



Llywodraeth Cymru
Welsh Government

POLICY AND STRATEGY, DOCUMENT

Welsh student support: policy for specific course designation (SFWIN 07/2024)

The policy explains the process for a provider to request specific designation of its higher education courses.

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This Information Notice is for universities, further education colleges and other providers who provide and deliver higher education courses. The policy explains the process for a provider to request specific designation of its higher education courses.

If you have any queries about the policy or wish to comment on this Information Notice, please contact the Tertiary Education Directorate:

hecoursedesignation@gov.wales.

If you wish to submit a request for course designation or have any queries about the guidance and process, please contact

Medr: regulationadvice@medr.cymru.

Purpose of designation

This document describes the Welsh Government's policy for the specific designation of higher education (HE) courses for the purpose of attracting statutory student support for students who are ordinarily resident in Wales in accordance with the student support regulations. It applies from 1 August 2024 onwards. It outlines the matters that the Welsh Ministers are likely to consider relevant when deciding whether to specifically designate courses for the purpose of student support via the Student Loans Company (SLC). Annex A provides a diagram that illustrates this process.

Regulations made under section 22 of the Teaching and Higher Education Act 1998 enable the Welsh Ministers to make grants or loans to eligible students in connection with their attendance on designated courses. Courses are designated either by automatic or specific designation, the criteria for which is set out below.

Whilst each route to designation is distinct, the Welsh Ministers' general position

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is that the same core principles should underpin both. Providers of higher education should be financially viable, provide education of adequate quality, and make a significant and ongoing contribution to the public good in connection with education.

Routes to designation

Automatic designation

A course is only automatically designated if certain conditions set out in the student support regulations^[footnote 1] are met. These conditions are set out in the Student Finance Wales Information Notice '**Automatic designation of higher education courses (SFWIN 01/2024)**', published in January 2024.

Specific designation

Where a HE undergraduate or postgraduate course is not automatically designated, it will need to be specifically designated to enable students to apply for financial support from the Welsh Government. Such courses may be designated on a course-by-course basis by the Welsh Ministers.

From 1 August 2024, responsibility for managing the specific designation process transfers to the Commission for Tertiary Education and Research (Medr). Medr has responsibility for processing requests for designation and providing the Welsh Ministers with advice in relation to those requests. Medr also undertakes ongoing monitoring of providers with specifically designated courses.

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Courses eligible for designation

Undergraduate courses

An undergraduate course may be designated if it is:

- a first degree course
- a course for the Diploma of Higher Education. A Higher National Diploma (HND) or Higher National Certificate (HNC) awarded by either Pearson (previously the Business and Technology Education Council (BTEC)) or the Scottish Qualification Authority (SQA)
- a course for the certificate of Higher Education.
- a course for the initial training of teachers
- a course for the further training of youth and community workers
- a course in preparation for a professional examination of a standard higher than that of:
 - an examination at advanced level for the General Certificate of Education or at a higher level for the Scottish Certificate of Education
 - an examination for the National Certificate or the National Diploma awarded by Pearson (previously BTEC) or SQA

so long as a first degree (or equivalent qualification) is not normally required for entry to the course

- a course providing education (whether or not in preparation for an examination) the standard of which is higher than that of a course mentioned above but not higher than that of a first degree course, and for entry to which a first degree (or equivalent qualification) is not normally required
- the course is either a full-time course, a sandwich course, or a part-time course
- the duration of the course is at least one academic year
- at least half of the teaching and supervision which comprise the course is

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provided in the United Kingdom

- the course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the **Education Reform Act 1988** unless the course is a Higher National Diploma or Higher National Certificate awarded by Pearson (previously BTEC) or SQA, or is an initial teacher training course

Postgraduate courses

A Postgraduate Master's course may be designated if it satisfies the following conditions:

- The course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988 and the teaching and supervision which comprise the course have been approved by that body.
- The course is one of the following:
 - a full-time course of one or two academic years' duration
 - a part-time course which it is ordinarily possible to complete in up to four academic years
- At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

A Postgraduate Doctoral course may be designated if it satisfies the following conditions:

- The duration of the ordinary period of registration for the course is not less than three academic years and not more than eight academic years.
- The course is substantially provided in the United Kingdom.
- The course leads to a doctoral degree granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988, and the teaching and supervision which comprise the course has been approved by that body.

