



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

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

An impact assessment for the regulations of the CTER registration system.

First published: 24 September 2024

Last updated: 24 September 2024

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

Contents

Section 1: what action is the Welsh Government considering and why?

Section 8: conclusion

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

Section 1: what action is the Welsh Government considering and why?

Context

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). The Commission will be the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales. Part 2 of the TER Act requires the Commission to establish and maintain a register of tertiary education providers in Wales. A series of regulations are required to enable the register and associated regulatory oversight system to operate as intended.

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 'the Commission' in all communications.

The first two sets of these regulations were laid before the Senedd Cymru for approval on 1 October 2024. These are necessary for the Commission to establish and operate the register and allow it the operational freedom to develop its own expectations of providers to satisfy regulatory requirements.

1. **The Commission for Tertiary Education and Research (Registration of Tertiary Education Providers in Wales) Regulations**

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

These regulations specify the categories of registration, the information which must be included in a provider's entry in the register, further initial and ongoing conditions of registration, the category to which a fee limit applies and eligibility of registered providers to receive funding from the Commission for the purposes of higher education, research and innovation. Importantly, they prescribe a core set of information of interest to students and other stakeholders about registered providers, that the Commission must keep up to date and make publicly available.

2. **The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) (Wales) Regulations**

These regulations make provision about designation of a provider as an institution for the purpose of making a registration application. They provide the basis for a tertiary education provider to make an application to be designated as an institution. They specify that applications for being designated as an "institution" must be made in writing to the Welsh Ministers and set out the information requirements that must form part of a designation application. The regulations also set out the decision-making process for withdrawing designations as an "institution".

To apply for registration with the Commission, providers of tertiary education need to be an "institution". Providers which are not considered to be institutions may apply to the Welsh Ministers to be designated as an institution prior to making a registration application. Providers designated as an "institution" may make a registration application but will still need to satisfy the Commission's expectations as to the initial conditions of registration for the category of the register in which they seek to register.

If successfully registered, providers will benefit from having their relevant higher education courses automatically designated for the purpose of Welsh Government student support. Ultimately this will positively impact learners as they will be able to apply for student loan funding for their study. Depending on

their category of registration, providers may also be eligible for funding from the Commission for the purposes of higher education, research or innovation.

Impact

Stakeholder engagement has been an essential part of developing the regulations and a formal consultation exercise sought to identify any potential positive or negative impacts. Having considered the consultation responses, Welsh Government determined further amendments were not required to the regulations at this time. Welsh Government is satisfied that the requirements specified in the regulations are sufficient to provide users of the register with information relevant to Commission's regulatory oversight of registered providers. Many of the responses received will inform the preparation of the further regulations needed and this impact assessment will be revised accordingly. It is also expected that the Commission will undertake its own consultation and impact assessments when developing its expectations for establishing the register and associated conditions.

These Regulations will not establish the register but provide the legislative underpinning to enable the Commission to establish the register. The register will enable appropriate and proportionate regulation of higher education providers in receipt of public funds, including grant funding from the Commission and Welsh Government student support. This is essential as providers whose higher education provision is primarily funded by tuition fees cannot be regulated through the Commission's terms and conditions of funding alone. This is because tuition fee payments are a contractual undertaking between providers and their students. The Register will provide a clear link with the benefits arising from access to such funding and ensure that higher education providers are publicly accountable and can contribute to the Commission's strategic priorities.

Longer-term, the aim is to streamline the current arrangements for Welsh providers who wish their higher education courses to be automatically

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact.html> for the latest version.

Get [information on copyright](#).

designated for student support, through reliance on a single regulatory gateway provided for by the register and the Commission's regulatory oversight of registered providers.

The course designation arrangements for providers in the rest of the UK are not impacted by the Commission's register, as only providers of higher education in Wales will need to register, if they wish to benefit from automatic designation of their relevant courses for the purposes of student support. The Welsh Government intends to review the current specific course designation arrangements and will consult separately on this matter.

The legislative underpinning of the register and associated system of regulatory oversight has been future proofed to allow for expansion of the register in future should a policy need arise. In the first instance providers of further education or training will be regulated through terms and conditions of funding. However, providers of further education who wish their higher education courses to be automatically designated for student support will need to register with the Commission.

The Regulatory Impact Assessment ("RIA") sets out the estimated cost to enable the Commission to establish a registration system to satisfy those regulatory requirements, and to develop its distinct approach to monitoring and intervention. However, at present, the Commission has not established the register or its expectations of providers in respect of the initial and ongoing conditions of registration. As such, it is not possible to fully estimate the costs that will be incurred to establish the register, invite and determine registration applications, impose conditions of registration and undertake regulatory interventions.

