government and the Commission appropriate?	It was widely felt that the proposal lacked detail, whilst potentially compromising the arms-length relationship between the Commission and the Welsh Government
5	Are the proposals for dealing with funding appropriate, in the event of the Welsh Government withholding approval of the strategic plan? What safeguards or interim measures should be considered?	Disagreement with withholding approval and references to the principle that the Commission should be an arms-length body. Those who agreed stressed the need for dialogue and use of powers as a last resort.
6	Apart from withholding approval of the strategic plan, what intervention powers may be required by the Welsh Ministers to ensure that the Commission complies with its duties and fulfils the terms of its strategic plan?	Again, the majority of responses were focused on avoiding the need for intervention, although in extremis, suggestions included taking back powers from the Commission and directly funding providers.
7	Would a five-year cycle be an appropriate length of time for the Commission's strategic plan to cover or should flexibility be allowed?	There was a widespread welcome for longer planning cycles, although the decision should be for the Commission and there should be flexibility built in. The majority view was that a five-year cycle was appropriate, although it was suggested that a seven-year cycle could depoliticise the Commission and its activities.

Question		Section 3: The relationship between the Commission and learning providers
8	In the regulation section of the ROA, are there other matters that should be included? If so, what are they? Should any be removed? If so, which ones?	Further detail is required to provide a robust consultation response across the PCET sector with additional measures and detail required. The removal of the requirement in the ROA for charitable status was stressed by WBL providers.
9	While we recognise that, in light of their contractual obligations, work-based learning providers would not require charitable status to receive public funding, should other types of learning providers be required to have charitable status in order to receive such funding? What might be the advantages and disadvantages?	Schools, local authority and WBL providers highlighted concerns that a requirement for charitable status might limit providers' delivery of high quality and industry relevant training. FE and ACL noted the need for charitable status if utilising grant funding, but not if contracted provision is in place.
10	Should RTOs be eligible for funding from the Commission under Regulation and Outcome Agreements? If so, how might the regulation element of ROAs need to be modified to reflect the fact that RTOs do not provide learning?	Many disagree with that the RTOs should be eligible for funding from the Commission under the Regulation and Outcome Agreements. Funding to RTOs should be on a contractual basis only.
11	If they should not be funded under ROAs, in what circumstances and by what mechanisms should they be funded? What mechanism(s) could be put in place to ensure the appropriate use of any public funding that RTOs might receive? If they should not be funded under ROAs, in what circumstances and by what mechanisms should they be funded? What mechanism(s) could be put in place to ensure the appropriate use of any public funding that RTOs might receive?	This could develop into funding chasing the few and core funding being reduced further. A separate mechanism outside the Commission should be established. Should be set within the terms of the specific contract. The terms and conditions of grant could continue to be used to support research and innovation activities, under statutory funding powers equivalent to the FHEA 1992 and/or powers to contract.



Question		Section 3: The relationship between the Commission and learning providers
12	If learning providers that did not have charitable status could enter a regulation agreement, how might that differ from the regulation element of the ROA entered into with other learning providers?	ROAs should apply to organisations with charitable status only.
13	Is the ROA the best way forward? What are the advantages and disadvantages?	There was a mixed response to the proposal, with some significant opposition to the ROA model as currently described, although a focus on outcomes was welcomed.
14	What powers may the Commission need to ensure that learning providers and local authorities carry out their responsibilities under the ROA?	The withdrawal of funding was seen as the ultimate power, but only as a last resort. There was some concern how this would apply to school sixth forms.
15	Is there another model that we should consider? If so, what is it and what would be the benefits?	There was general support for the current model, although some providers wanted to see more detail before making a judgement.
16	What information about learning providers and research and innovation communities with approved ROAs should the Commission make publicly available?	There was widespread agreement on the need to publish full data relating to providers and their performance against targets. Much information is already available (StatsWales, Higher Education Statistics Agency and Unistats).
17	Once approved, should the regulatory section of the ROA be ongoing, or should it be reconsidered from time to time? If so, how often should it be reconsidered? How often should the outcome agreement element be re-negotiated?	Regulatory agreements could be reviewed annually in the first 3-year cycle, whilst outcome agreements need to be in place for at least three years to allow institutions to plan effectively.