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Additionally, courses leading to a postgraduate award can be designated solely for the purpose of providing eligible students with Disabled Students' Allowances.

Supporting information

The Welsh Ministers' policy is that courses will be designated if those seeking designation are financially viable, provide education of adequate quality, and make a significant and ongoing contribution to the public good in connection with education. Institutions should provide information to demonstrate how they achieve those objectives by including:

- details of the course, the qualification to which the course leads, and evidence that the course is validated by an appropriate body
- evidence that the provision offered by the provider is of an adequate quality
- confirmation that students are not in receipt of a salary from the course
- evidence that the provider is financially viable
- details of how the provider makes a significant and ongoing contribution to the public good in connection with education

All institutions will be expected to demonstrate ongoing compliance (see the section on monitoring).

Whilst it is for institutions to decide what information to submit in support of their request for course designation, institutions should take account of the following sections which sets out the information that is likely to be relevant.

Validation

Undergraduate courses

Providers must provide validation documents which specify the mode, length and delivery location for each course included in the request. They must demonstrate that the course is validated by an appropriate awarding body:

- The course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988 (for example, a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016).
- The award of Higher National Diploma or Higher National Certificate awarded by Business & Technology Education Council, the Scottish Qualifications Agency, or a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016.

Postgraduate courses

A course must lead to an award granted or to be granted by a body falling within section 214(2) (a) or (b) of the Education Reform Act 1988. Courses leading to a postgraduate award are also capable of being designated solely for the purpose of providing eligible students with Disabled Students' Allowances. Such courses must be validated by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016.

Quality

The course to be designated must be of an adequate quality. Providers will be

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required to provide evidence of this from the organisation or agency responsible for assuring the quality of the course. The position in Wales, and other parts of the UK, is that quality should be assessed by cyclical external quality reviews. In those parts of the UK where providers are not required to have their quality assessed by cyclical external quality reviews, Medr will provide further guidance on the information required to enable it to provide assurances to Welsh Ministers regarding the quality of provision.

Financial viability

The provider seeking course designation must demonstrate that it is financially sustainable and that students can, therefore, be confident that it will remain financially viable for the duration of their studies. Applicants will need to provide information in order to demonstrate that they are operating in a financially viable manner. For example:

- the last three years of externally audited financial statements, or externally audited financial statements for each year of trading where the provider has not been trading for three years
- forward business plans
- financial forecasts for the current and following three years, including a commentary on assumptions made in forecasts and how financial risks are managed
- an outline of contingency arrangements for students if courses are discontinued for any reason
- any other information which may be relevant to the provider's financial viability and management of its financial affairs as an aspect of good governance

Medr will provide further guidance on the information required on financial viability and management of an organisation's financial affairs.

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Contribution to the public good

The Welsh Government has finite resources at its disposal and must ensure the best value for students and taxpayers. This includes ensuring that, as far as possible, taxpayers' investment in education is reinvested by providers for educational purposes, including activities that support access to, or the promotion of, higher education, contribute to the availability of education or improve the retention of students and employability of graduates. Higher education providers whose courses are designated for student support effectively receive a subsidy from the taxpayer via the support made available by the Welsh Government in the form of tuition fee loans to the student as well as maintenance loans and grants.

Applicants must demonstrate that they make a significant and ongoing contribution to the public good generally in the sphere of education through submission of a written statement. The Welsh Government has identified the following broad areas in which HE providers may be able to demonstrate that they make such a contribution. They are not mutually exclusive. For example, developing Welsh-medium education may contribute to both equality of opportunity and the promotion of higher education.

