



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Proposed lists of unions and bodies eligible to nominate associate members of the Commission for Tertiary Education and Research

We want your views on the proposed lists of trade unions and bodies who may nominate individuals who may be appointed as associate members of the Commission for Tertiary Education and Research.

First published: 15 June 2023

Last updated: 15 June 2023

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Ministerial foreword

Work is continuing at pace to establish the Commission for Tertiary Education and Research. An important part of the Commission will be the Board; It will have responsibility for setting the strategic plan for the organisation, the delivery of the strategic plan and statutory functions, the achievement of corporate objectives, and for the financial stewardship and performance management of the CEO and of the organisation.

Board membership is to include associate workforce members and associate learner members as advisory board members. Advisory board members have an important role in improving the achievement of democratic input into the Commission's decision-making and governance in a social partnership arrangement.

Social Partnership is a way of working with shared values and a common purpose. It works on the principle that more can be achieved by Government, employers and workers (predominantly through their trade unions) working together in a spirit of cooperation and collaboration.

The Welsh Government's policy objectives are to promote collaboration between tertiary education providers and trade unions in a social partnership at institutional and strategic level. One of the criteria for the associate workforce members is that the eligible candidates are members of a trade union on the relevant most recently published list.

Having at least two representative members of the wider tertiary education workforce trade unions to sit on the board of the Commission will ensure the functions of the Commission are co-determined, developed, and delivered in a culture based on trust, where there is a greater understanding of the needs and interests of the workforce in the delivery of tertiary education. I want to guarantee that the views of the tertiary education workforce are heard on the

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Board.

The tertiary education workforce is broad and falls into two main categories, academic teaching staff and non-academic staff. I'd like to have the views of the whole workforce represented on the Board, and that these different elements be given equal status and due consideration.

By enabling trade unions to nominate associate workforce members for the Board of the Commission, this will secure a rounded view and ensure they have an opportunity to influence and advise.

Learner representatives are included to ensure that the functions of the Commission are co-determined, developed and delivered in a culture where the needs of the learner are at the heart of the delivery of those functions, and that decisions are made openly and with the full knowledge that learners voice is heard at the Board level and guides those decisions.

This collaboration is critical for the development of our tertiary education and research sector into meeting the needs of learners, the economy, employers and the entire Welsh nation and will be an essential tool in realising our strategic vision for the post compulsory education and training sector in Wales.

The Commission for Tertiary Education and Research

Background

The Tertiary Education and Research (Wales) Act 2022 ('the TER Act'), provides for the establishment of a new Commission for Tertiary Education and Research ('the Commission').

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The Commission will be the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales. Tertiary education encompasses post-16 education including further and higher education, adult community learning and work-based education, apprenticeships and local authority maintained school sixth forms.

The establishment of the Commission is a critical step towards realising the Welsh Government's goals, as set out in the Programme for Government, in respect of post-16 education reform.

The TER Act confers powers on the Commission enabling it to shape tertiary education and research in Wales to better meet the needs of learners and employers, helping to build a stronger future economy, and promote greater cohesion across the sector and between compulsory and post-compulsory education within schools. One of the principal aims in establishing the Commission is to create a body which is able to deal with the strategic planning and funding across the whole of the tertiary education sector, and research and innovation sector in relation to Wales.

Work is continuing, in liaison with key stakeholders, to establish the Commission in autumn 2023 ahead of it becoming operational in Spring 2024.

Members of the Commission

The Commission will consist of a maximum of 17 members comprising a Chair, Deputy Chair (who will be Chair of the Research and Innovation Committee), the Chief Executive and at least 4 and no more than 14 'ordinary' members.

The Welsh Ministers have appointed the Chair, Deputy Chair and the first Chief Executive and are in the process of appointing the first six ordinary members. The Minister for Education and Welsh Language announced the appointments of Professor Dame Julie Lydon as the Chair of the Commission and Professor

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David Sweeney as Chair of the Research and Innovation Committee and Deputy Chair of the Commission. The appointments were undertaken following the public appointments process. Their terms of office will run from January 2023 until January 2028. The 6 ordinary Board members are planned to be appointed in June 2023.

The Board will include a number of associate members to be appointed by the Welsh Ministers. These associate members will be non-voting members of the Commission, and will include:

- at least two associate workforce members representing the wider tertiary education workforce, with at least one appointed to represent the academic tertiary education workforce and at least one appointed to represent the non-academic tertiary education workforce, and
- at least one associate learner member representing learners in tertiary education.

Eligible candidates for appointment as associate workforce members must be employed by a person who provides tertiary education in Wales and be a member of a trade union on the relevant most recently published list.

Eligible candidates for appointment as associate learner members must have undertaken tertiary education at any time during the three years preceding their appointment and hold an office or membership of a body on the relevant most recently published list.

