




Llywodraeth Cymru  
Welsh Government



# Commission for Tertiary Education and Research

A Summary of the Draft Tertiary  
Education and Research  
(Wales) Bill





**“Placing the needs of learners at the heart of the education system by establishing clear and flexible learning and career pathways.”**

**Professor Ellen Hazelkorn**

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# Why is the Welsh Government planning to introduce the Draft Tertiary, Education and Research (Wales) Bill?

In 2016, Professor Ellen Hazelkorn was asked by the Welsh Government to conduct a review of post-compulsory education and training (PCET) in Wales. The report recommended the establishment of a new arms-length sponsored body with responsibility for the entirety of PCET and research in Wales.

Professor Hazelkorn identified a number of challenges in the Welsh PCET sector which need to be addressed. These include duplication of provision, unnecessary complexity, and a lack of joining up between different levels of education and training providers. Professor Hazelkorn set out a case for changing the ways in which PCET is overseen in Wales, in order to meet the economic, environmental, and social challenges of the 21st century.

The challenges we are facing because of Covid-19 mean that the First Minister and Minister for Education reluctantly agreed to postpone the introduction of the Bill into the Senedd. However, the reforms remain a high priority for this Government. To this end we are publishing a Draft Bill to ensure we engage as many people as possible in the detailed policy proposals and determine the full impact of those proposals. We want to listen to the views of our stakeholders and create legislation that works for the sector and takes into account the future context in which the

sector will need to operate as a result of Covid-19.

The challenges created for our economy and education sector as a result of Covid-19 mean that the changes put forward in the Draft Bill are more urgent than ever. We must work together to take a more strategic, coherent, and efficient approach to overseeing tertiary education and research, under the auspices of a single Commission, with a clear remit to shape a system that works for the people of Wales and the Welsh economy.

The establishment of a new body will form the foundations for further reform of policy in the tertiary education sector, in order to realise a vision that will be developed in partnership with providers, students and other stakeholders, to make Wales a great place to learn, research and innovate.



# What does the Draft Bill propose?



## ESTABLISHING THE COMMISSION

The Draft Bill proposes the establishment of the Commission for Tertiary Education and Research (CTER), a new Welsh Government sponsored body. It also proposes the dissolution of the Higher Education Funding Council for Wales (HEFCW). The Commission is intended to be established in 2023.

The Commission will have a Board and a Chief Executive. Its Board will include advisory members as representatives of students and learners, tertiary education practitioners, and the Commission's own staff.

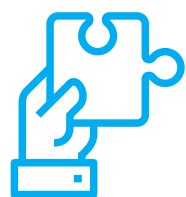


## STRATEGY

The Welsh Government will be required to publish a statement for tertiary education, training and research in Wales. The Commission will then produce a strategic plan, following consultation with stakeholders, which will set out how it will deliver on these priorities.

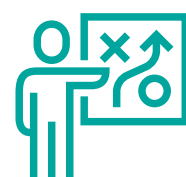
The Commission will have a duty to encourage the provision of and participation in tertiary education and training through the medium of Welsh. It will also have a duty to promote the civic mission of tertiary education institutions, defined in the Draft Bill as improving the economic, social, environmental and cultural wellbeing of Wales.





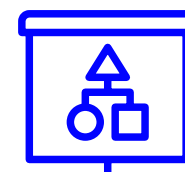
## FUNDING

The Commission will have a duty to ensure facilities are funded and secured for further education and training of 16-18 year olds and adults. This will include a power to fund local authorities for the purposes of mainstream school sixth-forms. The Commission will also have powers to fund higher education, apprenticeships, research and innovation, and other activities in connection with tertiary education such as information, advice and guidance. Upon providing funding, the Commission may be required by the Welsh Government to enter into an Outcome Agreement with the bodies it funds. An Outcome Agreement will set out how a provider will contribute to the objectives of the Commission's strategic plan, and the overall goals for the tertiary education sector in Wales.



## OVERSIGHT

The Commission will be required to maintain a register of tertiary education providers in Wales. Providers will need to register in order to be eligible for some forms of grant funding, as well as Welsh Government student support, which at present predominantly funds higher education courses and student maintenance. Through regulations, the register will be divided into categories of registration. Each category will have conditions, including conditions relating to the quality of education, the governance and management of institutions, and their financial sustainability. The Commission will have a range of powers to ensure that providers remain compliant, including powers of advice, enhanced monitoring, direction, and ultimately the power to de-register providers. The latter should be seen as a power of last resort. The Commission will also have a duty to monitor the financial health and sustainability of the tertiary education sector in Wales, and to report on this annually.



## WIDENING ACCESS AND OPPORTUNITY

Higher education providers designated for the higher amount of Welsh Government tuition fee support will be required to submit an Access and Opportunity Plan to the Commission for approval. Access and Opportunity Plans, which will set out how a provider will improve participation in higher education by underrepresented groups, will be a condition of registration.