Question		Section 3: The relationship between the Commission and learning providers
18	Please let us have your views on the issues listed in the 'Additional Matters' section of this paper.	Many responses focused on collaboration to ensure that development of ROAs and monitoring arrangements are appropriate and avoid duplication.

Question		Section 4: Strengthening the link between planning and funding
19	Do you agree that the Welsh Minister should cease to have their functions (i.e. duties and powers) under sections 31, 32, 33, 34, 35 and 36 of the Learning and Skills Act 2000 and that the Commission should have those functions or functions very similar to those instead?	There was overall agreement with the proposal to transfer powers, with the proviso that Ministers should retain the right to intervene in exceptional circumstances
20	Do you consider that the Welsh Ministers should retain a role in respect of the planning, provision and funding of 16 to 19 and post 19 education and training? If so what should that role be?	It was generally felt that there was a strategic role for the Welsh Government, but that it should not compromise the role of the Commission in relation to its duties.
21	Do you agree that the powers in section 65 and 66 of the Further and Higher Education Act 1992, along with powers in sections 86 and 87 of the Education Act 2005, should be replicated largely unchanged for the new Commission?	There was a majority view that powers should be replicated largely unchanged.
22	Do you agree that section 68 of the Further and Higher Education Act 1992 should be replaced with a new power that allows Welsh Ministers to allocate funding to the Commission for all post-16 provision? Are there any specific inclusions or exclusions that should be considered as part of this new power?	General support for the transfer of current powers, but not for any changes which could affect the arms-length relationship with HE providers as set out in Section 68.

Question		Section 4: Strengthening the link between planning and funding
23	Do you agree that the Welsh Ministers should hypothecate between elements of the total grant available to the Commission on the basis of type of provision to be funded?	Mixed views on the proposal, with a desire to maintain current arrangements on one hand and a view that funding should be demand-led, on the other.
24	Do you agree that the hypothecation should be split at a FE/HE level to give the Commission as much flexibility as possible, but to acknowledge the fact that we propose specific statutory responsibilities in relation to the funding of further education, which should pass to the new Commission? These do not have a current counterpart in relation to higher education.	There was general support for the proposal with some caveats – especially around the role and responsibilities of the Commission. There were some concerns about the implications for adult learning.
25	Do you agree that there should be a power available to the Welsh Ministers to directly fund PCET provision (including higher education), having first shared any such proposals with the Commission, and where there is a strong public interest in doing so?	There was a strong consensus against this proposal, as it was seen as undermining the Commission and possibly diverting funds away from Commission budget.
26	We know there are additional funding streams, outside core funding. If you receive such funding can you indicate whether you think responsibility for the funding you receive should rest with the Commission?	There was general opposition to the overall proposal, especially for ESF and similar funding. However, respondents acknowledged the rationale for funding from the Welsh Government being channelled via the Commission.

Question		Section 4: Strengthening the link between planning and funding
27	Do you agree that the Commission should have the flexibility during a short transition period to operate different planning and funding models across each type of post-16 provider, whilst driving forward alignment and consolidation as the Commission matures in its operation?	Respondents (with the exception of schools) generally supported the idea of a transition period but had some concerns over its duration.
28	Should there be transition arrangements in place to ensure that core funding to any institution is initially protected? What would constitute a reasonable protection?	Respondents voiced strong support for the proposals, to avoid any uncertainty that might impact on the interests of learners. A transition period of at least three years was favoured.
29	Do you agree that the Commission should be expected to keep under review intelligence around the apprenticeship levy and consider new ways of allocating funding across the system if the levy is not seen to be meeting the needs of employers in Wales?	It was strongly agreed that the Commission should review intelligence around the levy – as with all other information relevant to the sector.
30	Do you agree that the Commission should continue to work collaboratively with the RSPs to inform provision delivered by learning providers?	It was generally agreed that the Commission should consult with RSPs, given their understanding of regional skills needs. However, this should not be set in legislation, as RSPs are not statutory and may have a limited lifespan and form one of a number of organisations that might contribute to planning.