The role of associate members

The associate members function will be to provide advice or input to the Board about matters relating to governance and service delivery from a workforce or learner perspective. They will not be entitled to vote in Board meetings and their role will be to influence and advise the Board.

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The fact that the advisory board members will be non-voting members is beneficial from the point of view of maintaining a separation between those activities required as a member of the Board and the wider activities of the trade union, NUS or learner representative body itself.

The appointment of the associate members

The approach to the appointment of the associate learner and associate workforce members is set out in Schedule 1 to the TER Act and comprises:

1. the Welsh Ministers must publish:
 - a list (for each of the 'categories' of workforce) of one or more trade unions for the purpose of appointing associate workforce members to represent the academic and non-academic tertiary education workforce (paragraph 5(1))
 - a list of one or more bodies appearing to them to represent the interests of learners undertaking tertiary education in Wales for the purpose of appointing the associate learner member (paragraph 7(1))
2. prior to publishing the above lists the Welsh Ministers must consult with the Commission and with any other persons the Welsh Ministers consider appropriate (paragraphs 5(2) and 7(2))
3. having published the lists, the Welsh Minister must invite each of the bodies on those lists to nominate an eligible candidate for the relevant associate member post(s), specifying the time period with which the bodies must provide their nominations (paragraphs 5(3) – (7) and 7(3) – (5))
4. the Welsh Ministers must appoint at least one person from among the eligible candidates nominated for each post (paragraphs 5(8) – (11) and 7(6) – (7)). These appointments would follow the public appointment process. There is no requirement for the preferred candidates to attend a pre-appointment hearing with a Senedd Committee and no commitment has been made in this regard.

The consultation includes the proposed three lists, namely:

- a list of trade unions who may nominate candidates for appointment as associate workforce members to represent the academic tertiary education workforce
- a list of trade unions who may nominate candidates for appointment as associate workforce members to represent the non-academic tertiary education workforce
- a list of one body to represent the interests of learners undertaking tertiary education in Wales for the purpose of appointing the associate learner member

Proposed lists

Lists of Trade Unions

Academic tertiary education workforce

- Association of School and College Leaders (ASCL) – a professional body representing school, college and system leaders across the UK.
- Community – represents all sectors of education and early years from nursery to tertiary, including further and higher education, teaching and support staff.
- National Association of Headteachers (NAHT) Cymru- a trade union and professional association representing head teachers in Wales, England and Northern Ireland.
- National Association of Schoolmasters and Union of Women Teacher (NASUWT).
- National Education Union (NEU) Cymru – represents teachers, lecturers, support staff, leaders – working in a local authority, academy or independent

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school, sixth form college or FE/HE.

- Undeb Cenedlaethol Athrawon (UCAC) Cymru – represents teachers, headteachers, lecturers, tutors.
- University and College Union (UCU) Wales – represents academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians, technicians, professional staff and postgraduates in universities, colleges, prisons, adult education and training organisations across the UK.

Non-academic tertiary education workforce

- Community: represents all sectors of education and early years from nursery to tertiary, including further and higher education, teaching and support staff.
- GMB: represents school support staff including teaching assistants, HLTAs, cover supervisors, nursery nurses, lunchtime supervisors, premises staff, and administrative & finance staff.
- Unite: represents workers in all areas of education (research, technical, IT, administrative, estates, support and maintenance staff.
- UNISON: represents public service staff.

List of Learner representation bodies

Learner representation bodies

- National Union of Students (NUS) Wales – represents college and university students and apprentices (Holds observer status at HEFCW Council).

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Consultation questions

Question 1

Do you agree with the lists of unions? Are there other unions operating in the Welsh tertiary education sector who you think could be added to the lists?

Question 2

Do you agree with the learner representation body named? Are there other learner representation bodies operating in the Welsh tertiary education sector who you think could be added to the list to represent learners?

Question 3

How could the Commission best hear and represent the views and voices of the learner?

Question 4

Equal Opportunities

The Commission will become a listed body under the Equality Act 2010 and be held responsible for eliminating inequality of opportunity, unlawful discrimination, harassment, and victimisation, and foster good relations between different groups. It will take all steps necessary to ensure educational inequalities narrow and standards rise.

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We would like to know your views on the effects that including the appointments of associate members on the Board who represent education workforce and learners, would have on equality of opportunity.

What effects do you think there would be on the equality of opportunity? How could positive effects be increased, or negative effects be mitigated?

Question 5

We would like to know your views on the effects that including the appointments of associate members on the Board who represent education workforce and learners, would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 6

Please also explain how you believe the proposed policy on including the appointments of associate members on the Board who represent the wider tertiary education workforce and learners could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

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Question 7

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

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- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: dataprotectionofficer@gov.wales

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The contact details for the Information Commissioner's Office are:

Wycliffe House
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SK9 5AF

Tel: 0303 123 1113

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