## QUALITY

The Commission will have a duty to monitor and promote improvement in the quality of tertiary education in registered and funded providers. It will have the power to develop and publish policy frameworks regarding quality, the assessment of quality, and professional development of the workforce. Estyn will continue to hold a duty to inspect post-16 education and training providers, except higher education. It will agree a plan of inspections with the Commission, which will provide funding to conduct inspections and other thematic work.

The Commission will have a duty to ensure that assessments are made of the quality of higher education by registered providers. It will have the power to delegate this function to a body designated by Welsh Ministers.





## APPRENTICESHIPS

The Draft Bill creates a definition for an approved Welsh apprenticeship, which will be required to meet a specification set out in regulations. Apprenticeship frameworks will set out the requirements for completing an apprenticeship in a specific occupation. The Commission will become the owner of all approved Welsh apprenticeship frameworks and will be required to publish a register of these frameworks.

The Commission will be able to develop new frameworks, or delegate this function to bodies that it designates.



## SECURING STUDENTS' AND LEARNERS' INTERESTS

The Commission will be required to publish a Learner Engagement Code, setting out the ways in which learners' interests should be represented in the governance and management of providers. Funded and registered providers will be required to demonstrate that they comply with this code.

The Commission may also require providers to produce a Learner Protection Plan, setting out how a provider will safeguard learners' interests in the event of course disruption or closure, and how providers might facilitate the transfer of learners to other providers. The Draft Bill also provides an extension of the higher education student complaints scheme to the further education sector.





## DATA AND INFORMATION

The Draft Bill sets out the powers and duties of the Commission and other relevant bodies in relation to the sharing of data and information. In particular, the Draft Bill gives the Commission the power to request application-to-acceptance data from UCAS, following similar powers that were introduced in England in 2017.



## OTHER MAJOR CHANGES

The Draft Bill creates functions for the Welsh Ministers and the Commission in respect of local curriculum entitlements for 16-19 year olds, amending existing legislation in this area in light of the planned Bill regarding the pre-16 curriculum.

The Draft Bill also creates powers for the Commission, where appropriate, to direct local authorities to prepare plans for school reorganisations in respect of sixth-forms. Any reorganisation plans continue to be subject to approval by Welsh Ministers.





# What will happen following the enactment of a future Bill?

The Welsh Government intends for the Commission for Tertiary Education and Research to be established in 2023, and for HEFCW to be dissolved at the same time. The chair, chief executive, and governing body of the new Commission will be appointed during this time.

Secondary legislation required under the Draft Bill would be brought before the Senedd following Royal Assent and prior to the Commission being established.

The Welsh Government will work closely with stakeholders and our Post-Compulsory Education and Training Change Board to develop and agree a vision for tertiary education in Wales.

This document is a summary of the Draft Tertiary Education and Research (Wales) Bill and not intended to be exhaustive. Full details regarding the Draft Bill can be found in the Explanatory Memorandum, published alongside the Draft Bill.

The Draft Bill was developed ahead of the recent Covid-19 pandemic. Publishing it in Draft will provide us with the opportunity to examine the detailed policy proposals and determine the full impact of those proposals, to listen to the views of our stakeholders and create legislation that works for the sector and takes into account the future context in which the sector will need to operate as a result of Covid-19.







# Glossary

## **Access and Opportunity Plan**

A plan produced by a registered tertiary education provider, and approved by the Commission, outlining steps it will take to widen access and equalise opportunities in higher education. Replaces higher education institutions' Fee and Access Plans, currently overseen by HEFCW.

## **Apprenticeship Framework**

The outline of an apprenticeship for a particular occupation, setting out the training, assessment and qualification requirements for completing the apprenticeship.

## **Apprenticeship Specification**

The Specification of Minimum Standards for Apprenticeships in Wales, setting out the minimum standards required for an approved Welsh apprenticeship, determined through regulations made by Welsh Ministers.

## **Learner Engagement Code**

A statement published by the Commission setting out principles and expectations for ensuring that students and learners' interests are properly and appropriately represented in the governance and management of a provider.

## **Learner Protection Plan**

A plan produced by tertiary education providers, and approved by the Commission, setting out the steps a provider will take to protect students and learners in the event of closure or disruption to a course, and how it will support students who wish to transfer to a different provider.

## **Outcome Agreement**

An agreement between the Commission and a funded body, as part of the terms and conditions of funding, setting out how the body will use its funding to contribute to meeting the objectives set out in the Commission's strategic plan.

## **Register of Tertiary Education Providers**

A means of regulating tertiary education providers who wish to be eligible for particular forms of grant and student support funding.

## **Registration Conditions**

The criteria which providers who are registered with the Commission must comply with in order to become and remain registered providers.