Equality of opportunity

Examples include:

- Measures to attract and retain students from under-represented groups.
- The provision of academic and welfare support to those from under-represented groups, including those with protected characteristics.
- The provision of bursary schemes, fee waivers, scholarships, or hardship funding.
- The use and development of Welsh medium and/or Welsh language

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education which supports the objectives of the Welsh Government's language strategy by providers based in Wales.

Promotion of higher education

Examples include:

- Working with schools, colleges, and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education.
- Developing the employability of students, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements.
- Engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty. This may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community.

The above lists are not exhaustive. The Welsh Government recognises that providers have a wide range of objectives and may be able to demonstrate a meaningful contribution to the public good in other ways. The written statement should include examples and evidence by reference to some or all of the above areas and any other evidence that an organisation considers relevant.

The information provided by applicants will need to demonstrate that the activity is both significant and ongoing, for example, by way of reference to the amount of expenditure on such activities, the duration of those activities and numbers of participants.

Applicants will need to demonstrate that there is a reasonable prospect of recruiting students eligible to receive support from the Welsh Ministers onto the

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courses for which specific designation is being sought.

Process

Providers must not advertise the availability of student support from the Welsh Government for a given course until designation for that course has been confirmed.

A request for specific course designation must be made by the organisation that is responsible for the content and delivery of the course to students. In all cases, the request for designation must relate to and contain supporting information in respect of all institutions involved in the awarding of qualifications and the design, supervision, and delivery of those courses. Where a course is being provided on behalf of another institution, this will mean providing detailed supporting information from both institutions where appropriate.

Requests should be sent to Medr, which has developed underpinning guidance to support the process. Medr will assess each request on the basis of the information received and will then advise the Welsh Ministers on whether the course should be designated. Designation will be granted by Welsh Ministers. It is the responsibility of applicants to ensure that the information submitted in support of their request is complete.

Specific course designation is required for each location at which a course is offered. If providers have received designation for specified locations and subsequently wish to add additional locations, then they will need to make a request for those locations separately. If providers wish to remove or change a location, then they should contact Medr for information about the process to follow for change of circumstances.

Although providers may submit a request for specific course designation at any

point in the year, they will need to allow reasonable time for it to be considered ahead of commencement of the course(s) in question. Please note that the process to consider requests may take up to three months from the submission to a final decision. The timescales may be longer in certain cases, for example, where incomplete or insufficient information is provided or where the Welsh Ministers are not minded to designate a course and the applicant makes representations.

It is the responsibility of providers to ensure that they plan the request for designation and arrangements for recruitment of students in a timely manner. This will ensure that where a decision is made to designate a course, students can apply for student support, and subject to personal eligibility, receive it in time for the commencement of their courses.

The Welsh Government is not responsible for information given to students by providers about the availability of student support. It is the responsibility of individual providers to give students accurate information about whether a course is designated for the purposes of student support or where a request for such designation is outstanding.

Assessment and notification

Medr will review each request and provide the Welsh Ministers with advice on whether a course should be designated. The Welsh Government will then write to the provider to inform them of its decision. If the Welsh Ministers are not minded to designate a course, reasons will be given for the decision. Providers will be offered an opportunity to provide additional information which may or may not affect the decision on whether to designate. Medr will include further details in its own guidance for applicants.

Specific designation status for individual courses will be granted on a rolling

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academic year basis. Providers will be required to demonstrate they continue to meet the criteria on an annual basis via Medr's monitoring process. Further information will be provided in Medr's guidance document.

Monitoring

Medr will be responsible for monitoring providers' compliance with the specific course designation criteria following the designation of courses. Medr will also provide advice to the Welsh Ministers on the ongoing compliance of institutions with the criteria for specific designation.

Providers are expected to comply in a timely manner with the reasonable request for information by Medr in relation to designated courses. Medr will report to the Welsh Ministers if information requested is not forthcoming from providers or is delayed.