The new regulatory system, once implemented, will replace the current higher education regulatory regime provided for by the Higher Education (Wales) Act 2015. Fee and Access plan applications will no longer be required and registered providers will instead need to comply with a range of ongoing

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact.html> for the latest version.

Get [information on copyright](#).

conditions of registration. Initially the development of the new regulatory system will require additional staff resource. Once operational, the new regulatory system will potentially place additional regulatory burden on those providers that are currently not regulated providers as they will be subject to a broader range of regulatory requirements than is currently the case. Registration will be voluntary but providers who wish to benefit from the automatic designation of their relevant higher education courses for the purpose of student support will need to register.

The Welsh Government anticipates a positive impact from the register in the long-term. The registration conditions will be a key mechanism for encouraging and measuring participation in tertiary education and research within under-represented groups, and helping to break down the barriers that exist within the system. They will ensure providers have proper processes, services, and policies in place to support the welfare, wellbeing and safety of students and staff. Monitoring providers over time will help to identify potential issues requiring action and drive positive change.

Section 8: conclusion

In developing these proposals, the Welsh Government consulted with a wide range of stakeholders during the preparation of the establishment of the Commission and the first two sets of regulations.

The Welsh Government consulted on policy proposals and draft regulations relating to the establishment of the register of tertiary education providers in Wales under the Tertiary Education and Research Act 2022. The regulations, when made, will enable the Commission to establish the registration system for tertiary education providers of higher education in Wales.

The consultation was live between 31 October 2023 and 5 February 2024. It was drawn to the attention of a wide audience of key stakeholders with an interest in

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

post-compulsory education and training. Two online stakeholder briefing sessions were held in November 2023 to support the consultation. Their main objective was to assist stakeholders' understanding of the scope and purpose of the consultation, so that stakeholders were better enabled to consider and comment on the information. It attracted 21 responses, mainly from institutions and organisations and these were predominantly based in Wales. Respondents were invited to review the consultation document and supporting information online and respond to each of the questions. Following Ministerial agreement, the summary of responses was published on 2 April 2024. Respondents broadly welcomed the proposals. This included representatives from higher education and further education providers, HEFCW, and regulators.

What are the most significant impacts, positive and negative

The Welsh Government anticipates a positive impact from the register in the long-term. The most significant impact of the proposals will be the effect on coherence of provision. The Commission will be able to take a 'whole systems' approach to the tertiary education sector, ensuring that provision and funding are directed where it is needed. The new regulatory system, once implemented, will replace the current higher education regulatory regime provided for by the Higher Education (Wales) Act 2015. Fee and Access plan applications will no longer be required and registered providers will instead need to comply with a range of ongoing conditions of registration. The registration conditions will be a key mechanism for encouraging and measuring participation in tertiary education and research within under-represented groups, and helping to break down the barriers that exist within the system. They will ensure providers have proper processes, services, and policies in place to support the welfare, wellbeing and safety of students and staff. Monitoring providers over time will help to identify potential issues requiring action and drive positive change.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

The establishment of this new body will enable stronger and more secure national and regional planning, strengthen the link between research and education, and deliver a tertiary education system that 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.

The register will also ensure that institutions in receipt of the Commission research grant funding remain well governed and managed. Wales will maintain and develop excellent research within the tertiary education sector, collaborating with organisations, both within the UK and internationally to exploit opportunities. Research activity in registered providers will support Welsh businesses and organisations in the public and third sectors. Institutions will work to maintain and enhance partnerships both within their local community and throughout Wales, the UK and the world.

The Commission will also have a duty to promote the pursuit of a civic mission by institutions in Wales in the higher and further education sectors. It will also be enabled to promote the pursuit of a civic mission in other persons, such as research and innovation bodies that it funds if it considers it to be appropriate. The tertiary education system should also provide guidance, effective choice, equitable access and appropriate pathways to learning opportunities for all. The Welsh economy should be strengthened, by encouraging enterprise, responding to employer needs and enabling a relevant and growing research base.

The Commission will encourage the tertiary education sector to collaborate effectively by adopting a whole-system approach to learners, where further education, higher education and school sixth forms engage with each other to enhance the communities they serve. The system will provide a learner focused system that promotes lifelong learning and delivers effective choice and guidance.

The Duties under the TER Act will play a crucial role in this and through the

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

Commission's development of a plan to increase and improve the provision, including the promotion of Welsh medium education and assessment, across the whole of the tertiary system. The TER Act requires the Commission to monitor each registered provider's compliance with their ongoing registration conditions and the registration system will be pivotal in capturing course information for regulatory oversight. They 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.

Initially the development of the new regulatory system will require additional staff resource. Once operational, the new regulatory system will potentially place additional burden on those providers that are currently not regulated providers as they will be subject to a broader range of regulatory requirements than is currently the case.

Support people and businesses to drive prosperity

The development of the Commission will strengthen Wales' economic foundations and wellbeing, by encouraging enterprise, responding to employer needs and enabling a relevant and growing research base. Medr will be responsible for promoting Welsh research and bidding for funds on behalf of organisations in Wales in the UK and wider. The Registration system is pivotal in capturing course information for regulatory oversight of the quality and standards of education and training in the tertiary education, training and research sector, provided by, or on behalf of, those institutions within its quality assurance remit.

Tackle regional inequality and promote fair work

The new registration system will capture quality and standards of education and

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact.html> for the latest version.

Get [information on copyright](#).

training in the tertiary education and sector. This will allow Medr to challenge inequalities by focusing the tertiary providers on the needs of the local area and encouraging local tertiary providers to be more joined up in their provision and ensuring a broad range of educational areas reflect skill need.

Support young people to make the most of their potential

The Registration system once established will help the Commission to drive new and innovative ways of working, bringing education and training providers closer together. This will be supported by the more robust strategic planning and funding mechanisms, stronger performance and accountability, and quality enhancement arrangements. The Commission's registration system will also support it to monitor providers, ensuring they have proper processes, services, and policies in place to support the welfare, wellbeing and safety of students and staff. Monitoring providers over time will help to identify potential issues requiring action and drive positive change.

Build ambition and encourage learning for life

The Commission will deliver a learner-focused system that promotes lifelong learning and delivers effective choice and guidance, and equitable access to appropriate learning pathways and opportunities. The registration system will support the Commission to encourage the tertiary sector to collaborate effectively by adopting a whole-system approach to learners, where FE, HE and maintained school sixth forms engage with each other to enhance the communities they serve. The system will provide a learner focused system that promotes lifelong learning and delivers effective choice and guidance.

On Research and Innovation, the Commission will engage on behalf of Welsh institutions and organisations to bid for UK-wide R&I funding on an equal footing to organisations across the UK and globally.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

Equip everyone with the right skills for a changing world

It is anticipated the registration system will support the Commission to collaborate with other organisations, businesses, the third sector and institutions, using the course information it captures to increase capacity to both plan and adapt collectively to future economic and social changes, including the skills required by the workplace.

Build resilient communities, culture, and language

Once established, the Register will support the Commission's 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.

Deliver modern and connected infrastructure

The registration system will increase capacity to both plan and adapt collectively to future economic and social changes. The Commission will encourage institutions to work together to provide the courses which communities require, reduce duplication and focus on skills that are required by employers to build the economy.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).

Promote and protect Wales's place in the world

Higher and further education institutions are a vital part of Wales's engagement with the wider world, including through their provision of education for students from abroad and through research and innovation activities with global partners and impact. The register will enable the Commission to properly support and regulate providers, such as through the conditions regarding effective governance and management. This will ensure their ongoing sustainability and continuation of vital global engagement, partnerships, and promoting of Wales' place in the wider world.

The Commission has been placed under a duty to have regard to the need to increase the provision of Welsh-medium tertiary education, including higher education and further education courses and apprenticeships. This will help to maintain the use of the language throughout education and enable the Welsh language to be further embedded in communities which in turn will assist the Welsh Government in achieving the targets set out in [Cymraeg 2050](#). The Commission is also under a duty to promote a global outlook in tertiary education and research.

How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes

The Act covers a number of areas relating to tertiary provision. These provisions relate to setting up a new body to oversee tertiary education and research and innovation. They are intended to improve tertiary education in Wales and enable providers to make the best use of Welsh Government funding for education, research and innovation.

These regulations will allow the Commission to create the detailed systems and processes to operate and regulate the tertiary education sector. Therefore, the

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact.html> for the latest version.

Get [information on copyright](#).

impact assessments are based on the information available at this point in time, prior to the registration system being developed and operational.

As part of its annual reporting process the Commission will be required to reflect on progress against its strategic plan which will be drawn up in consultation with stakeholders to deliver against Welsh Ministers' strategic priorities.

There will be a post-implementation evaluation undertaken by Welsh Government and similarly to the regulation to 2015, we will continue to work with the Commission, providers, and representative bodies. A long-term plan to gather evidence of costs and benefits will be needed to provide a value for money assessment when the regulations have been embedded. It is suggested that these are reviewed at a three year and 5-year intervals. As further detail becomes available through the post implementation evaluation of the legislation, the operation of the body and the registration system a greater understanding of the potential consequences associated with any changes being proposed will be captured at that stage in updated impact assessments.

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/commission-tertiary-education-and-research-cter-registration-system-initial-regulations-impact-html> for the latest version.

Get [information on copyright](#).