Question		Section 4: Strengthening the link between planning and funding
31	Do you agree that the Commission should be able to withhold some of the core budget for each sector to be allocated based on the recommendations set out in the annual skills plans?	There were concerns about withholding core budgets on the basis of responding to annual skills plans, in terms of the granularity of the plans and the ability to resource their actions. There were also concerns about future proofing, in that skills plans might be subject to amendment in the future.
32	Do you consider that the proposals above for monitoring performance and achieving accountability across the PCET system are sufficient and appropriate?	There were some concerns about this, with a consensus in favour of the Commission retaining sufficient flexibility to develop and consult on the detail of powers.
33	What more might need to be done to secure the sustainable operation of the PCET system in Wales over the longer term?	There was a wide range of responses to this question including; maintaining arms-length operation, learning from other mergers, ensuring adequate resourcing, adopting a flexible approach and effective impact assessment.

Question		Section 5: Protecting the interests of learners
34	Do you agree that learner protection arrangements should align with a common set of principles to ensure consistency for learners across the PCET sector?	The focus on learner protection was widely welcomed, along with the benefits of establishing a common set of principles to allow for consistency and easier transfer and progression between sectors.
35	Do you agree with the principles suggested? Are there any that should be omitted or additional principles which should be included?	The development of a consistent set of high-level principles was welcomed, but detailed arrangements should be worked out later. A number of respondents felt that the principles should be co-produced rather than being set in legislation.
36	Do you agree with the suggested content for inclusion in a Learner Protection and Progression Plan? Is there anything that should be added or omitted?	There was broad agreement with the suggested content and the consistency that it should bring across all PCET sectors. Several respondents wanted to see better data sharing arrangements to protecting learners transferring between school sixth forms and other providers.
37	What sanctions, if any, should the Commission have in relation to Learner Protection and Progression Plans?	It was agreed that some kind of leverage needed to be available as a last resort in the case of providers who failed to take LPPs seriously. However, it was questioned whether sanctions would work in the best interests of the learner.

Question		Section 5: Protecting the interests of learners
38	Do you agree that the current complaint resolution arrangements should remain in place for school sixth forms?	<p>The school sector considered that sixth forms form an integral part of schools and so should remain subject to the common set of arrangements for all learners within the school setting.</p> <p>The counter-argument from some non-school sector respondents was for consistency across all PCET providers, with a right of access to a single independent body for complaints.</p>



Question		Section 6: Strengthening the learner voice and representation
39	Do you agree that consistent principles and values should be developed for learner voice and representation and that learning providers should be required to adhere to these?	There was widespread support for this proposal as a move towards greater consistency across the PCET sector.
40	Do you agree that learner representatives should be involved with developing the outcome agreement element of the ROAs?	There was strong agreement with this proposal, as a means of bringing consistency across the PCET sector and ensuring learner-centred delivery. Some HEIs questioned the use of ROAs but agreed the proposal within this context.
41	Do you agree with the proposal to develop a national framework for learner voice and representation? Do you think this would work for all learning providers?	There was widespread agreement with this proposal, but some concerns about maintaining flexibility in delivery and avoiding duplication of existing mechanisms.
42	If so, do you think responsibility for establishing the proposed national framework should sit with the Commission?	There was near unanimous agreement with this proposal, but a strong message that it should be co-produced through close consultation with providers and learner representatives.
43	Should the Commission work with all educational providers in Wales to ensure the establishment of learner-led representative bodies are adequately resourced and supported?	There was widespread agreement with this proposal, although school sector representatives were concerned about funding being top-sliced to resource learner bodies.

Question	Section 7: Quality assurance and enhancement
<p>44 Do you agree with the proposed overall principles for the quality framework? Should anything be added, removed or changed?</p>	<p>General agreement with the proposed overall principles for quality, although a strong view that these should build upon existing frameworks, especially QAA and Estyn. The HE Sector raised concern about the Commission acting as both funder and quality assurance regulator and had some wider issues with proposals.</p>
<p>45 With the exception of school sixth forms, should a single body be designated to undertake external quality assessment of all PCET provision? Please explain the reasons for your response, and any particular positive or negative impacts that you anticipate.</p>	<p>There was agreement with the aspiration for a single arrangement for quality assessment, but this was felt to be a medium-term goal and not something to be included in statute. A partnership approach including Estyn and QAA was supported by many.</p>
<p>46 Do you agree with the proposed definition of quality enhancement? If not, what would you change?</p>	<p>There was agreement with the proposed definition “as a starting point”, but a view that it should be in the remit of the Commission to decide. A number of concerns raised over the wording and focus of the proposed definition.</p>
<p>47 Do you agree with the proposed scope of the Commission’s role in relation to quality enhancement? If not, what would you change?</p>	<p>There was support for the Commission to take a supportive and guiding role in collaboration with an arm’s length body. There were widespread fears that the proposals are too prescriptive.</p>