Investigations

A request for designation will not normally be approved whilst an investigation of the provider is being undertaken:

- by the Welsh, UK, Scottish or Northern Ireland governments or by the regulator in these countries
- by the body responsible for validating its awards
- by the Student Loans Company in connection with a matter relating to the provider's provision of higher education
- by an organisation or agency responsible for the quality of higher education provided
- by its charity regulator

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- in connection with an alleged criminal offence

The outcome of an investigation may be taken into account by the Welsh Ministers when making a decision as to whether to designate a course.

Suspension or withdrawal of specific designation status

The Student Support Regulations allow the Welsh Ministers to suspend or revoke the specific designation of courses. In doing so, the Welsh Ministers will take account of all relevant factors.

For example, the Welsh Ministers may suspend or revoke a designation where ongoing compliance with the criteria is not met or where information requested by Medr is not provided or where there is a delay in providing that information.

The Welsh Ministers may suspend student support payments to providers to protect public funds and students. Such action may be taken in cases where fraud, misrepresentation, or other wrongdoing by providers and/or students are under investigation or proven.

A provider's designation may be suspended should no students be enrolled on a course for a period of two consecutive academic years.

Where specific designation is suspended or withdrawn, continuing students already in receipt of student support will continue to receive that support for the remainder of their studies.

Change of circumstances

Providers are required to notify Medr in writing about any changes that may affect their ability to meet the specific course designation criteria. They must also report any changes of control or ownership. Designation is granted to an organisation based on information provided to evidence compliance against the criteria set out in this policy and in Medr's guidance. A change of control or ownership may change the ability of a provider to continue to meet the designation criteria. This means that if a change of control or ownership of a provider occurs then specific course designation does not automatically continue, and providers will need to demonstrate that they continue to comply with the criteria. It is important that providers whose courses have been designated by the Welsh Ministers engage with Medr at the earliest opportunity before such a change occurs.

Providers are required to notify Medr if changes are made to any of their designated courses. Such changes include minor changes to course titles that do not have a substantial effect on the course design or structure. This information is necessary to ensure that Medr's register of designated courses is correct and the information supplied to the Student Loans Company and to students about designated courses is correct.

If significant changes are made then it is likely that the course(s) will need to be registered as a new course and may require a new designation. Such changes include, but are not limited to:

- course content
- mode of study
- duration
- location of course delivery
- validating body

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Providers should notify Medr of any such changes in writing as soon as possible to avoid any undue delays in students being able to access student support.

If providers no longer wish to have designation for a particular course, then they should report this to Medr as a change of circumstances and Medr will remove the course from its register of designated courses.

Any queries relating to changes of circumstances should be submitted to Medr.

Confidentiality and Freedom of Information

The Welsh Government is subject to the Freedom of Information Act 2000 (FOIA). This means that any information held by the Welsh Government may be caught by a Fol request and, if so, would need to be considered for disclosure. If any information relating to a request is caught by a Fol request, we will normally consult with the relevant applicant to obtain their views as to whether they have concerns with the information being placed into the public arena.

Notwithstanding its obligations under the FOIA, the Welsh Government will only share the information provided in support of the request with those individuals and organisations which the Welsh Government considers to be necessary for the purpose of determining a request for designation, for as long as a duty of confidence can be applied to the information. Such organisations may include, but are not limited to, the Quality Assurance Agency, the SLC, validating and awarding bodies, Medr and the Office for Students.

Information supplied by applicants may be used to prevent and detect crimes of any nature, including fraud. We reserve the right to, or may have to, share information from requests and associated records with outside organisations, including the police, other crime prevention and detection agencies, the Home Office, UK Visas and Immigration, SLC, HMRC, the Student Awards Agency for

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Scotland, the Northern Ireland Government, the Department for Education, UK Government as well as examination boards or awarding bodies.

Information about providers whose courses are specifically designated by the Welsh Ministers for the purpose of student support will be made publicly available in a list of courses published by, or on behalf of, Medr.

Providers may wish to note that the Welsh Ministers reserve the right to change this policy without notice or to review existing course designations.

Footnote

[1] The Education (Student Support) (Wales) Regulations 2017
The Education (Student Support) (Wales) Regulations 2018
The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018
The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

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