

# Agenda – Children, Young People, and Education Committee

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Meeting Venue:	For further information contact:
<b>Video Conference via Zoom</b>	<b>Naomi Stocks</b>
Meeting date: 9 December 2021	Committee Clerk
Meeting time: 09.15	0300 200 6565
	<a href="mailto:SeneddChildren@senedd.wales">SeneddChildren@senedd.wales</a>

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from attending the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

## Registration and private pre-meeting

(08.45 – 09.15)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.15)

### 2 Tertiary Education and Research (Wales) Bill – evidence session 7

(09.15 – 10.15)

(Pages 1 – 38)

Jeff Protheroe, Director of Operations – National Training Federation for Wales

Arwyn Watkins OBE, Managing Director of Cambrian Training Company and Board Member – National Training Federation for Wales

Kathryn Robson, Chief Executive – Adult Learning Wales

John Graystone, Chair – Adult Learning Wales

Attached Documents:

Research Brief

CYPE(6)–08–21 – Paper 1 – National Training Federation for Wales (NTfW)

CYPE(6)–08–21 – Paper 2 – Adult Learning Wales



## **Break**

(10.15 – 10.25)

### **3 Tertiary Education and Research (Wales) Bill – evidence session 8**

(10.25 – 11.25)

(Pages 39 – 46)

David Notley, Co-Chair – The Innovation Advisory Council for Wales (IACW)

Professor Hywel Thomas, President – Learned Society

Professor Helen Fulton, Vice President for Humanities, Arts and Social Sciences – Learned Society

Attached Documents:

CYPE(6)–08–21 – Paper 3 – David Notley

CYPE(6)–08–21 – Paper 4 – Learned Society

## **Lunch break**

(11.25 – 12.20)

## **Registration and private pre-meeting**

(12.20 – 12.30)

### **4 Tertiary Education and Research (Wales) Bill – evidence session 9**

(12.30 – 13.30)

(Pages 47 – 56)

Alastair Delaney, Director of Operations & Deputy Chief Executive – Quality Assurance Agency for Higher Education

James Harrison, Policy Officer – Quality Assurance Agency for Higher Education

David Gale, Quality Assurance Manager, Wales – Quality Assurance Agency for Higher Education

Jassa Scott, Strategic Director – Estyn

Jackie Gapper, Assistant Director – Estyn

Attached Documents:

CYPE(6)-08-21 – Paper 5 – QAA

CYPE(6)-08-21 – Paper 6 – Estyn

## **Break**

(13.30 – 13.35)

## **5 Tertiary Education and Research (Wales) Bill – evidence session 10**

(13.35 – 14.05)

(Pages 57 – 75)

Mary van den Heuvel, Senior Policy Officer – National Education Union (NEU)

Rebecca Williams, Deputy General Secretary – Undeb Cenedlaethol Athrawon Cymru (UCAC)

Jamie Insole, Policy Officer – University and College Union (UCU)

Lynne Hackett, Regional Organiser, Lead for Further and Higher Education – UNISON Wales

Neil Butler, National Official (Wales) – NASUWT

Attached Documents:

CYPE(6)-08-21 – Paper 7 – NEU Cymru

CYPE(6)-08-21 – Paper 8 – UCAC (Welsh only)

CYPE(6)-08-21 – Paper 8 – UCAC (Translation)

CYPE(6)-08-21 – Paper 9 – UCU

CYPE(6)-08-21 – Paper 10 – UNISON

## **6 Papers to note**

(14.05)

### **6.1 Scrutiny of the Children's Commissioner for Wales Annual Report**

(Pages 76 – 77)

Attached Documents:

Letter from the Chair of the Children, Young People and Education

Committee to the Children's Commissioner for Wales – CYPE(6)–08–21 –  
Paper to note 1

## **6.2 Scrutiny of the Children's Commissioner for Wales Annual Report**

(Pages 78 – 79)

Attached Documents:

Letter from the Chair of the Children, Young People and Education  
Committee to Regional Partnership Boards – CYPE(6)–08–21 – Paper to note  
2

## **6.3 Inter–Institutional Relations Agreement**

(Page 80)

Attached Documents:

Letter from the First Minister to the Chair of the Legislation, Justice and  
Constitution Committee – CYPE(6)–08–21 – Paper to note 3

## **6.4 Tertiary Education and Research (Wales) Bill**

(Pages 81 – 82)

Attached Documents:

Letter from the Chair of the Economy, Trade and Rural Affairs Committee –  
CYPE(6)–08–21 – Paper to note 4

## **6.5 Extend the postgraduate STEMM bursary to all MSc students in Wales**

(Page 83)

Attached Documents:

Letter from the Chair of the Petitions Committee – CYPE(6)–08–21 – Paper to  
note 5

- 7 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting**  
(14.05)
  
- 8 Tertiary Education and Research (Wales) Bill – consideration of the evidence**  
(14.05 – 14.15)
  
- 9 Presentation on the pre-appointment hearing process**  
(14.15 – 14.20)

Document is Restricted

## **Submission to the Children, Young People and Education Committee's**

### **Inquiry into the General Principles of the Tertiary Education and Research (Wales) Bill**

#### **Introduction**

The National Training Federation for Wales (NTfW) welcomes the opportunity to contribute to this hugely important inquiry.

The NTfW is a 'not for profit' and 'non-partisan' membership organisation of over 70 organisations involved in the delivery of apprenticeships and employability skills programmes in Wales. We are a pan-Wales representative body for a network of quality assured work-based learning providers, who are contracted by the Welsh Government to deliver their apprenticeship and employability programmes. All Independent Training Providers who are commissioned by the Welsh Government to deliver work-based learning programmes in Wales are members of the NTfW, as are their sub-contracted partners. As such, the NTfW is seen as an authoritative organisation on apprenticeships and employability skills programmes in Wales.

#### **Aim**

The aim of this Submission Paper is to provide evidence to the Children, Young People and Education Committee ahead of a planned meeting which will take place at the Senedd on Thursday 9<sup>th</sup> December 2021.

#### **Summary of NTfW's response to the recent 'Technical' Consultation**

In principle, the NTfW cautiously supports the establishment of a new body to provide oversight of the PCET sector in Wales. However, there is still much detail to work through if the new body is fully able to undertake its functions effectively. Given the very wide ranging nature of this [technical] consultation, we feel it important to draw together some key points here, which we feel need to be considered moving forward, but may be lost in the body of the text below:

- The 'Commission' must truly be an 'arm's length body' if it is to succeed in undertaking its functions. The NTfW believes that the existing powers held by Welsh Ministers must be transferred (without condition) to the new body, and that it (the body) should be accountable to the National Assembly for Wales;
- It should be for the new body to determine the detail on how it is to deliver its function, and that any future legislation must avoid being too prescriptive;
- All forms of PCET learning (and learning providers) must be treated equitably from the outset;
- Any future consultation and/or legislative processes must take a longer-term view, and avoid naming existing policies, plans and organisation;
- The next stage of the consultation and/or legislative process must include a fully detailed cost benefit analysis for setting up a new organisation. The NTfW's main concern with this process to-date, is the fact that we still do not have (or have begun to discuss) an over-arching strategy or vision for the PCET sector in Wales, and that we are far too focused on organising a body to oversee its implementation once agreed – form should follow function.

What follows, are some of the key observations that fall out of the initial review of the Bill as laid.

## **Part 1: Strategic framework for tertiary education and research**

### The Commission's Strategic Duties

The NTfW welcomes that the '9 Strategic Duties' of the Commission are to be enshrined in law.

However, given the 'Promoting life-long learning' and 'Promoting equality of opportunity' duties, it is disappointing to note, that Welsh Government funded employability programmes, such as the newly commissioned Jobs Growth Wales + programme are not within the remit of the Commission. It is felt by the NTfW and its members, that individuals who undertake such programmes, are of greater need of the aim of the Commission, that is 'a system with the learner at the centre.' Clearly, learners who are in such need, would benefit greatly from the oversight and assurance of quality that the Commission would ensure. In all of our dialogue to-date about the establishment of the Commission, and the resultant PCET reforms, no rationale for this decision has been forthcoming. This would be welcomed.

In the strategic duty of 'Promoting continuous improvement in tertiary education and research' reference is made to "members of the tertiary education workforce" being "teachers". It should be noted, that with the advent of professional registration of the 'wider-education workforce' with the education Workforce Council (EWC) the term "teachers" is a very narrow definition of the whole workforce, which also includes 'FE lecturers' and 'Work-based learning practitioners' amongst others.

### Strategic Plan for the Commission

It is welcomed that the Commission will need to consult with "persons as it considers appropriate" before submitting its Strategic Plan to Welsh Ministers' for approval. However, it is concerning that Welsh Ministers can "approve the plan with modifications" by only consulting with the Commission – it is felt that this could undermine the autonomous nature of such an 'arm's length body'.

### Academic Freedom and Freedom of Speech

Given that the establishment of the Commission, and the resultant PCET reform, intends to bring together the whole of post-16 provision, the NTfW is concerned that academic freedom and freedom of speech is only noted for higher education provision. Surely, approaches like this, only serve to bring one element of post-16 provision against another?

## **Part 2: Registration and regulation of tertiary education providers**

### The Register

One of the greatest concerns shown by NTfW members in previous consultation responses, was that of the classification of 'Independent Training Providers' i.e. non FE and HE institutions on the Register. Further, it was felt that by having a 'tiered system' of registration, this would not have assisted in bringing the different forms of provision, and therefore providers, together in one coherent system. Although the classification has been removed from the Bill as laid, it is clear that Welsh Ministers will need to "specify one or more categories of registration for which the Commission must make provision in the register." Given this change, it is now difficult for the NTfW to make an informed observation of the position.



NTfW's position would be, that all providers of tertiary education should be treated in the same way, providing that all of the conditions of registration are met i.e. quality of provision, effectiveness of management and governance, and financial stability.

#### Quality Assurance and Improving Quality

The fact that there is potentially going to be one overarching quality assurance framework for the whole of post-16 provision in Wales is to be welcomed. Further, the fact that the Commission must consult with registered tertiary education providers on the quality assurance framework(s) is also welcomed.

However, clarification is needed of the definition of "Members of the tertiary education workforce" (Sect. 48 (8) refers) i.e. the wider-post 16 education workforce includes more than just teachers.

Sect. 55 refers to the duty of the Chief Inspector (Estyn) to inspect and report on "further education and training". It is clear that some of the provision that the Chief Inspector must inspect and report on, may well sit outside of the remit (in funding terms) of the Commission. An area here which NTfW feels warrants clarity, is what remit with the Chief Inspector will have (if any) in respect of "further education and or training funded by a local authority" – specifically, with the advent of 'Joint Corporate Committees' as vehicles for funding, for City and Growth Deals, in a post ESF era.