Question		Section 7: Quality assurance and enhancement
48	How could the Commission's role in workforce development be tailored to reflect the needs of different sectors and providers?	<p>Responses suggested this was something for the Commission to decide.</p> <p>There was an identified need to engage with relevant organisations such as the Education Workforce Council and Advance HE to devise a model for the sector which avoids duplication.</p>

Question		Section 8: Sixth forms
49	Should the Commission have any other powers to instigate a regulated alteration in terms of a sixth form such as closure, or is this better achieved via the negotiation of Part II of the ROAs?	Local authority, WBL and school consultation responses stated it should be achieved as part of the negotiation of Part II of ROAs. FE responses reported that powers should be consistent across the PCET sector as a whole.
50	What reporting should be required of the local authority to show effective use of funding given for sixth form provision?	Schools and local authority responses explore that systems are already in place to show effective use of funding for sixth form provision. FE, HE and WBL responses reinforced this as it should be consistent with the rest of the PCET sector.
51	Is the role of the Commission when a sixth form is judged as causing concern appropriate, or should it be different in some way?	Schools and local authority responses agreed that this is to be the role of local authorities and regional consortia, but there could be a role of the Commission to support this.
52	Are there any other powers the Commission should have as regards sixth form provision?	No additional powers outlined, but reinforcement from across the PCET sector (except schools) that there should be consistency and parity across the sector. School responses stated that the Commission should play no part in regulating school sixth forms.

Question		Section 9: Supporting and developing apprenticeships in Wales
53	Do you agree that the Commission should play a central role in delivering Welsh Apprenticeships? In particular, should the Commission have the power to issue Apprenticeship Pathways, as well as Apprenticeship Certificates?	Agreement across the PCET sector that the Commission should play a central role in delivering Welsh apprenticeships as this helps to support parity between academic / vocational. Where disagreement exists, concerns tend to be about the scope and complexity of apprenticeships being beyond capacity of the Commission. Caution raised about renaming to 'Pathways' as this may create confusion.
54	Which elements of the current apprenticeships system work well and should be retained and where can delivery be improved by removing complexity and onerous statutory requirements?	Frameworks need to be more flexible to meet the needs of employers and to respond to changing circumstances. Processes need to be made more agile and responsive to enable the above.
55	Do you foresee any issues with the Welsh Ministers being able to determine the high-level requirements for the operation of the apprenticeship system in the manner currently being proposed via the WAS?	Agreement with the proposal for the WAS, but with concerns over the level of powers retained by the Welsh Government. Essential that the Commission is given the flexibility to allow for sectoral differences and to adapt to changes in the needs of the labour market.
56	Do you foresee any issues, or have any comments about the reformed apprenticeship system we have proposed?	No significant issues raised, a range of comments and further detail required about engagement of employers and alignment with UK wide policies and employers.

Question		Section 10: Research and innovation
57	Do you agree with the general proposal and detailed construction of RIW within the Commission? Please explain why	Agreement with the general proposals and aim of the construction of the RIW. Widespread support for Professor Reid's review – the RIW should take on these recommendations. The composition and appointment of members should be determined by the Commission.
58	Do you agree that RIW should have such a wide funding scope to be able to fund the activities described even if its scope is much more restricted in its final implementation and operation, i.e. should it have such flexibility? Please explain why.	There was dominant agreement that the RIW should have a wide funding scope which allows for flexibility and agility. In doing so, this should not reduce the QR funding which contributes to HE research.
59	Do you agree with the proposals for the relationships between the Welsh Government, the Commission and RIW and the relationships with funding recipients and R&I community? Please explain why.	The RIW should operate at an arm's length from the Welsh Government and have greater control over funding decisions, to allow for autonomy and freedom. There was continued support for aligning the RIW with the Reid Review's recommendations.

Question		Section 11: Finance and governance assurance
60	Do you agree that the new Commission should be given express statutory powers in relation to the assurance of financial management, financial health and governance arrangements for PCET providers?	Overall agreement with the proposal. HE stakeholders generally wanted more detail prior to taking a view on proposals. General agreement that a “one size fits all” approach is not appropriate.
61	Do you agree that all PCET providers should be subject to similar financial and governance assurance principles? Should the Commission be enabled to apply different arrangements and requirements to different types or categories of PCET providers?	There was general consensus that this was the best approach, with the exception of the school sector. Whilst welcoming a set of common financial and governance assurance principles, many felt that the Commission should be able to apply different arrangements according to the specific structures and commissioning arrangements of the providers. Option 2 was seen as the most appropriate choice.
62	Do you agree with the proposal to enable the proposed Commission to publish a formal set of requirements and conditions as well as to issue guidance to providers and to advise them of good practice?	Strong agreement with the proposal and the hybrid options of choices 2 and 3. School respondents were the exception.
63	Do you agree with the proposal to provide the Commission with enabling functions and that legislation should set out a broad framework for financial and governance assurance with the Commission given discretion to develop its requirements within that framework?	Strong agreement, with the proposal being seen to provide the right balance of prescription and delegation of powers. School respondents were the exception.

Question	Section 11: Finance and governance assurance
<p>64 Do you agree that: a) the Commission should be placed under a duty to consult with PCET providers and any other persons it considers appropriate in the development of its financial and governance assurance arrangements?</p> <p>b) the Welsh Ministers should be able to issue guidance to the Commission with regard to financial and governance arrangements and that the Commission be required to take such guidance into account?</p> <p>c) the above requirements would provide sufficient safeguard in respect of the scope and reach of the Commission's financial and governance assurance arrangements? Are there any other safeguards you consider to be necessary?</p>	<p>Almost unanimous support for a) and b), with concerns about c) Particular concerns amongst HE respondents, with many citing the importance of maintaining a scrutiny role for the National Assembly in relation to financial management.</p>
<p>65 Do you have any comments or concerns about the proposal for the Commission to request information from PCET providers, undertake periodic assurance reviews, enter premises and inspect documents or materials in support of its financial and governance assurance functions?</p>	<p>There was qualified support for the proposal across all sectors, subject to appropriate use of powers and a risk-based approach to exercising them.</p> <p>There were, however, several comments that elements of this fell outside the scope of the consultation.</p>
<p>66 Do you agree that the Commission should have a range of Intervention powers at its disposal to deal with failure to comply with financial and governance assurance requirements?</p>	<p>There was strong support for this proposal from all sectors except for schools.</p> <p>There was a caveat that powers should not exceed those currently in place.</p>



Question	Section 11: Finance and governance assurance
67	Do you agree with the proposal that the Welsh Ministers should retain their powers of intervention under section 57 of the Further and Higher Education Act 1992 and that the Commission should be enabled to make recommendations to the Welsh Ministers as to the exercise of those powers?
68	Do you agree with the proposal that the Welsh Government should explore the possibility of transferring the Principal Charity Regulator role for FE institutions to the proposed Commission? What are your views on the proposal to retain the current requirement for HE institutions in Wales to register with the Charity Commission?
	There was opposition to this proposal, with a broad consensus that powers should transfer to the Commission. Comments were largely limited to FE sector respondents.
	There was a cautious endorsement of the proposal to explore the transfer of the regulatory role for FE to the Commission. The current arrangements for HE were felt to be working and so no need for change was identified.

Question		Section 12: HE governance
69	Do you agree that those amendments to HEIs governing documents considered to be in the public interest should continue to be subject to oversight and the approval of the Privy Council?	There was widespread agreement with the proposal The Privy Council was almost unanimously seen as the best body to do this.
70	Do you consider the proposed extension of the 2006 reallocation approach for the amendment of HEIs governing documents to be appropriate? If not, why?	The responses to this question were mixed, with a balance against the proposal and a general view that this could be considered later.
71	Do you agree that existing statutory requirements that apply to HECs governing documents should be removed so that the proposed approach can be extended to all higher education institutions?	There was general opposition to making this change at present, although it could be revisited once the Commission was established.
72	Do you agree with the Commission's proposed role in relation to the consideration of amendments to HEIs governing documents?	There was a majority of responses from the HE sector in favour of this proposal.
73	To support the proposed approach, do you agree that:  a) the Welsh Government should issue guidance on the procedure for amending governing documents? b) the Commission should review the 2006 list of public interest matters in consultation with stakeholders and issue guidance on those matters that will continue to be subject to Privy Council oversight and approval? c) the Welsh Government be enabled to issue guidance to the Commission in relation to the public interest matters that should continue to be subject to oversight and approval?	a). The majority of responses were in favour of this proposal, whilst views within the HE were mixed, and the timescale questioned. b). The main response here was yes, but not at this time c). There were concerns that guidance may be used to direct or control HEIs.

