

Draft Tertiary Education and Research (Wales) Bill

Responses should be returned by 4 December 2020 to:

PCET Team

Higher Education

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

or completed electronically and sent to:

e-mail: PCETReform@gov.wales

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| **Consultation**  **Response Form** | Your name:  Organisation (if applicable):  email / telephone number:  Your address: |

**Civic mission**

The Draft Bill (Section 7(4)) defines “civic mission” to mean “action for the purpose of promoting or improving the economic, social, environmental or cultural well-being of Wales (including action that may achieve any of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.”

1. Do you agree the approach taken to civic mission in the Draft Bill will be useful to the Commission in discharging its functions?

**Yes No   
Neither Yes or No**

**Please add any additional comments in the box below:**

**The needs of the learner**

**Learner Protection**

1. The Commission will need to determine the format and contents of Learner Protection Plans in consultation with stakeholders (Section 114(6) and (7)), including how the plans are to be communicated to learners and prospective learners. Do you agree with this approach?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below**:

**Learner Engagement Code (Section 117)**

1. The Commission’s aim will be to ensure that the interests of learners are represented, and every learner has the opportunity to participate and give their views. Are you confident that the Learner Engagement Code is likely to be inclusive of all learners, and sufficiently representative of the whole of the Post-16 sector?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below:**

**Information, Advice and Guidance**

1. The Draft Bill (Section 93) allows the Commission to fund information, advice or guidance for learners in Wales. Are there further considerations that should be taken into account to ensure that all learners receive advice or guidance to support learner pathways, transition and progression to enable them to make a contribution to, and succeed, in a fair and inclusive society and a thriving economy?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below**:

**School sixth form reorganisation proposals**

The Commission will have a role in relation to maintained school sixth form reorganisation. The Draft Bill enables the Commission to direct a local authority to bring forward re-organisation proposals, or bring forward its own proposals, in limited circumstances. The limitations on what would trigger such an approach would be consulted on and included in amendments to the statutory School Organisation Code.

1. Do you agree that the School Standards and Organisation code is the most appropriate vehicle for setting out the systems and processes and do you have any views on what those triggers should be?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below**:

**Strengthening collaboration**

1. Part 3 of the Draft Bill provides functions to fund mainstream school sixth forms, further education, higher education, apprenticeships and adult learning and research and innovation related to educational providers. Do you think there are any further funding or other functions that will enable greater collaboration across the tertiary education sector?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

**Welsh Language/Welsh-medium**

We would like to know your views on the effects that the establishment of the Commission (Section 8) 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.

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

**Please add any comments in the box below:**

**Welsh Language/Welsh-medium**

1. Please also explain if you believe the provision included in the Draft Bill to establish the Commission could be formulated or changed so as to have increased positive effects on opportunities for people to use the Welsh language.

**Please add any comments in the box below:**

**Welsh Language/Welsh-medium**

1. What are your views on the duties to be placed on the Commission in relation to Welsh-medium tertiary education?

**Please add any comments in the box below:**

**Registration**

1. Do the proposals for Access and Opportunity Plans (Sections 32-41) go far enough in ensuring that the Commission has the powers to drive transformative change in widening access and opportunity in higher education?

**Yes No Neither Yes or No  
  
Please add any additional comments in the box below:**

**Registration**

1. Will the proposed powers for the Commission to monitor, review, and ensure compliance with registration requirements (Sections 22-26) provide sufficient flexibility for it to regulate proportionately and appropriately?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below:**

**Quality**

1. The Draft Bill (Sections 42-60) proposes a more aligned and coordinated approach to quality and inspection across tertiary education. Do the proposed arrangements find the right balance between building upon the current arrangements in higher education, further education and training and maintained school sixth forms and working towards a more aligned and coordinated approach across the tertiary education sector?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

**Research and Innovation**

1. Should the Commission’s functions in relation to research and innovation (Sections 95-97) be broadened beyond just registered tertiary education providers?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below**:

**Apprenticeships**

1. The Commission will be responsible for apprenticeship frameworks (Sections 104-107) and the Welsh Ministers will be responsible for the preparation and issuing of core requirements in the Welsh Apprenticeship Specification (WAS) (Sections 101-103). Do you agree with this balance of powers?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

**Apprenticeships**

1. Does the Draft Bill (Part 4) provide adequate strategic drivers to develop and maintain the integrity of apprenticeships in Wales, ensuring they meet industry requirements?

**Yes No Neither Yes or No  
  
Please add any additional comments in the box below:**

**The needs of the economy and employers**

1. The Commission has a duty to have regard to “the reasonable requirements of industry, commerce, finance, the professions and other employers regarding tertiary education and research and innovation” (Section 2(1)(b)). In your opinion, does this duty go far enough and do you think it will have a meaningful impact based on its current formulation?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

**Funding**

**A focus on outcomes**:

1. The Draft Bill (section 79) provides for an approach to funding based on Outcome Agreements. This will allow the Commission, through its funding decisions and negotiations with funded bodies, to contribute to the achievement of the Welsh Ministers’ strategic priorities for tertiary education and research. Please see the Explanatory Memorandum for details of the policy intention underpinning outcome agreements (paragraphs 3.56 -3.58 and 3.145 – 3.147 refer). Does this approach strike the right balance between strategic funding priorities and the needs of individual learning providers?

**Yes No Neither Yes or No**

**Please add any additional comments in the box below**:

**Regulatory Impact Assessment**

1. The financial implications of the Draft Bill are set out in Part 2 of the Draft Explanatory Memorandum. Please consider whether you think our costings need to take account of anything else?

**Please add any comments in the box below:**

**Regulatory Impact Assessment**

1. We would like you to consider the possible costs and benefits to specific bodies, institutions, organisations or individuals as a result of the Draft Bill. Please provide any comments or evidence here:

**Please add any comments in the box below:**

**New Normal**

1. Do you think the pandemic causes particular issues for anything we propose in the Draft Bill?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

**PCET Reform**

1. The Bill is a legislative vehicle to create a new body; the Commission for Tertiary Education and Research. Are there any additional levers that can be used to establish the cultural change needed to deliver the aims of the PCET reform agenda?

**Yes No Neither Yes or No   
  
Please add any additional comments in the box below:**

1. 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.

**Please add any comments in the box below:**

Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here: