



Llywodraeth Cymru  
Welsh Government

PUBLICATION, DOCUMENT

# Commission for Tertiary Education and Research (CTER) registration system initial regulations: Welsh language impact assessment

Welsh language impact assessment of the CTER registration system initial regulations.

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## Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language?

- [Cymraeg 2050 A million Welsh speakers](#)
- [Work Programme for 2021 to 2026](#)

The Tertiary Education and Research (Wales) Act 2022 ('the TER Act'), provided for the establishment of a new Commission for Tertiary Education and Research ('the Commission'). Part 2 of the TER Act makes provision for a registration system for tertiary education providers in Wales, with the register to be established and maintained by the Commission.

Since the introduction of the ACT, an organisational branding exercise has since been undertaken and a decision made to replace the acronym 'CTER' with the word 'Medr', meaning skill and ability as its brand name. This suggestion was well received during recent stakeholder engagement, due to its clear link to the ambition and priorities of the Commission, whilst also being considered as simple enough to work well on an international level. A decision was therefore made to use its legal name, Y Comisiwn Addysg Drydyddol ac Ymchwil / Commission for Tertiary Education and Research, which going forward will be used underneath 'Medr' in all communications. This is necessary to ensure compliance with the Welsh Language Standards. The Commission intends to communicate this decision to a wider set of stakeholders by the end of May.

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, work-based education, apprenticeships, and local authority-maintained school sixth forms. One of the Welsh Government's initial policy objectives for implementation of the TER Act is to establish an effective, robust, and sustainable legislative basis for regulating tertiary education providers. Providers whose higher education provision is

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primarily funded by tuition fees cannot be regulated through the Commission's terms and conditions of funding alone as tuition fee payments are a contractual undertaking between providers and their students. It is, therefore, an early priority for the Commission to develop a regulatory oversight system for these providers.

**A Welsh Language Impact Assessment has been published in relation to the TER ACT**, which establishes the clear link between the Commission and the aims of the Cymraeg 2050 Strategy in terms of improving the process of planning Welsh-medium provision in post-16 education and training, ensuring that all learners can develop their Welsh Language skills to their full potential and the encouragement of robust linguistic progression from one phase of education and training to the next, and to improve the ways of providing central support for Welsh medium education and training.

The Welsh Government consulted on two sets of draft regulations in relation to the establishment of the Register of Tertiary Education Providers, under the TER Act. These regulations will enable the Commission, once operational, to establish the registration system for tertiary education providers of higher education in Wales.

Stakeholder engagement has been an essential part of the development process. Views were sought through a formal consultation exercise to identify any positive or negative effects on the Welsh language, opportunities for people to use Welsh and on treating the Welsh language no less favourably than English, as well as suggestions to make changes to increase positive effects for opportunities for people to use the Welsh language.

The overall consultation attracted 21 responses, however not all responded to the two questions regarding the Welsh language. The majority of respondents expressed positive views on the effects on Welsh language noting the regulations will only provide the legislative underpinning for the Register, and that the Commission will establish and develop the registration system. Many

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views indicated that it was difficult at this stage to understand if there would be any negative impacts, until the registration system has been developed by the Commission.

One respondent focused its views outside of the scope of the regulations, on the delivery of Welsh medium provision in institutions due to challenges in recruiting Welsh speaking staff. Another suggested more financial support should be available to providers to improve Welsh language provision. One respondent was disappointed that the draft regulations did not specifically reference Welsh language and Welsh medium provision. Another suggested the inclusion of conditions in relation to Welsh language legislation (Welsh Language (Wales) Measure 2011). Some respondents suggested that conditions relating to a provider's commitment to the Welsh language and relevant duties should be included. These views were considered but discounted due to existing wider strategic duties already being contained within the TER Act, which require the Commission to exercise its functions including 'promoting tertiary education through the medium of Welsh. Including further conditions to the regulations would not add any notable benefit and also duplicate conditions in the TER ACT.

The purpose of the register is not intended to be a repository of higher education provision but to support the regulatory oversight of regulated providers. Such information is already available via individual institutions websites or through the UCAS application system. Courses offered by institutions are subject to change and it would be more appropriate for users of the register to check individual registered providers websites for details of their Welsh language offer. Therefore, having carefully considered the consultation responses, we are satisfied that the information requirements specified in the regulations are sufficient to provide users of the register with information relevant to the Commission's regulatory oversight of registered providers and that there are no negative impacts on the Welsh language.

**Describe and explain the impact of the proposal on the Welsh language and explain how you will address these impacts in order to improve outcomes for the Welsh language. How will the proposal affect Welsh speakers of all ages (both positive and (or) adverse effects)? You should note your responses to the following in your answer to this question, along with any other relevant information**

The register will be published bilingually and provide learners, prospective learners and other stakeholders and the wider public access to the core set of necessary information about providers through the medium of Welsh. However, if in the development of the register by the Commission, evidence emerges that there are any immediate direct or indirect negative impacts on the Welsh language, it is expected that the Commission will undertake its own consultation and impact assessments to understand any potential impacts.

**How will the proposal affect the sustainability of Welsh speaking communities. These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces. (both positive and (or) adverse effects)**

The presumption in developing regulations was to ensure that all provision designated for Welsh Government funded student support, is subject to appropriate and proportionate regulation and oversight. The sustainability of Welsh speaking communities is not adversely affected as a result.

## **How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and (or) adverse effects)**

Once established, the Register will support the Commissions strategic aims to ensure there is no adverse effect in relation to Welsh medium education and for learners of all ages by replacing the existing arrangements which fall within the Higher Education Act 2015, once that is repealed. The Commission will be able to use its increased powers and duties under the TER ACT to use as levers to increase access and provision. The delivery of a tertiary education system is better placed to respond to macro-changes, to plot paths for learners, and to bring the sector together in a way that provides for genuine life-long learning and skills development including through the medium of Welsh.

## **How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What evidence or data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups**

The consultation provided the opportunity to engage at an early stage with Welsh language representative bodies, including the Coleg. The Register and Regulations will be bilingual at source.

## What other evidence would help you to conduct a better assessment

The Welsh Language Commissioner undertook research ‘**Post-compulsory education and the Welsh language: the learners’ voice**’ to gain insight into the views and experiences of post-16 learners in Welsh medium or bilingual education, which clearly showed the importance of Welsh language to learners in Wales. Barriers included the existing lack of Welsh provision, particularly in the more vocational areas which will need to be addressed. Research such as this will be crucial in involving the learner voice, which is a mandatory condition under the Learner Engagement Code, Section 129 of the TER Act, to ensure that the interests of all learners are represented.

A **Welsh Language Education Bill** is being developed to support the significant challenge posed by the Cymraeg 2050 strategy, and the target of one million speakers. A consultation was undertaken on the initial proposals which includes the intention to establish and implement a single continuum of Welsh language skills so that learners, teachers, parents and employers have a common understanding of the journey towards learning Welsh and the expected linguistic outcomes at each stage of that journey.

## How will you know if your policy is a success

This will be achieved by monitoring increased participation and through availability of the courses available. The Duties under the TER Act will play a crucial role in this and through the Commissions development of a plan to increase and improve the provision and promotion of Welsh medium education and assessment in the whole of the tertiary system. The Registration system is pivotal in capturing course information for regulatory oversight. The TER Act requires the Commission to monitor each registered provider’s

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compliance with their ongoing registration conditions. The Commission must also prepare an annual report and include how it has exercised its functions during the academic year. This requirement also includes the extent to which tertiary education in Wales was provided through the medium of Welsh, and the extent to which Welsh was taught to persons over compulsory school age in Wales.

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