Question		Section 12: HE governance
74	Do you consider that the proposed approach would safeguard the public interest in the governance arrangements of HEIs in Wales?	There was a majority of responses from outside the HE sector in favour of this proposal, whilst within the HE sector, views were more mixed, and the timescale questioned.
75	We would welcome views on whether this arrangement should continue to operate in future so that the Welsh Ministers would be required to consult with the Commission and the HEC in question or whether provision should be made for these powers to be exercisable only upon recommendation by the Commission.	Respondents welcomed this proposal and the removal of the Welsh Government powers to dissolve an HEC against its will.
76	Which option do you consider to be the most appropriate and why? Are there other options that should be considered?	HEIs considered Option 3 to be the most appropriate, as it would establish equivalence between HECs in Wales and England and align HECs and chartered institutions more closely. WBL commentators favoured Option 2, as this provided the greatest alignment with the rest of the PCET sector, including chartered institutions.
77	Under what conditions or circumstances do you consider it appropriate for dissolution powers to be exercised?	Respondents felt that dissolution powers should only be used as a last resort. The most commonly cited circumstances for the exercise of dissolution powers was institutional failure and the need to protect the interests of learners.

Question		Section 12: HE governance
78	Should dissolution powers only be exercisable on recommendation of the Commission? If so, should this also be extended to the existing arrangements for FE institutions?	Whilst dissolution was seen as an absolute last resort, the inclusion of the Commission in the process could add an extra layer of confidence. There is a risk that inclusion could expose the Commission to legal challenge and could delay an intervention when rapid action was required.
79	Do you agree with the proposed approach, i.e. that no significant changes should be made to the current procedures and criteria for granting DAPs and UT in Wales for the present time?	There was widespread agreement with the proposal from the HE sector. FE respondents felt that consideration should be given to transferring powers to the Commission.
80	Do you agree with the Commission's proposed role in relation to the consideration of DAPs and UT applications in Wales?	There were mixed views regarding the proposal amongst HE sector representatives, whilst FE respondents felt that all relevant and related powers should be held by the Commission.
81	Do you agree that the Commission should consider the effectiveness of existing arrangements for the delivery of HE in FE as part of its wider strategic remit for PCET provision?	There was widespread agreement with this proposal, albeit with notable call for greater clarity about the proposed arrangements.

Question		Section 13: Supporting the Welsh language
82	Do you agree that the Commission should be placed under a specific duty to have regard to the Welsh language in the exercise of its functions?	Agreement across the PCET sector that the Commission should be placed under a specific duty to have due regard to the Welsh Language, especially with the vision of a million Welsh speakers by 2050.
83	In having regard to the Welsh language, do you agree the Commission should be expected to consider matters such as: <ul style="list-style-type: none"> <li>a) the Welsh Government's vision for a million Welsh speakers by 2050;</li> <li>b) the adequacy of existing provision of education through the medium of Welsh;</li> <li>c) how it can support existing provision through the medium of Welsh;</li> <li>d) how current provision through the medium of Welsh can be developed;</li> <li>e) promoting the Welsh language throughout the PCET sector?</li> </ul>	Agreement across the PCET sector that the Commission should be placed under a specific duty to have due regard to the Welsh Language, especially with the vision of a million Welsh speakers by 2050.
84	What are your views regarding the future relationship between the Coleg Cymraeg Cenedlaethol and the Commission? Please include comments on the relationship regarding funding of the Coleg and its operational activities as well as the accountability of the Coleg to the Commission.	The PCET sector broadly agreed that the Commission should regulate and fund the Coleg, however, the HE sector reinforcing the need for an independent body appropriately funded.