### **Part 3: Securing and funding tertiary education and research**

#### Further Education and Training

Description of level of qualification (Sect 91, sub-sect. 5 and 6 refers) – The NTfW would ask, what (if any) role should the Credit and Qualifications Framework for Wales (CQFW) should play here? Also, why is level of qualification for 'eligible persons over 19' restricted to levels 1 – 3 only?

It is difficult for the NTfW to express a full opinion on this chapter – until it is known, what an 'eligible person' would be – which would not be known, until Welsh Ministers publish their regulations.

#### Requirements on the Commission when securing further education and training

The term 'Facilities' – Clarity is need on the inter-changeable nature of the word "facilities" within the Bill as laid. Sect. 93, sub-sect. (1) i.e. is it meant to make reference to 'physical facilities'?

It is recognised that (and welcomed) that the Commission must make the best use of its resources (taken as financial in this regard) to avoid provision which might give rise to disproportionate expenditure. Given the varying scale of cost associated with the provision of post-16 education and training, it is expected that provision would be prioritised on 'value for money' and the best evidenced outcome for learners.

#### Financial support for further education or training

The NTfW is unsure as to why "The Commission or the Welsh Ministers may secure the provision of financial resource" – it was expected that the Commission would be the body by which all post-16 provision would have been funded (and therefore regulated and assured). Given that this is a new context – we are also unsure whether this is a positive approach – or otherwise.

### Financial support for apprenticeships

The NTfW has taken the view that “a collaborating body” can include a sub-contracted provider of apprenticeships. If this is the case, then this is to be welcomed, as to ensure the Network of apprenticeship providers remain ‘fleet of foot’ in order to meet the needs of employers and the economy.

In approving a ‘collaborating body’ it is hoped that any unnecessary bureaucratic processes can be avoided, and that the Commission “gives its consent” in an efficient way.

### **Part 4: Apprenticeships**

No comment here – as all functions outlined are already in existence.

### **Part 5: Learner protection, complaints procedures and learner engagement**

NTfW, and more importantly its members, have previously welcomed the proposed introduction of Learner Protection Plans, and the publication of a Learner Engagement Code by the Commission.

### **Part 6: Information, advice and guidance**

A key consideration here, is the data and information systems to be introduced across the varying range of tertiary education providers. It is recognised that an effective data and information system will be crucial in bringing together all elements of post-16 provision, especially if this data will be used to provide information, advice and guidance to potential learners about the different forms of provision.

### **Part 7: Miscellaneous and general**

In providing the observations above, it is clear that the full position will not be known, until such time as Welsh Minister’s publish their ‘regulations’. Until such time, the NTfW will need to reserve its judgement on the whether or not the Bill (as laid) will achieve the desired aim of bringing together the whole of the PCET sector into one coherent system.



Y Coleg Cymunedol Cenedlaethol  
a Mudiad Gwirfoddol  
The National Community College  
and Voluntary Movement

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**Senedd Children, Young People and Education Committee Consultation: Tertiary  
Education and Research (Wales) Bill**

**26 November 2021**

## Summary

1. Addysg Oedolion Cymru | Adult Learning Wales (AOC | ALW) is in broad support of the proposed Bill. In submitting our response to the Committee, we are seeking to strengthen the provisions within the draft to ensure that Adult Community Learning (ACL) is properly considered, managed and represented within the post-16 compulsory education and training sector. ACL plays a vital role in supporting individuals on their journey to learn skills to enter, return or progress into employment and further learning. It also promotes active citizenship and reduces loneliness and makes people happier, healthier, more confident, capable, and resilient. Which in turn means that people are less reliant on health and social services, and less likely to enter or return to the criminal justice system

### The role of adult community learning and lifelong

2. AOC | ALW seeks greater clarity on the Bill's intentions with regard to the balance of adult learning aimed at attaining qualifications and more informal or non-accredited learning.

### Equity of ACL funding and provision

3. AOC | ALW seeks clarification on the plans to establish a national strategic body to oversee community based adult learning in Wales which will be funded, monitored and quality-assured by CTER as set out in the Ministerial statement of 12 July 2019.
4. AOC | ALW is the largest provider of adult community learning in Wales delivering 50% of the total ACL provision across a range of curriculum from pre-entry level to professional qualifications. We urge the Committee to revisit our proposals and to consider our appointment as the national body and adopt our strategic partnership model: [A model for success](#).

### Education and training for “eligible persons over 19”

5. It appears that this legislation would give a statutory right to education (in the same way as 16-18 persons) to certain categories of adult learners. AOC | ALW is well placed to work with the Commission to define these learners and ensure they are funded, and we would like assurance that applications will be sought from the ACL sector for membership on the Commission and its committees in determining these regulations.

### Representation

6. The Bill refers to consultation arrangements by the Commission or Welsh Ministers on codes, plans or further regulations. Further clarity should be provided setting out representative groups and how this translates to consultation and representation arrangements. Ensuring that there is a broad cross-section of representatives from the post-16 sector, including Adult and Community Learning and consideration of the make up of the Commission itself is crucial.
7. Our concern is that ACL could potentially be “lost” in the sweeping changes affecting FE and HE, and that ACL could be seen as a “bolt on” and less important in the whole debate. ACL is a vital, valuable, and integral part of the post-16 sector and should be given just and equitable status.

## Our response

8. Addysg Oedolion Cymru | Adult Learning Wales (AOC|ALW) is the National Community College and Voluntary Movement for adult community learning in Wales and came into being in 2015 following the merger between the Workers Educational Association (WEA) Cymru and the YMCA Wales Community College. With over 100 years' experience of providing high quality adult community learning and advocacy throughout Wales, we are largest provider of pre-entry level to professional qualifications delivering 50% of all ACL provision. The organisation is committed to helping individuals to realise their potential and making communities more resilient in times of change.

## Introduction

9. Put simply, ACL transforms people's lives, and in some instances, people have told us that it actually saves lives. As the COVID-19 crisis continues to grip our communities, it is a more important lifeline than ever before. It is the cornerstone of adult learning. Without it, many of the 60,000 learning activities undertaken each year by thousands of adults across Wales – including some of our hardest to reach, vulnerable or isolated citizens – would not progress into further learning and work or be able to cope with what life throws at them.
10. Delivering a range of informal and formal learning from pre-entry level courses to professional qualifications, as well as employability support, family learning and confidence-boosting programmes in a range of community and online settings, ACL gives people a first, second, third or even fourth chance to access learning.
11. Some adults find the prospect of entering more traditional campus-based settings and mixing with thousands of young people too daunting. Providing accessible and flexible face-to-face, blended, or online learning in communities, often through partnerships where relationships are already established and trusted provides the gateway needed for many adults to engage positively with their learning journey. The ability to provide flexible programmes which can be switched on and off when required, through versatile delivery arrangements, flexible and affordable staff contracts, and ensuring a wrap-around service that goes beyond the classroom to deliver extensive pastoral care to support vulnerable adults is what makes adult community learning unique.
12. The emphasis on collaboration across a wide range of partnerships, meeting local and regional needs, makes ACL a vital contributor to the skills agenda for Wales. ACL brings a wide range of ACL providers and key stake holders together including national bodies such as Coleg Cymraeg Cenedlaethol and the Open University in Wales, together with regional skills partnerships, Jobcentre plus, FE and HE providers and the Third Sector. Together, the ACL sector delivers provision in a learner focussed and progressive way. However, it is not without its challenges and limitations, and the call for a national strategic body to oversee ACL in Wales has never been more important to ensure a consistent and equitable offer for all.
13. In examining the provisions of the Bill, we would like to offer the following comments:

## The role of adult community learning and lifelong learning

14. There appears to be strong emphasis on qualification-based education for adults as defined in the draft legislation as criteria for the promotion of life-long learning, including access to the “provision of proper facilities” for “eligible persons over 19”.
15. It is important to note that whilst accredited and qualification-based learning is very important and accounts for around 80% of our provision, there are strong arguments which advocate the benefits of non-accredited, engagement-type activities (also known as “hook courses”) to aid learners’ wellbeing and providing for that important step back into learning.
16. A combination of approaches to include a wide range of outcomes offered in ACL has a key role to play for both the individual and Wales through:
  - economic wellbeing by, for example, increasing people’s essential skills, supporting re-engagement with and progression in education and training and enabling the acquisition of vocational skills in areas like youth and community work, which contributes to lower levels of unemployment and economic inactivity and supports increases in productivity and progression to more highly skilled and paid work;
  - social wellbeing by, for example, supporting people’s integration and social inclusion, through the acquisition of language and essential skills, increases in employability and the expansion of social networks and by promoting active citizenship by enhancing people’s understanding of the issues that they and their communities face and their capability (such as their skills and confidence) to take action; and
  - physical and mental wellbeing by, for example, supporting pro-health attitudes and behaviours, increasing health literacy and engagement with health services (including social prescribing), and enhancing resilience and people’s sense of purpose and enjoyment of life.
17. ACL therefore makes an important contribution to a number of Wales’s wellbeing goals, including a more prosperous, healthier and more equal Wales with cohesive communities and a vibrant culture and thriving Welsh language (WG, 2015). However, its contribution to the Welsh language is limited by the few opportunities to continue learning through the medium of Welsh within the sector (Estyn 2016). #
18. In light of the above, AOC | ALW seeks greater clarity on the Bill’s intentions with regard to the balance of adult learning aimed at attaining qualifications and more informal or non-accredited learning.

## Equity of ACL funding and provision

19. In her written statement dated 12 July 2019, former Minister for Education, Kirsty Williams set out plans for the restructuring of “community based adult learning” in Wales. The actions to be taken forward are to “address immediate problems of equity of funding and provision”, and “provide a stronger foundation on which to develop a national strategic body which has a strategic overview

of community based adult learning across Wales and can ensure a consistent and equitable offer for all”.

20. The statement also confirms that the National Body “will be funded, monitored, and quality assured by the CTER in accordance with the proposals for all other FEIs”.
21. Given the absence of any reference to the National Body within the Bill, we are seeking clarification on the plans to establish such a Body, and the timescales being considered.
22. AOC | ALW is the National College and Voluntary Movement for Adult Community Learning in Wales, and is at the forefront of ACL research, provision and advocacy. We would highlight our submission to Welsh Government officials in 2018 which proposes our appointment as the National Strategic Body and the introduction of our “Strategic Body Partnership Model: [A Model for Success](#)”
23. The intention is to provide a framework for transformational change within the ACL Sector. Working with providers and ACL partnerships, the fundamental principle is that change would be built on trust and informed by delivery performance.
24. Key features of our proposals:
  - There would be one single contract from Government with the Strategic Body for Adult Community Learning in Wales.
  - The sole purpose of the contract holder (AOC|ALW) would be to deliver the adult community learning offer to the strategic objectives agreed with Welsh Government.
  - All parties would retain current direct delivery and in years 1-2, AOC|ALW would be charged with strategic planning and commissioning of partnership delivery.
  - We would build on existing support infrastructures involving the necessary specialist agencies such as Careers Wales and the Regional Skills Partnerships (RSPs) to ensure the availability of information and supporting the planning of learning and career progression.
  - Any future procurement for years 3 onwards would be performance related and based on quality and impact criteria.
  - Future delivery would be through multiple partnerships, using a procurement process that is based on a comprehensive delivery plan, performance management, capacity and capability building.
  - AOC|ALW would retain ultimate responsibility for all aspects of the contracted provision and would have a legally binding contract with each of its partners, ensuring visibility and transparency of objectives and impact.
  - Under the umbrella of the CTER, years 1-2 would be used to establish and model governance and management systems and processes.
25. AOC | ALW is the largest provider of adult community learning in Wales delivering 50% of the total ACL provision across a range of curriculum from pre-entry level to professional qualifications. We urge the Committee to revisit our proposals and to consider our appointment as the national body and adopt our strategic partnership model: [A model for success](#).

## Education and training for “eligible persons over 19”

26. The Explanatory Memorandum is helpful in setting out some of the detail concerning eligibility criteria and proper facilities. In our view, the process to draw up regulations which clearly define this section of the Bill requires the input of specialist knowledge and expertise from the adult community learning sector, in order that decisions are informed and meet the needs of communities in Wales.
27. It appears that this legislation would give a statutory right to education (in the same way as 16-18 persons) to certain categories of adult learners. AOC|ALW is well placed to work with the Commission to define these learners and ensure they were funded, and we would like assurance that applications will be sought from the ACL sector for membership on the Commission and its committees in determining these regulations.

## Representation

28. The Bill refers to consultation arrangements by the Commission or Welsh Ministers on codes, plans or further regulations. Further clarity should be provided setting out representative groups and how this translates to consultation and representation arrangements. Ensuring that there is a broad cross-section of representatives from the post-16 sector, including Adult and Community Learning and consideration of the make up of the Commission itself is crucial.
29. Our concern is that ACL could potentially be “lost” in the sweeping changes affecting School Six Forms, FE and HE, and that ACL could be seen as a “bolt on” and less important in the whole debate. ACL is a vital, valuable and integral part of the post-16 sector and should be given just and equitable status.

## Conclusion

30. AOC | ALW welcomes the introduction of the Bill and is keen to support its implementation. Our support is based on the need to ensure ACL is properly represented and given credit for the important contribution it makes in creating healthy and prosperous communities through the personal, social and economic benefits that ACL provides. There is a well researched and evidence based need to establish a national strategic body under the umbrella of CTER, and we have put forward clear and coherent proposals which see us at the forefront of delivering this remit. We are grateful for the opportunity to contribute to the hearings held by the Committee and hope to continue to be an integral part of the formal constitutional make up of the Commission and its Committees.

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## Addysg Oedolion Cymru | Adult Learning Wales

31. With around 25,000 enrolments annually across the whole of Wales, and the largest provider of ACL, AOC | ALW is committed to providing wide-ranging learning, skills and qualifications, made up of formal and informal learning activities. These include employability skills, digital literacy, essential skills, family learning and English for Speakers of Other Languages (ESOL). The



organisation also provides higher level qualifications in Counselling, Award in Education and Training (AET), Youth and Playwork and has a national programme of curriculum delivery linked to the Wales Trades Unions and many partners and employers. The curriculum is delivered through a range of online, blended and face-to-face learning.

32. As a membership organisation our Voluntary Movement promotes advocacy work through our members, branches, volunteers, staff, partners, and other stakeholders. Raising important issues that affect the lives of families in Wales are part of our advocacy work, through campaigns, lobbying, research activities, consultation, and democratic engagement. Through our activities we aim to take a lead role in advancing active citizenship and supporting citizens rights and entitlements. Our strategic aims underpin the goals set out in the Wellbeing of Future Generations (Wales) Act 2015.
33. The Organisation specialises in reaching out to the most disadvantaged in society, and through strong partnerships, we have developed effective networking and community links to support communities throughout Wales. As a bilingual organisation, committed to promoting and advancing the Welsh language, the vision is to provide equal access to Welsh medium curriculum. We are keen to develop our international links, and are developing a framework for participation in the Welsh Government's International Exchange Programme which is due to commence in 2022 and is being managed by Cardiff University.
34. The Organisation actively works with local and regional communities and workplaces to promote learning opportunities and advocacy for community cohesion, personal development, and social inclusion. The curriculum offer is delivered through a range of stakeholder groups, including partners, employers, volunteers, and members. The combination of learning and advocacy has many benefits, including progression, employment, active citizenship and improved health and wellbeing. The work is impactful resulting in economic, social, and personal benefits which supports healthy and prosperous societies – this is the organisation's ultimate goal.

# Agenda Item 3

CYPE(6)-08-21 – Paper 3

**David Notley**

**Co-Chair – The Innovation Advisory Council for Wales (IACW)**

Some bullet points:

- Innovation means different things to different people, which reflects the fact that innovation takes many forms.
- Innovation exists on a spectrum of activities, ranging from basic research on the one hand to continuous improvement on the other. All forms of innovation are important. Innovation is not just about science, research and technology.
- Innovation is a critical cross cutting tool relevant to all of the grand challenges that Wales faces from the environment and sustainability, to poverty, the economy, public services, productivity and health and wellbeing. Innovation is at the heart of driving the change that will make a measurable difference.
- IACW recently commissioned two reports from Amlyfi and Cardiff University. These show that Wales has a long way to go to increase its innovation capacity and capability.
- It was interesting that the Cardiff University report noted the dangers of innovation being "owned" by higher education. There are various other recommendations in the Cardiff University report relating to HE and FE.
- There are many examples of excellence in innovation and the contribution of the HE and FE sectors to that. But there are not enough and there are inadequate linkages between the various moving parts of the innovation ecosystem.
- Innovation in any one part of the ecosystem cannot be seen in isolation from the rest of that ecosystem, otherwise silos develop and good practice is not shared. In short, opportunities are lost.

I have also attached for information the [Cardiff University](#) and [Amplify reports](#) and the [IACW cover letter](#) that accompanied their publication.



**CYMDEITHAS DDYSGEDIG CYMRU**  
**THE LEARNED SOCIETY OF WALES**

**Initial comments on the  
Tertiary Education and Research (Wales) Bill 2021  
30 November 2021**

**1. Introduction**

- 1.1. The Learned Society of Wales is grateful for the opportunity to provide initial comments on the Tertiary Education and Research (Wales) Bill. The Society is Wales’s national academy for arts and sciences and has contributed to discussions about higher education, research and innovation policy during the last decade, including the 2016 Hazelkorn review and the subsequent consultations.
- 1.2. The Society welcomes the Bill, and we hope that the legislation will provide a strong and sustainable framework for the tertiary education and research sector of Wales to respond and adapt to the various changes, challenges, and opportunities it will face in the next decades. The proposed Commission should facilitate the delivery of excellent teaching and learning, quality in research and knowledge transfer, and effective and meaningful engagement between higher education and wider society.
- 1.3. Research from Welsh universities is having a transformational effect on society as well as the economy. Universities in Wales carry out research into a wide range of areas including bilingualism, culture, policing, flooding, climate change, dementia, childcare, mental health, public housing, renewable energy, community violence, poverty, transport management, cancer and agriculture.
- 1.4. These activities are making a vital contribution to the goals of the Well-being of Future Generations Act. The significance of research and innovation goes beyond economic impact – research from Welsh

universities generates ideas and inventions which make a difference to people's lives in Wales, the UK and the rest of the world.

- 1.5. Our initial comments will largely consider the aspects of the legislation most relevant to research. We will provide a formal written response in advance of the committee's consultation deadline of 17 December 2021

## 2. Context

- 2.1. The research funding landscape is complex and rapidly changing; some levers fall within the remit of the devolved government others are reserved and the sector in Wales occupies a space which has to negotiate these different planes of policy and funding.
- 2.2. The 2020 '[Research and Development roadmap](#)' outlined the UK government's vision and ambition for science, research and innovation. This has since been supplemented by a UK Innovation Strategy, and a Research and Development People and Culture strategy.
- 2.3. The [HM Treasury's Comprehensive Spending Review 2021](#) recently made the commitment to increasing R&D funding to £20 billion by 2024–25, a 35% increase on current funding levels. The forthcoming UK Government White Paper on Levelling Up will also outline a plan to ensure that an increased proportion of government spending on R&D over the next three years is invested outside the Greater South East of the UK. If achieved, this will see several billions of additional funding outside the golden triangle and go a long way to addressing the previously identified deficit, as noted in Thomas Forth and Richard A.L. Jones's [The Missing 4 Billion: Making R&D work for the whole UK](#) report for Nesta, 2020.
- 2.4. The Nurse Review of the research, development and innovation organisational landscape will also likely prompt further shifts in UK government research funding policy and new or expanded schemes within UKRI.

2.5. Higher education institutions play a critical role in the research ecosystem of Wales. It is vital that the research sector in Wales is primed and ready to benefit from this increase in investment and we believe that the Bill is an opportunity to move the sector in Wales into a stronger position to benefit from the R&D levelling up agenda.

### **3. Timeframe and implementation**

3.1. The developments at a UK level outlined in paragraphs 2.1 – 2.5 above will require input from the regulator in Wales to help shape UK-wide schemes and policies and ensure that they are appropriate to the needs of the Welsh sector. as HEFCW do at present.

3.2. Staged implementation of the work and function of the Commission would be welcomed, and it is important that arrangements are made to ensure sufficient capacity to deliver both a smooth transition and a continuity of provision and representation.

3.3. There is never a ‘good’ time to introduce reform as a degree of disruption is unavoidable. However, this legislation has been years in development and as the tertiary education and research sector recovers from the disruption of the past two years, it is an opportune moment to work to future-proof the sector. It could be a catalyst to strengthen the research base and further advance knowledge, increase provision of apprenticeships and life-long learning opportunities for a workforce that will face many changes, and nurture collaborations to provide the society and economy of Wales with better resources and greater resilience to face future challenges.

3.4. Wales can, and must, invest now, to ensure that the sector can be more competitive and sustainable in the near future.

### **4. Strategic duties**

4.1. We welcome the nine strategic duties set out for the Commission, and in particular we are pleased by the inclusion of the promotion of civic mission as there is scope for more strategic activity in that field, with

significant potential for more place-based research and innovation which could benefit local economies and communities. We also see potential within this duty for further development of Wales Studies

## **5. Academic freedom**

5.1. We recognise the progress within the section on academic freedom since the Draft Bill. However, further development is needed as in its current form the duty seems to extend to higher education provision and does not explicitly mention research and innovation. We appreciate that this is likely an oversight but feel that it should be addressed in order to strengthen this responsibility and commitment.

## **6. Research and Innovation**

6.1. Higher education institutions (HEIs) play a critical role in the research ecosystem of Wales. HEIs will have a significant role in delivering the ambitions of the UK R&D Roadmap, and the R&D aspects of the levelling up agenda, including bringing together industry and others to develop and deliver regionally-based excellence-driven innovation, skills training, and knowledge creation.

6.2. The Research and Innovation Committee will have an important role in developing research capacity in the tertiary education sector. It will distribute the un-hypothecated Quality Related (QR) block grant funding stream as part of this function, as well as the Research Innovation Wales fund. QR funding provides the foundation on which the competitive, project-based funding streams from other sources depend.

6.3. The QR block grant is a driver of international quality research as is well recognised in the Diamond and Reid reviews. It is part of the crucial 'dual support' system enabling Wales to win large grants from UK and European Research Councils. In Wales this research has a good balance of curiosity driven work and 'challenge' driven activity.

- 6.4. An unintended consequence of the creation of the Commission could be that the existing emphasis on and recognition of the importance of QR could be diluted. The QR fund must be protected in line with the recommendations of both the Diamond and Reid Reviews, and attempts should be made to increase the funding in line with developments in Research England to ensure that the sector in Wales can remain competitive, as importantly, QR provides universities with the platform to secure a greater share of competitively awarded research funding.
- 6.5. QR also provides vital support to research within subject areas in Humanities, Arts and Social Sciences (HASS) and STEM, from English literature and history to theoretical physics and mathematics.
- 6.6. Research in HASS shapes the way we address significant economic, social and environmental challenges, informing policy and practice and we welcome the recognition of the role of HASS research. Parity of esteem is important, and needs to be monitored.
- 6.7. [Research from Welsh universities has a transformational effect on society as well as the economy.](#) These activities make a vital contribution to the goals of the Well-being of Future Generations Act. The significance of research and innovation goes beyond economic impact – research from Welsh universities generates ideas and inventions which make a difference to people’s lives in Wales, the UK and the rest of the world.
- 6.8. As such we welcome the expectation that the Commission must promote awareness and understanding in Wales of the research and innovation activities it funds. Recent work by the [Campaign for Science and Engineering \(CaSE\) in this area](#) outlines how “research is everywhere – its products are in every home and office, and its producers found in towns, cities and field sites across the UK. Research is on people’s doorsteps”. However, research activity can be seen as elitist, abstract or remote and its significance can be little understood by the wider public.



6.9. The experience of being witness to the development of vaccines during the coronavirus pandemic has potentially started a shift in understanding, as people have seen research in action. As public funding is hopefully increased in research activity in Wales in line with developments at a UK level, there will be more public scrutiny, and a greater need to advocate and explain how research makes our everyday lives better. The Commission will have an important role in helping the sector to better promote why research matters, and to showcase the wide range of opportunities available within the tertiary education sector to facilitate careers in research within universities, industry and the public sector.

## 7. Opportunities

- 7.1. We would like to see within regulations an expectation that the Commission and the Research Innovation Wales Committee would have an observatory function to work to identify areas in which to build capacity. A long-term strategic view is needed, not solely based on student choice, market demand and immediate research priorities, in order to ensure that an awareness of the needs of the knowledge base is maintained.
- 7.2. Sustaining healthy, innovative and evolving disciplines will help to meet national skill and knowledge needs, within both further and higher education and the research base and increasing funding for research would benefit the quality of life of the people and future generations of Wales.
- 7.3. Given the scale and scope of the proposed reform, monitoring and reviewing progress of the work, capacity and effectiveness of the Commission will be essential. Evaluation research of the organisation and its structures should be commissioned from the very start to better ensure that the Commission is able to adapt to needs. This evidence-based research would be invaluable to assess the work and function of the Commission, and for transmitting its successes to tertiary sectors beyond Wales.

**Learned Society of Wales**  
[policy@lsw.wales.ac.uk](mailto:policy@lsw.wales.ac.uk)



## QAA Evidence to Senedd Children, Young People and Education Committee: Tertiary Education and Research Bill

26 November 2021

### Introduction and background to QAA

1. This paper offers an outline of QAA's work in Wales and across the UK, as well as our broad support for the proposed legislation. This is to provide contextual information for the Children, Young People and Education Committee, ahead of their evidence sessions as part of their scrutiny of the Tertiary Education and Research Bill.
2. The Quality Assurance Agency for Higher Education (QAA) is the UK's independent higher education quality agency. Founded in 1997, we work to safeguard standards and improve the quality of UK higher education wherever it is delivered around the world. A key part of our role is to review universities, colleges and other providers of higher education to check how they maintain their academic standards and deliver teaching and learning for students.
3. QAA's work is guided by the [UK Quality Code](#), which is a key reference point for UK HE. The Code was developed in partnership with stakeholders, including students and staff, from across all four UK nations. The Quality Code outlines the core and common practices and expectations for quality and standards and is supplemented by detailed [advice and guidance](#).
4. QAA operates in a tailored way to suit the needs of each UK nation, and in Wales we work closely with the Higher Education Funding Council for Wales. QAA's activity in Wales is overseen by the QAA Wales Strategic Advisory Committee (WSAC), which reports to the QAA Board. The WSAC is chaired by a member of our Board from the university sector in Wales. More detail about our current work in Wales is offered later in our evidence submission.
5. QAA also operates in adherence to the [Standards and Guidelines for Quality Assurance in the European Higher Education Area \(ESG\)](#), which gives confidence to governments, employers and educators across the world that UK higher education remains at a global high standard. QAA is also a member of the European Association for Quality Assurance in Higher Education (ENQA), and is reviewed on a cyclical basis by ENQA to ensure it continues to operate in alignment to the ESG. The UK also continues to participate in the European Higher Education Area (EHEA) alongside 48 other countries. EHEA participants have agreed to adopt reforms on higher education on the basis of common key values, such as freedom of expression, autonomy for institutions, independent student unions, academic freedom, free movement of students and staff. UK Ministers attend EHEA summits, and QAA continues to provide support for UK engagement at the EHEA.
6. QAA operates on a [membership model](#), and higher education institutions in Wales, Scotland and Northern Ireland benefit from access to all areas of membership as part of the agreements with the sector, funders and regulators. QAA membership in England is voluntary, with almost all HE providers joining as members.

### Our views on the proposed legislation

7. QAA has engaged with the consultation process at all stages, and has taken part in discussions with Welsh Government officers as the proposals for the Tertiary Education and Research Bill have been developed.

8. QAA supports the general proposals of the legislation in terms of quality assessment, as they have been developed over years of wide-ranging consultation with stakeholders and agencies across the tertiary education sector.
9. In our previous consultation responses on the draft Bill, we have stressed the importance of consultation with stakeholders, particularly students, as quality frameworks and designation processes are developed. The Bill text states that before designating a higher education quality body, the Commission must consult each registered provider for HE and such other persons it considers appropriate. We would welcome a strengthening of this text to include students in the process.
10. In terms of the proposed initial and mandatory ongoing registration conditions for each registered provider, we welcome that there are conditions in the Bill related to the quality of education provided.
11. We also welcome that the designated quality body (DQB) will have the option to charge fees to any tertiary education provider in relation to which the body exercises the assessment functions. However, we feel it is important for external quality assurance of HE and FE providers to be on the same footing. Estyn do not charge providers for their external inspection process, and we feel that this work in HE should be funded directly by the Commission. We also believe it to be crucial for the DQB to be adequately funded by the Commission in order for it to undertake enhancement activity, beyond baseline requirements, to support the strategic duties of the Bill.
12. The proposed approach allows for separate expert bodies to focus on their particular areas of expertise in higher education and further education, but we welcome the opportunity that these bodies can collaborate further in the future and through the Commission in order to learn from best practice in terms of assuring and enhancing the student experience, and to help facilitate smooth transitions across individual, high-quality elements of the tertiary education system.
13. We believe there is an opportunity for the Commission to allow the designated quality body to work across the tertiary sector to undertake research and facilitate events for supporting and enhancing the quality of the learning experience. It will be important that the designated quality body will have the capacity to deliver and support enhancement efforts, beyond any baseline requirements.
14. We believe the proposed Learner Engagement Code can ensure learner engagement is at the heart of the tertiary education system in Wales, while also learning from positive practice that has already taken place at universities in Wales, such as student charters. QAA has previously worked in partnership with NUS Wales, HEFCW and Universities Wales by convening and supporting the Welsh Initiative for Student Engagement (WISE). QAA also worked with WISE in discussions on the quality review processes in Wales, and how HEIs can work in partnership with their students in review related activity. QAA would be willing to work with HEIs and students again in the future as the Learner Engagement Code is developed and embedded.
15. We welcome the opportunity that the Bill can bring in terms of supporting flexible learner pathways across the tertiary system, and believe there could be a future role for the designated quality body in driving forward enhancement-led projects to support student transitions, similar to those we've already led in [Scotland](#).
16. Schedule 3 of the Bill does not indicate for how long a designation period may last for, or if there is to be a procedure for renewal of the designation. We would welcome clarity on this.
17. QAA had previously sought clarification from the Welsh Government around the Bill's proposals for the quality assurance of degree apprenticeships. They have confirmed

that the Commission will be responsible for ensuring the quality assessment of degree apprenticeships, and the Bill states that Estyn will be given the ability to inspect degree apprenticeships, should the Commission request them to do so. However, QAA could continue to review degree apprenticeships if asked. We believe that it will be important for the Commission to take account of how degree apprenticeships are quality assured in other parts of the UK as part of this process.

## QAA's role in Wales

### Reviews

18. QAA operates two principal reviews in Wales: [Quality Enhancement Review \(Wales\) \(QER\)](#) and [Gateway Quality Review Wales \(GQRW\)](#).
  - a. The QER is the method to review higher education providers who are regulated by HEFCW as part of [the Quality Assessment Framework for Wales \(QAF\)](#). The review was designed to suit the Welsh higher education context and provides two separate judgements: the requirements of the ESG Part 1 for internal quality assurance and the relevant requirements of the baseline standards of the QAF. The review provides quality assurance and supports quality enhancement, and assures governing bodies, students and the wider public that providers meet HEFCW requirements.
  - b. The GQRW is undertaken by providers seeking specific course designation by HEFCW. QAA carries out GQRWs on behalf of HEFCW to test HE provision against baseline regulatory requirements in the QAF.
19. QAA reviews require considerable preparation and planning, with focus on the evaluation of practices rather than direct observation. There is a significant involvement of students in the QAA review methods, with a student reviewer on every review team and a lead student representative from the institution under review who has an equal status to the institution's facilitator. QAA reviews have a focus on quality enhancement where enhancement is defined as the use of evidence to plan, implement and evaluate deliberate steps intended to improve the student learning experience.
20. In 2020-21 QAA was commissioned by HEFCW to undertake a developmental review of Degree Apprenticeships against the QAA Characteristics Statement for Higher Education in Apprenticeships. The review was only concerned with Degree Apprenticeships funded through HEFCW, made available on a pilot basis since 2018-19. The [overview report](#) was published in October 2021.
21. Other UK-wide review work undertaken by QAA applies to Wales. QAA is a designated educational oversight body for higher education providers by UK Visas and Immigration for Tier 4 sponsor status. For Wales, QAA undertakes reviews of international pathway colleges operating as joint ventures with a higher education institution. QAA also undertakes reviews for degree awarding powers and university title providing advice to the Welsh Government on applications.
22. QAA maintains and manages the scheme for the recognition and quality assurance of Access to Higher Education Diplomas in England, Wales and Northern Ireland. The Access to HE Diploma is a qualification which prepares people without traditional qualifications for study at university. The QAA Recognition Scheme provides the regulatory framework through which Access to HE courses are recognised and regulated. QAA license Access Validating Agencies to develop, quality assure and award Access to HE Diplomas. In Wales, QAA licenses Agored Cymru which currently has 1,794 learner registrations.

### Enhancement

23. QAA leads on quality enhancement initiatives as part of QAA Membership<sup>1</sup> in Wales and has a long history of developing enhancement. In Wales QAA supports and funds sector-led [Collaborative Enhancement Projects](#) based on areas of priority and common interest across HE providers and sector bodies, which also include collaboration between HE and colleges in Wales. [The ongoing projects are:](#)
- Innovative assessment
  - Student engagement in learning
  - Welsh medium employability initiative
  - Embedding COVID-19 lessons learnt to enhance communities of learning
  - Development of resources for PGR students to assist preparation for their viva (This project is funded through the Welsh collaborative enhancement funding but came through a call from UK-wide membership.)
24. QAA was a partner in the HEFCW-funded Higher Education Investment and Recovery Fund (HEIR) led by Wrexham Glyndŵr University on behalf of the Universities Wales Learning and Teaching Network. QAA undertook a thematic review of digital learning of all HEIs in Wales and the scope of the review included arrangements with FE delivery partners. The review will contribute to a digital learning enhancement plan for the next two academic years.
25. QAA runs the Wales Quality Network (WQN), chaired by a Welsh higher education quality professional. This network allows the sharing of good practice across the sector and has a running theme of sharing commendations from Quality Enhancement Reviews. QAA has recently convened a joint meeting of the WQN and QAA Scotland's The Quality Forum (TQF) to share approaches to quality assurance and enhancement across the devolved nations.
26. QAA supports a HEFCW-funded sector-owned Welsh Integrity and Assessment Network that brings together staff and student representatives across the Welsh sector to discuss and share pan-Wales approaches to strengthening academic integrity. All Welsh HEIs have also signed up to QAA's [Academic Integrity Charter](#).

### QAA's engagement with FE

27. QAA engages with further education providers who deliver higher education provision via two principal means: reviews (QER or GQRW) and through specific membership activities. QAA has six FE members in Wales and runs a UK-wide College HE Policy and Practice Network that is open to all College HE QAA Members in Wales, Northern Ireland and England. College HE members in Wales are also members of the Wales Quality Network. QAA are also invited to College HE Network meetings of Colleges Wales.

### **QAA and Estyn**

28. QAA works to a UK-wide quality framework agreed by the UK Standing Committee for Quality Assessment which is in turn informed by the European Standards and Guidelines for Quality Assurance. A key element of the UK's quality framework is the UK Quality Code, with QAA as its custodian which sets out the sector's expectations for effective quality assurance. QAA uses peer quality professionals, to conduct its reviews on the basis of the sector's agreed expectations. As HEIs are autonomous

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<sup>1</sup> The following HE providers are members of QAA: Aberystwyth University, Bangor University, Cardiff University, Cardiff Metropolitan University, Cardiff and Vale College, Coleg Cambria, Coleg Gwent, Gower College Swansea, Grŵp Llandrillo Menai, NPTC, Swansea University, University of South Wales, University of Wales Trinity Saint David and Wrexham Glyndŵr University.

institutions, this approach of co-regulation is fundamental to the review of institutions delivering higher education.

29. QAA meets with Estyn and HEFCW on a regular basis to discuss areas of common interest and has a three-way memorandum of understanding to ensure efficient and effective cooperation with respect to our areas of work. In our reviews of FE colleges QAA review teams use relevant Estyn inspection reports where they are available as our primary evidence source in order to minimise regulatory burden on institutions. We use the tripartite meetings to confirm and discuss any areas of concern.
30. QAA has been meeting regularly with Estyn over the last year to discuss and understand our approaches to quality, to explore how we can work more effectively in the future to provide quality assurance and enhancement in a more coordinated and coherent way as part of a future tertiary system. We have also been exploring scope for collaboration and joint working. We have produced a joint paper alongside suggestions of collaborative projects which we have shared with HEFCW and Welsh Government.
31. One potential area of joint working, student involvement in quality across tertiary education, is being taken up by HEFCW and the Welsh Government within their work on learner engagement and student partnership in the development of a set of shared principles. QAA and Estyn are involved in forthcoming workshops arranged by HEFCW and the Welsh Government, and as part of the wider project there are intentions for QAA and Estyn to work jointly on testing the principles with the tertiary sector in the early part of 2022.

#### **TNE and validated arrangements**

32. The review of collaborative provision is included within QER for regulated institutions. The development and promotion of a quality culture as part of a wider UK brand has helped to support the enhancement of quality delivered internationally. All regulated institutions in Wales have access to the International Insight package of QAA's membership offer which provides resources and events aimed at enhancing quality and managing risk in TNE.
33. QAA now manages the voluntary [Quality Evaluation and Enhancement of UK-TNE](#) Scheme, known as QE-TNE. The method was commissioned by Universities UK and GuildHE, and has been shaped through consultation with stakeholders in the higher education sector in the UK and worldwide. All Welsh HEIs have been funded by HEFCW to participate in the scheme over the five-year period of operation. All participating institutions and their overseas TNE partners are able to use the QE-TNE Kitemark, which is a public statement of their commitment to quality.
34. QAA has close relationships with many agencies around the world through memorandums of understanding and in many countries where UK TNE is delivered in significant numbers. This provides opportunity for two-way dialogue about any concerns.
35. HEFCW has a complaints policy and can ask QAA to investigate concerns through an Unsatisfactory Quality Investigation. We are currently reviewing this approach as part of our normal review cycle.



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru  
Her Majesty's Inspectorate for Education and Training in Wales

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### Ymateb i Ymgynghoriad / Consultation Response

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<b>Enw / Name:</b>	Claire Morgan
<b>Rôl / Role:</b>	Her Majesty's Chief Inspector of Education and Training in Wales
<b>E-bost / Email:</b>	<a href="mailto:ChiefInspector@estyn.gov.uk">ChiefInspector@estyn.gov.uk</a>
<b>Rhif Ffôn / Tel No:</b>	029 2044 6446
<b>Dyddiad / Date:</b>	25 November 2021
<b>Pwnc / Subject:</b>	Tertiary Education and Research (Wales) Bill – Briefing paper prior to Estyn's attendance at CYPE on 9 December 2021.

#### Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, independent specialist colleges, further education, adult learning in the community, local government education services, work-based learning including apprenticeships and employability programmes, Welsh for adults, youth and community work training, and teacher education and training.

Estyn may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

We welcome the opportunity to provide evidence as part of the Children and Young People and Education Committee's scrutiny of the general principles of the [Tertiary Education and Research \(Wales\) Bill](#) ('the Bill'). This initial briefing paper is provided to support our appearance in the CYPE Committee alongside QAA on the 9 December 2021. We will consider whether we need to submit further evidence prior to the Committee's closing date of 17 December 2021.

Overall, we welcome the changes that have been made to the draft Bill. Many of the suggestions for improvement that we made as part of the initial consultation on the Bill have been made.

In particular, we welcome the clarity of the strategic duties for the Commission in part 1 of the Bill as introduced. The duty for promoting continuous improvement and collaboration are ones that we strongly support. However, while these duties have been added to Part 1 of the Bill, other parts of the Bill have not been clearly linked back to referencing these strategic duties. For example, in Part 2, chapter 2 it would help if the title for the section on quality assurance referred directly to "Quality assurance and improving quality to support the strategic duty to promote continuous improvement".

We submitted a [detailed response to the consultation on the Draft Bill](#) in December 2020. In that response we set out our overall view that establishing the Commission for Tertiary Education and Research has the potential to improve coherence in post-16 education and training, particularly in terms of the connection between higher and further education, but that the policy thinking relating to the 16-19 education and training age range needs greater clarity. While the addition of a strategic duty to promote collaboration and coherence is welcomed, it is still not clear how the Commission will require this to ensure it happens. Is there a strong enough focus built in to require greater collaboration between providers and other bodies?

In terms of effective transition for learners from compulsory to post-compulsory education and training, in light of the Curriculum for Wales and Curriculum and Assessment Act, is there a strong enough focus in the Bill as introduced on wellbeing and the aims of the four purposes to develop young people into capable adults?

In general, we welcome the amendments to the Draft Bill which appear in the Bill as introduced. We agree with the amendment to Part 3, section 91 of the Bill as introduced to require the Commission to secure the provision of proper facilities in Wales for relevant education and training for eligible persons over 19 years of age that is suitable to their requirements. This will support the commitments to lifelong learning identified in the Programme for Government.

We welcome the provisions as set out in Chapter 2 of the Bill as introduced for the Chief Inspector to retain statutory powers for education and training at post-16.

There are several regulations which apply to Estyn's role. In all cases, the proposed procedure for the approval of the regulations by the Senedd is 'negative'.



These regulations in general allow useful flexibility. We agree that this is the appropriate procedure for the regulations proposed in these sections. We feel there is a gap in our current inspection work to support the post-16 education and training workforce. We have powers to inspect the training of the workforce for initial education in sixth forms and for youth and community worker training. Regulations under section 59 (2) 'may include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision of such education or training'. This would ensure a more coherent oversight and assurance of workforce training across all the sectors we inspect.

In our original consultation response to the Draft Bill (Q8), we noted the use of the terms 'encourage' and 'reasonable' in relation to the Commission's strategic duty to promote tertiary education through the medium of Welsh (Section 8 of the Bill as introduced). To avoid ambiguity, it would be clearer and more strategically focused to state that the Commission has a duty to ensure that there is sufficient provision through the medium of Welsh and to delete any references to 'reasonable', which is open to individual or organisational interpretation. In a similar vein, it would be clearer to replace the use of the word 'encourage' in Section 8 (c) of the Bill with 'require' and impose a statutory duty on the Commission to achieve these aims.

As Estyn is a non-ministerial civil service department, it is appropriate for the funding for our core work to continue to be allocated centrally through the current well-established funding route as part of Estyn's global core budget as one allocation, rather than partly through the Commission. We welcome the principle that the Commission would have the 'discretion to make additional resources available to Estyn from within its own budget for additional inspections and for further advice and information that Estyn might be able to provide on matters of quality assurance and improvement' (12.25 in Explanatory Memorandum). However, we believe that for our core allocation to be sufficient to undertake our statutory work, this should come through our existing funding mechanism, as mentioned above.

Our scope in inspecting and providing advice to policy makers is broad and covers all education and training provision funded in Wales, other than that currently funded and regulated via HEFCW. Estyn is an authoritative independent voice. We are independent of government and will be independent of the Commission, which is vital so that we can inspect and report on the state of education and training in Wales without fear or favour to provide public assurance and promote improvement. We have a well-established and effective infrastructure to deliver high quality inspection and quality assurance. We have strength in depth and, in our pool of HMIs, we are able to draw on a unique range of skills and expertise, all of which would be available to the support the tertiary sector going forward.

There are sectors of post-16 education and training that are currently out of scope of the oversight of the Commission which we inspect and provide assurance regarding quality, so funding our work centrally would be more coherent. It will be important to recognise in any quality framework the value of independent inspection and advice to support the Commission in its quality monitoring role.

In addition to the areas of post-16 provision that will come under the remit of the Commission, we also inspect other aspects of post-16 education and training such as independent specialist colleges, learning in the justice sector, employability and

skills (Traineeships and then moving to the Jobs Growth Wales Plus programmes), Welsh for Adults, careers services and initial teacher education for schools. Through our links with these sectors, we have an important role to build capacity in these sectors, being able to share and promote good practice across the wider post-16 sector in Wales. It will be important to consider whether any of these other post-16 sectors should also come under the remit of the Commission.

We are committed to working collaboratively and acknowledge that the relationship with the Commission would require strong communication and liaison, but this is not a concern. We already have strong working relationships with Welsh Government, QAA and HEFCW and have started to develop shared approaches to aspects of quality across areas of further and higher education and training. We also have strong productive relationships with the sectors that we inspect. There is no reason to suppose that the quality of these would be in any way different with the Commission. We have a long tradition of identifying and promoting best practice through our thematic reviews, case studies and conferences.

If the Committee would like a greater understanding of our current approaches to inspection, identifying and promoting best practice through our thematic reviews, case studies and conferences we can provide this.

Over time we have refined our models of inspection to secure value for money. We already have a full inspection arm, supported by a well-established and efficient corporate services team. No additional costs will be incurred setting up a new infrastructure to support our work.

We are currently working with a reference group to consider amendments to our inspection arrangements before restarting inspections in the spring term. Many important aspects of how we approach our work will remain the same – such as

- our peer inspector programme
- engagement of learners through questionnaires and a wide range of interactions with learners on inspections
- training and deployment of student inspectors on inspections of further education colleges

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## **Tertiary Education and Research Bill NEU Cymru key areas of interest**

### **About NEU Cymru**

The National Education Union Cymru represents teachers, lecturers, leaders, and support staff across the school and FE sectors in Wales. NEU Cymru is represented on the Joint Trade Unions (JTU) FE for lecturers and managers in FE colleges in Wales.

NEU Cymru believes we must value education by valuing educators.

### **Our response**

NEU Cymru welcomes the opportunity to give evidence to the Children, Young People and Education Committee on the general principles of the Tertiary Education and Research Bill. Overall, we welcome the vision of the Commission, and recognise the challenges in the sector, as set out in the Hazelkorn Review.

However, there are a series of concerns with the Bill as drafted, which we believe should be addressed, in order to realise the vision, and fit in with wider Welsh Government aims.

We aim to submit a fuller response as part of the call for evidence, but have set out a series of key concerns below.

### **Social partnership and fair work**

We believe that “Promoting social partnership and fair work” should be one of the Commissions strategic duties, in keeping with Welsh Government’s commitment to social partnership. This will require an amendment to the Bill.

Social partnership is an important principle which should underpin everything the Commission does, as it is about the importance of co-construction with the workforce. The workforce will be critical in ensuring that the Commission operates in supporting learners in Wales, and must be heard and supported, in line with principles set out in the Fair Work Wales Report<sup>1</sup>.

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<sup>1</sup> <https://gov.wales/sites/default/files/publications/2019-05/fair-work-wales.pdf>

Social partnership and fair work are key pins in the programme for government, as is building a strong economy, and offering a young person's guarantee. It is clear the Commission will have a key role to play in terms of life-long learning and employment, and it is therefore critical that social partnership and fair work are part of its strategic aims, and support the Commission in enabling Welsh Government's vision for a strong, fair work economy.

Since the Commission's main function appears to be Commissioning providers for the tertiary sector, it is critical that social partnership and fair work are there at its heart. We would hate to see a situation where profit comes above fair terms and conditions, as we have seen with supply teachers – providers must be committed to social partnership and fair work.

### **School 6<sup>th</sup> forms**

We are extremely concerned that the power to close school 6<sup>th</sup> forms is passing to the Commission, under the Bill. School 6<sup>th</sup> forms are not education providers in isolation, learners in 6<sup>th</sup> forms form part of a wider school community.

We believe learners have the right to choose the provision which is right for them after they finish their GCSEs. Some learners will flourish in schools, whilst others will prefer their local FE college – and there should be a thriving range of provision for learners to choose from close to home.

Whilst lecturers currently have a common FE contract across Wales, they do not have access to school teachers' pay and conditions, or pensions. It is therefore critical that safeguards are put in place to protect the terms and conditions of teachers in the sector – indeed, lecturers should have the same pay and conditions.

We understand that some school 6<sup>th</sup> forms are already under pressure not to put on courses which are running at local FE colleges – this alone should not be a reason to stop a course, and could undermine the provision and viability of the school 6<sup>th</sup> form. Our members teaching a subject across GCSEs and A levels believe they are able to offer experience to learners which supports them continuing in their study, and it is critical we keep this vital link where possible.

We would agree with the Education Workforce Council that the power to close school 6<sup>th</sup> forms being moved to the Commission undermines local democracy and representation.<sup>2</sup>

### **Trade union representation**

The Bill as drafted allows for only two trade union representatives to be selected by Welsh Ministers as associate members of the board. This is disappointing, and does not represent the plurality of staff groups who will be employed by the Commission and its providers.

The Commissions board should have representatives from the following groups, at least, who should not be chosen by Welsh Ministers:

- Lecturers in FE
- Managers in FE
- Teachers
- Support staff
- Learning support staff

As stated above, social partnership is extremely important to the Welsh Government, so undervaluing the expertise of trade unions within the Commission is very disappointing. Training for the workforce is critical and must be supported by trade union representation on the board.

### **Asymmetric duties**

NEU Cymru are concerned about the nature of different expectations on different providers – which could lead to a disproportionate workload on some education professionals. This appears to be a maintenance of the status quo, rather than a strategic look at the tertiary education sector as a whole.

Below we have set out an illustration of some expectations which fall on different providers:

	<b>School 6<sup>th</sup> form</b>	<b>FE</b>	<b>HE</b>
Estyn inspection	Yes	Yes	No
Staff register with Education	Yes	Yes	No

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<sup>2</sup> <https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/consultations/2716-ewc-response-to-the-welsh-government-consultation-on-the-draft-tertiary-education-research-bill/file.html>

Workforce Council			
School teachers pay and conditions	Yes	No	No
Academic freedom	No	No	Yes
New curriculum and reform of qualifications	Future	Future	No

We are particularly concerned about the role of Estyn in the tertiary sector, and would question why Estyn has this role.

This will be particularly important if we consider different providers roles in terms of different cohorts in the tertiary sector. For example, who is responsible for the 14-19 pathway, which currently supports some learners, including those who may otherwise be not in employment, education or training (NEET)?

Currently, some FE colleges provide HE courses. However, lecturers of these course are often not able to access the same terms and conditions as those within HE settings. This has huge implications in terms of workload, pay and conditions. It is vital that there is fair work in terms of terms and conditions for the whole workforce across the tertiary sector.

**For further information please contact:**

Mary van den Heuvel,  
Senior Policy Officer,  
NEU Cymru  
Mary.vandenheuvel@neu.org.uk



**Bil Addysg Drydyddol ac Ymchwil (Cymru)  
Pwyntiau cychwynol i'r Pwyllgor Plant, Pobl Ifanc ac Addysg  
Tachwedd 2021**

Mae UCAC yn undeb sy'n cynrychioli athrawon, arweinwyr ysgol, tiwtoriaid a darlithwyr addysg bellach ac addysg uwch ledled Cymru.

Rydym yn ddiolchgar am y cyfle i gyflwyno'r pwyntiau cychwynol hyn i'r Pwyllgor cyn y sesiwn dystiolaeth lafar ar 9 Rhagfyr. Byddwn yn cyflwyno tystiolaeth ysgrifenedig lawnach fel rhan o ymgynghoriad y Pwyllgor erbyn y dyddiad cau ar 17 Rhagfyr.

**Dosbarthiadau chwech mewn ysgolion**

Rydym wedi mynegi pryderon sylweddol mewn ymgynghoriadau blaenorol ynghylch y pwerau pellgyrhaeddol fydd gan y Comisiwn mewn perthynas ag ad-drefnu darpariaeth chweched dosbarth, ac mae ein pryderon am y mater hwn yn parhau.

Rydym yn derbyn yn llwyr mai un o brif amcanion y Comisiwn yw creu sector trydyddol mwy cydlynus. Fodd bynnag, teimlwn yn gryf bod angen cydnabod nad yw dosbarthiadau chwech yn sefydliadau ynysig y mae modd dod i benderfyniadau yn eu cylch dim ond yng nghyd-destun addysg drydyddol. Mae dosbarthiadau chwech yn rhan o sefydliadau ehangach, ac er bod trefn wahanol ar gyfer cyllido addysg oedran orfodol ac addysg ôl-16, mae cydberthynas creiddiol rhwng dosbarthiadau chwech a gweddill yr ysgol y maent yn rhan ohoni.

Nid ydym o'r farn mai'r Comisiwn fyddai yn y lle gorau i wneud penderfyniadau ynghylch dosbarthiadau chwech a allai effeithio ar natur a chynnaladwyedd y ddarpariaeth oedran ysgol orfodol.

Mae'r pryder hwn yn arbennig o gryf yng nghyd-destun addysg cyfrwng Cymraeg, gan mai dosbarthiadau chwech yw'r unig sefydliadau sy'n darparu

addysg cyfrwng Cymraeg mewn sefydliad cyfrwng Cymraeg, hynny yw, parhad o'r model trochi, sy'n fethodoleg mor effeithiol ar gyfer datblygu sgiliau ieithyddol, beth bynnag yw'r pynciau a astudir. Mae hyn yn dal i fod yn wir er gwaethaf cynnydd calonogol yn y ddarpariaeth Cymraeg a dwyieithog mewn colegau addysg bellach.

Mae'r defnydd o'r ymadrodd 'Rhesymoli darpariaeth chweched dosbarth' ('Rationalisation of sixth form provision') wrth wneud newidiadau i'r Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, wrth drafod darpar-bwerau Comisiwn, yn gwneud dim i leihau'r amheuon ynghylch y bwriad i drosglwyddo darpariaeth i'r sector addysg bellach.

### **Corff llywodraethu ysgolion – dyletswyddau**

Erbyn ein tystiolaeth lafar, a'n tystiolaeth ysgrifenedig lawn, byddwn wedi cael cyfle i ymchwilio ymhellach i'r maes hwn. Ond nodwn yma bryder cychwynnol ynghylch dyletswyddau 'cyrff llywodraethu' mewn perthynas â dosbarthiadau chwech – a p'un ai oes eglurder llwyr ynghylch ai corff llywodraethu'r ysgolion unigol sydd dan sylw, neu a oes cyfrifoldebau ar awdurdodau lleol yn y cyd-destun hwn. Mi fydd yn bwysig bod eglurder llwyr ym mhob achos, a bod y gofynion yn gydnaws â, ac yn rhesymol mewn perthynas â natur y corff.

### **Y Gymraeg a'r Coleg Cymraeg Cenedlaethol**

Unwaith eto, byddwn yn ymhelaethu ar y pwynt hwn yn nes ymlaen yn y broses. Fodd bynnag, mae rôl y Comisiwn mewn perthynas â'r Gymraeg, a hyrwyddo addysg ac ymchwil cyfrwng Cymraeg yn gwbl allweddol i nod Llywodraeth Cymru i gyrraedd miliwn o siaradwyr Cymraeg erbyn 2050. Bydd angen i'r gwaith hyn fod yn gwbl ganolog i'r Comisiwn, yn strategol ac yn rhagweithiol.

Rydym yn croesawu'r ffaith bod 'Hybu addysg drydyddol drwy gyfrwng y Gymraeg' yn un o ddyletswyddau strategol y Comisiwn – er y nodwn mai at addysg yn unig y mae'r cyfeiriad, ac nid at ymchwil (a oes rheswm penodol dros hynny?). Rydym yn awyddus i sicrhau bod darpariaethau'r Bil yn briodol o ran lefel yr her a'r cyfrifoldeb – ac yn benodol bod digon o eglurder ar



wyneb y Bil, yn hytrach na dibynnu ar wybodaeth yn y Memorandwm Esboniadol neu'r Asesiad Effaith ar y Gymraeg.

Gofynnwn a oes angen darpariaethau sy'n ymwneud â strwythur ac aelodaeth y Comisiwn (Atodlen 1) sy'n sicrhau lle a sylw i'r Gymraeg? A oes angen ffurfioli'r berthynas gyda'r Coleg Cymraeg Cenedlaethol ar wyneb y Bil – heb gyfyngu mewn unrhyw ffordd ar ryddid y Coleg i weithredu?

### **Partneriaeth Gymdeithasol a Gwaith Teg**

Gan nad yw'r Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus wedi dod i fodolaeth eto, teimlwn y dylai'r Bil hwn sicrhau cyfeiriadau priodol at rôl ganolog gweithio mewn, a hyrwyddo partneriaeth gymdeithasol a gwaith teg a hynny ar wyneb y Bil. Gallai hyd yn oed fod yn un o'r Dyletswyddau Strategol; mi fyddai hynny'n gydnaws â bwriad ac uchelgais Llywodraeth Cymru yn y maes hwn.

### **Aelodaeth y Comisiwn**

Rydym yn bryderus dros ben ynghylch rhai agweddau o aelodaeth y Comisiwn (Atodlen 1).

Nid yw'n glir beth yw pŵer a dylanwad aelodau cyswllt – heblaw am y ffaith nad ydynt yn gymwys i bleidleisio yn unrhyw drafodion y Comisiwn.

Pryderwn y gallai bod cyn lleied â dau aelod cyswllt yn cynrychioli'r gweithlu – un i gynrychioli'r gweithlu addysg drydyddol 'academaidd' a'r llall i gynrychioli'r gweithlu addysg drydyddol 'anacademaidd'. Mae'n anodd dirnad sut y bydd modd i'r unigolion hyn gynrychioli ystod mor eang, niferus ac amrywiol o'r gweithluoedd, yn pontio o leiaf pum sector gwahanol. Rydym yn teimlo bod y trefniant yn gyfan gwbl annigonol ac y dylid cynyddu'r nifer o lefydd wedi'u gwarantu er mwyn sicrhau cynrychiolaeth briodol.

Ymhellach, mae gennym bryder ynghylch rôl Gweinidogion Cymru yn y 'penodiadau' hyn.

Yn yr un modd, pryderwn fod y gynrychiolaeth ar gyfer dysgwyr yn annigonol. Nid yw'n bosib i un dysgwr gynrychioli safbwyntiau dysgwyr ar draws holl rychwant darpariaeth drydyddol. Unwaith eto, gofynnwn am ystyriaeth i godi'r lleiafswm o niferoedd sydd wedi'u gwarantu.

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Unit 33  
The Enterprise Centre  
Tondu, Bridgend  
CF32 9BS

Uned 33  
y Ganolfan Anturiaeth  
Tondu, Pentybont-ar-ogwr  
CF32 9BS

Telephone/Ffon 01656 721951  
Fax/Ffacs 01656 723834  
Email/Ebost [bridgend@ucu.org.uk](mailto:bridgend@ucu.org.uk)

Email Only

### Children, Young People and Education Committee – CTER Headlines

The University and College Union (UCU Wales) represents almost 7,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians, and postgraduates in universities, colleges, adult education and training organisations across Wales.

UCU Wales welcomes the opportunity to offer evidence to the Committee.

### Policy Headlines

- The Commission must support life-long learning. Funding must support a flexible offer across coherent pathways. Addressing damage which will likely continue well into the summer of 2023, the Commission will need to facilitate the movement of learners from employment or business into different stages of tertiary education.
- It is essential that the Bill supports the scaffolding for collaboration. After all collaboration across different areas in the sector will promote the necessary flexibility and mobility for genuine lifelong learning.
- Acknowledging the need for agility, success can only be delivered through a settled strategy which delivers conditions of certainty. Not only will this incentivise collaboration with business but also provide the Commission with room to embed.
- The bill makes express reference to collaboration but is silent on social partnership. Whether at the point of strategy or high-level

planning, social partnership provides the best context in which to respond to rapid and sudden change.

- Quality assurance must support collaborative quality enhancement. Heavy handed external inspection will shut down the space for professional innovation. The delivery of new qualifications and partnerships necessitates highly motivated and professionally curious educators. Similarly, the delivery of excellent R & D in higher education requires a strong right of individual academic freedom.
- We would like the Commission to regulate in the Welsh national interest. Similarly, the effectiveness of institutional governance must be measured by its benefit to staff & learners and contribution to the Welsh public good.

## **Possible Areas for Amendment**

### **Section 1 – Social Partnership and Fair Work**

Social partnership and fair work constitute an established core Welsh Government methods/objective which predate both the TER and Social Partnership & Procurement Bill. Consequently, the Bill should be aligned to include them as overarching principles.

#### **Part 1, S2 (d)**

*(d) is organised coherently to facilitate movement of learners through different stages of tertiary education and into employment or business;*

Lifelong learning and economic development will need the Commission to coherently facilitate movement of learners from employment or business into different stages of tertiary education.

#### **Part 1, S4 (b)**

*b) encourage employers in Wales to participate in the provision of tertiary education*

Whilst UCU Wales welcomes employers' collaboration in terms of planning and development, this requires further clarification.

## **Part 1, S11 (2)**

*(2) The Welsh Ministers may at any time amend the statement published under subsection (1) (including by replacing it entirely).*

The new Commission cannot plan effectively if strategic priorities are subject to sudden or major change. Cross sector collaboration with key stakeholders (particularly business) requires certainty and flexibility. The conditions under which such changes might occur must be clarified or expressed.

## **Part 1 S13 (2)**

*(3) The Welsh Ministers must consult the Commission before they modify its plan under 25 subsection (2)(b)*

As argued, if the Minister amends the strategy without recourse to consultation, this not only provides conditions of uncertainty but potentially bypasses social partnership. Similarly, if the Minister consults around matter which touch upon high level planning, this then begs the question as to what the Commission is for – as it will, in effect, establish her or him as the Commissioner.

## **Part 1 S.15**

*15 Academic freedom of providers of higher education (1) In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the academic freedom of tertiary education providers in Wales that provide higher education (so far as the freedom relates to higher education). 20 (2) In this section, “academic freedom” includes (among other things) the freedom of tertiary education providers— (a) to determine the contents of particular higher education courses and the manner in which they are taught, supervised or assessed, (b) to determine the criteria for admission of students to higher education courses and to apply those criteria in particular cases, and (c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.*

*16 Freedom of speech of academic staff at providers of higher education In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the freedom*

*within the law of academic staff at tertiary education providers in Wales that provide higher education— (a) to question and test received wisdom, and (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the tertiary education providers.*

Citing potential economic damage if the Welsh Government do not include an individual right to academic freedom, UCU Wales recommends that the bill adopt the Irish Republic [definition](#) (Universities Act, 1997);

“A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.”

Whilst the drafters have adopted the formulation, they have done so as a weaker right to freedom of speech. UK government has consistently confused the boundaries between freedom of speech and academic freedom meaning that the former now exists in a vexed context. Moreover, the right to academic freedom entails a far more extensive set of accompanying responsibilities. UCU Wales believes that, since what the Bill describes is in fact an individual right to academic freedom, it should be defined as such. This will avoid the possibility of controversy and complications down the line.

**Part 1 S.19 (6)**

*6) Before giving a direction under this section, the Welsh Ministers must consult the Commission*

As above. To what degree will the Commission be required to work in social partnership?

**Part 2 S.25 (b)**

*(b) the effectiveness of the governance and management of the applicant tertiary education provider (including its financial management)*

There is continued support for cooperative models in the Wales Programme of Government as well as the obvious points to be made about social partnership and fair work.

We accept that many of the practices (casualisation, excessive workload, de-skilling/professional erosion, non-coherence and cooperation) have their origins in a model of funding and corporate outlook which favours competition over collaboration. Chaired by Grahame Reid, Strength in Diversity sets out how Welsh universities can collaborate, build on existing research excellence in Wales, and make Welsh research and innovation more visible across the UK and internationally. In doing so, Welsh universities can be well-placed to collaborate with partners including public authorities in the delivery of regional investment approaches. The report implicitly makes the point that Wales is too small to entertain models which foster excellence through competition by suggesting that institutions need to pool resources ahead of R&D applications. Moreover, the focus on equity within the current programme of government and statistical milestones discounts a process which is built around winners and losers.

If the Commission to regulate in the Welsh national interest, the effectiveness of institutional governance must be measured by its benefit to staff & learners and contribution to the Welsh public good.

## **Part 2 S.52 to S.67**

Whereas university quality assurance is effectively covered off in 3 sections, colleges, sixth forms, WBL & adult education commands 11. This evidences a substantial imbalance which might find the regulatory requirements for sixth form (by far the smallest element) driving arrangement for the rest of the sector.

UCU Wales believes that we need to find a better synergy which supports professional autonomy whilst creating the space for collaborative professional learning (as occurs in Finland, Singapore, etc). Acknowledging that arrangements for HE are covered elsewhere, UCU feels that the inclusion of 'quality enhancement' as a principle in schedule 1 would go some way towards framing a policy objective.

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**UNISON Cymru Wales – headline response to the Senedd CYPE committee on the Tertiary Education and Research (Wales) Bill**

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1. UNISON is broadly supportive of the Tertiary Education and Research (Wales) Bill.
2. UNISON would like to seek further clarity on the governance arrangements and the level of control Welsh Government will have over the new Commission for Tertiary Education and Research.
3. It is important to consider this in the wider context of social partnership, and within the legislative framework of the Social Partnership and Public Procurement Bill. The higher education sector in Wales has had an ad hoc approach to participation and engagement in the social partnership mechanisms. UNISON has consistently raised concerns about this and we have concerns about how this will translate in a new Commission that is bringing together the whole post-16 education sector.
4. There is a need to ensure equity across the sector for funding allocations. Whilst UNISON is supportive of bringing together the tertiary education sector, there will undoubtedly be challenges in overcoming the long-term and deeply rooted perceptions that favour higher education.
5. UNISON believes that the contentious and challenging nature of the policy debate around Higher Education funding partially rests upon the fact that the 'royal route' to Higher Education continues to benefit and reinforces the privileges of the most affluent in society. Addressing the social inequalities which play out within the education system as a whole and which then goes on to shape people's life chances and opportunities within the labour market is an essential part of building



a consensus around a fair and sustainable way of funding higher education.

6. By comparison, the further education sector has been neglected and underfunded. UNISON believes that our education system has been hampered by a class-based dichotomy between education for a career and training for a job. Despite generations of discussion on the need for parity of esteem for all models of learning, the divide remains as wide as ever. There is a fundamental need for all parts of the education sector to function coherently with shared concepts of knowledge, skill, and achievement.
7. UNISON agrees that the establishment of the Tertiary Education Commission will go some way to overcome these concerns, the establishment of the commission will not be enough and must be addressed proactively.
8. There is a need to recognise the differing structures across the tertiary education sector. The higher education sector has an all-Wales pay and grading system. Further education is moving slowly towards this same approach, but currently struggles with recruitment and retention because of inferior pay, terms, and conditions. In essence, if the sector is to function as one, a two-tier workforce must be guarded against.
9. Furthermore, sixth form colleges are allied to local government and so is another, differing structure that needs to be considered.
10. The commission and the benefits of unifying the tertiary education sector cannot be saved for the academics and professionals alone. Education and business support staff are integral to the tertiary education sector and must be valued as such. All staff should be directly employed within the sector and paid accordingly. All staff should be paid at least the foundation living wage.
11. Other types of adult education need to be fully considered – including workplace training and learning which gives many opportunities for developing core skills, confidence, and career

progression for all staff, but particularly those on lower pay. As we move towards carbon net-zero it is essential that we prioritise a just transition, and tertiary education will form a key part of that.

# Agenda Item 6.1

CYPE(6)–08–21 – Paper to note 1

**Y Pwyllgor Plant, Pobl Ifanc**

**ac Addysg**

**Children, Young People  
and Education Committee**

Sally Holland

Children's Commissioner for Wales

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN

SeneddPlant@senedd.cymru

senedd.cymru/SeneddPlant

0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN

SeneddChildren@senedd.wales

senedd.wales/SeneddChildren

0300 200 6565

30 November 2021

## **The meeting of 18 November 2021**

Dear Sally,

Thank you for appearing before the Children, Young People and Education Committee on 18 November 2021.

During that meeting you said that you had submitted a paper to the Minister for Social Justice that set out your concerns about gaps in your statutory remit. Please can you share a copy of that paper with the Committee as soon as it is appropriate to do so?

You also spoke briefly about the role of Regional Partnership Boards (RPBs) in realising the potential for the third sector to support the NHS in helping young people with their mental health. Do you have anything further that you would like to add to the comments you made during the meeting about:

- how effectively RPBs are fulfilling that role;
- the potential for the third sector to support the NHS in helping young people with their mental health; and/or
- the challenges the NHS faces as it provides mental health support services for children and young people?

You mentioned during that meeting that we could expect to hear from you many more times before your tenure comes to an end. I and my fellow committee members look forward to reading your submissions. However, I would like to take this opportunity to thank you, on behalf of the Committee, for all that you have achieved during your time in post to improve the lives of children and young people. I wish you the very best for the future.



Yours sincerely,

Jayne Bryant

Jayne Bryant MS

Chair, Children, Young People and Education Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Agenda Item 6.2

CYPE(6)–08–21 – Paper to note 2

**Y Pwyllgor Plant, Pobl Ifanc  
ac Addysg**

**Children, Young People  
and Education Committee**

**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN  
SeneddPlant@enedd.cymru  
senedd.cymru/SeneddPlant  
0300 200 6565

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN  
SeneddChildren@senedd.wales  
senedd.wales/ SeneddChildren  
0300 200 6565

Chairs of all the Regional Partnership Boards

01 December 2021

## **Working with the third sector to provide mental health support services for children and young people**

The Children, Young People and Education Committee recently took evidence from the Children’s Commissioner for Wales as part of our scrutiny of her annual report and accounts. During that evidence session, we asked the Commissioner about the extent to which Regional Partnership Boards were working alongside the third sector to deliver mental health support services for children and young people.

The Commissioner told us that there are “some very good examples of where, in establishing a 'no wrong door' approach, some of our regions have worked really effectively with the third sector as partners.”<sup>1</sup> However, she urged us to continue to prioritise scrutiny of how regional partnership boards and other public bodies are working alongside the third sector to deliver mental health services for children and young people.

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<sup>1</sup> Children, Young People and Education Committee, [Record of Proceedings: 18 November 2021](#), paragraph 91

I would be grateful, therefore, if you could provide the Committee with information about the following in relation to providing mental health support to children and young people:

- how you work alongside the third sector to plan and deliver support services;
- any active projects/initiatives that you are currently undertaking alongside the third sector (i.e., a summary of what the projects/initiatives do, which third sector organisations are involved, who can access the services the projects/initiatives provide and where, etc.);
- where partnership working has worked well, and where you have learnt lessons for how to improve it in the future; and
- any future plans you have for partnership working with the third sector, what you hope to achieve with those plans, and how they will be monitored and evaluated.

Please could you provide the information requested above no later than Friday 14 January? The Committee will be making decisions about which areas of work to prioritise during a strategic planning meeting on 27 January 2022. The information you provide will be helpful as we make those decisions.

If you have any questions or would like clarifications about the point above, please do not hesitate to contact the Committee clerks ([SeneddChildren@Senedd.Wales](mailto:SeneddChildren@Senedd.Wales)).

Yours sincerely,



Jayne Bryant MS

Chair, Children, Young People and Education Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Agenda Item 6.3

CYPE(6)-08-21 – Paper to note 3

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS  
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

29 November 2021

Dear Huw,

## Inter-Institutional Relations Agreement: British-Irish Council Summit in Wales

Further to my letter of 15 November regarding the inter-institutional relations agreement, the British-Irish Council Summit in Wales and the virtual Ministerial discussion of the Indigenous, Minority and Lesser-Used Languages worksector, I wish to draw your attention to my [statement](#) earlier this week, and to the BIC [communiqué](#) summarising the outcomes of the Summit and Ministerial discussion.

I am copying this letter to the Minister for Education and Welsh Language, Chair of the Children, Young People and Education Committee and Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee.

Yours sincerely,



**MARK DRAKEFORD**

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Mark.Drakeford@llyw.cymru](mailto:Gohebiaeth.Mark.Drakeford@llyw.cymru)  
[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

CYPE(6)-08-21 – Paper to note 4

**Pwyllgor yr Economi,  
Masnach a Materion Gwledig**

**Economy, Trade and  
Rural Affairs Committee**

Jayne Bryant MS

Chair, Children, Young People and Education Committee

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN  
SeneddEconomi@senedd.cymru  
senedd.cymru/SeneddEconomi  
0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN  
SeneddEconomy@senedd.wales  
senedd.wales/SeneddEconomy  
0300 200 6565

1 December 2021

Dear Jayne,

**Tertiary Education and Research (Wales) Bill**

Thank you for your letter of 19 October concerning the approach to scrutiny of the above Bill, and inviting Members of this Committee to attend a technical briefing on the Bill on 4 November.

Committee Members discussed the matter, and I am pleased that Hefin David MS was able to attend. As you are no doubt aware, Hefin also chairs the Cross-Party Group on Universities, which is taking a keen interest in the progress of the Bill.

This Committee already has a very full work programme planned to spring 2022 and beyond. However given that our remit includes skills and research and development, Members very much welcome being kept informed of the progress of Bill scrutiny by the Children, Young People and Education Committee, and of any significant issues arising. I'm happy for the two clerking teams to share information to facilitate that.

Best regards,



Paul Davies MS



Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



**Y Pwyllgor Deisebau**

**Petitions Committee**

Jayne Bryant MS  
Chair  
Children, Young People and Education  
Committee Tŷ Hywel  
Cardiff Bay  
CF99 1SN

3 December 2021

Dear Jayne

**Petition P-06-1163 Extend the postgraduate STEMM bursary to all MSc students in Wales**

The Petitions Committee considered the above petition at our meeting on 15 November, alongside correspondence from the Minister for Education and Welsh Language.

At the meeting members noted that your committee is currently scrutinising the TER Bill, and therefore agreed to write to you to ask that you consider scrutinising whether the bill will perpetuate the current anomaly identified by the petitioner and whether it could be amended to address it.

Further information about the petition, including related correspondence, is available on our website at: <https://business.senedd.wales/ielssueDetails.aspx?Ild=37090&Opt=3>.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454.

Yours sincerely



Jack Sargeant MS  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN  
Deisebau@senedd.cymru  
senedd.cymru/SeneddDeisebau  
0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN  
Petitions@senedd.wales  
senedd.wales/SeneddPetitions  
0300 200 6565