Question		Section 13: Supporting the Welsh language
85	<p>What are your views regarding the future relationship between the National Centre for Learning Welsh and the Commission? Please include comments on the relationship regarding funding and operational activities of the National Centre and accountability of it to the Commission.</p>	<p>Majority of the PCET sector responses reported that the National Centre should fall under the remit of the Commission to ensure a consistent, holistic and cohesive strategy to achieve the Welsh Language aims in the sector.</p>

Question		Section 14: Data, statistics and research
86	What are your views on the new body taking ownership of datasets currently owned by the Welsh Government and other agencies?	The Commission should take ownership of datasets and should review and revise them. Reporting burdens should not increase as a result of this. The Commission should utilize data for comparison across sectors.
87	Do you consider that a duty should be placed upon secondary schools and other learning providers and examining bodies to share data about learners' characteristics and attainment, with a new learning provider with which a learner is enrolling?	Agreement that such a duty is in the best interests of learners, ensuring a seamless transition between institutions. There are cases in which the sharing of information is already taking place, recommendations made for the development of one consistent national approach.
88	Are there any further powers, duties or other matters that should be considered in developing proposals for these functions of the new body?	The use of one system is supported, limiting the duplication of existing datasets. There needs to be transparency within the new data regime.

Question		Section 15: Student finance issues
89	Could an increase in the availability of accelerated degrees better meet the needs of employers and learners in Wales?	<p>Accelerated degrees could contribute to a diverse mix of Higher Education provision, which is needed to meet the needs of employers and learners in Wales.</p> <p>This has the potential for widening the access to Higher Education. Further scrutiny and a separate consultation is needed.</p>
90	Do the current legislative arrangements, in particular the absence of distinct fee limit for accelerated courses restrict the development and delivery of accelerated degrees in Wales?	<p>This should be the subject of separate consultation. The existing fee cap arrangements can inhibit the wider provision of accelerated courses; fees will need to be adjusted to ensure that such a degree is viable for institutions.</p>
91	How might accelerated degrees be defined?	<p>The definition should align with definitions used elsewhere within the UK.</p> <p>This should be the subject of separate consultation.</p>
92	What are your views about the potential costs associated with delivery of two-year accelerated degrees? In particular what are the potential implications for tuition fees chargeable for such courses and for maintenance support for eligible students?	<p>This should be the subject of separate consultation. Accelerated degrees do not present opportunities for reduced costs because of logistical and structural challenges.</p> <p>Maintenance support should include the summer period in order to cover the duration of study.</p>



Question		Section 15: Student finance issues
93	Are there any other matters relating to accelerated degrees that you consider should be taken into account?	<p>Student finance issues should be the subject of separate consultation.</p> <p>An accelerated degree has the potential to negatively impact learner experience and inhibit depth of learning.</p>
94	Do you agree with the proposal that the Commission should have regulatory oversight of all HE providers in Wales seeking designation of their HE courses for the purpose of student support?	There was widespread support for the proposal.
95	Do you agree with the proposal that there should continue to be two categories of course designation for providers of HE in Wales for the purpose of student support?	<p>There was general agreement with the proposal, but with a range of caveats and risks noted.</p> <p>Many respondents called for a focus on the needs and interests of students in considering the matter.</p>
96	Which of the three options do you consider to be most appropriate and why? Do you think that HE providers outside Wales should also be required to satisfy one of the three options?	<p>Course designation should not remain as a function of the Welsh Ministers; these functions should instead be transferred to the Commission.</p> <p>Options a and b were seen as the most suitable as they would ensure consistency.</p>
97	Are there any other matters which you consider should be taken into account in respect of the proposed arrangements for the designation of HE courses for the purpose of student support?	<p>There was a call for a system of registration for all providers to ensure they meet regulatory requirements.</p> <p>A full equality impact assessment is required to ensure that equality is not an issue.</p>

Question		Section 16: Impact assessment
98	<p>To help inform our assessment of the possible impact of these proposals, can you foresee any particular impact on those with protected characteristics (within the meaning of the Equality Act 2010) and how they might be particularly affected by these proposals?</p> <p>What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>	<p>Many respondents felt it was necessary to undertake an Equality Impact Assessment, but most were unable to articulate any specific impacts that the reforms may create.</p> <p>A minority of respondents suggested that the reforms were unlikely to have any impact on those with protected characteristics.</p>
99	<p>Please also explain how you believe the proposed policy could be formulated or changed so as to have:</p> <p>i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and</p> <p>ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.</p>	<p>All agreed that the Welsh language should be central and incorporated into all aspects of the Commissions work by also providing guidance across all sectors.</p> <p>A number of respondents from across multiple sectors expressed concern about the establishment of a Welsh language committee, given the risks that it could result in Welsh being marginalised from the core work of the Commission.</p>