

Cyflwynwyd yr ymateb hwn i ymchwiliad y [Pwyllgor Plant, Pobl Ifanc ac Addysg i egwyddorion cyffredinol y Bil Addysg Drydyddol ac Ymchwil \(Cymru\)](#)

This response was submitted to the [Children, Young People and Education Committee](#) inquiry into the general principles of the [Tertiary Education and Research \(Wales\) Bill](#)

TER 05

Ymateb gan: Prifysgol Glyndŵr Wrecsam

Response from: Wrexham Glyndwr University

1. Wrexham Glyndwr University (WGU) welcomes the opportunity offered by the Children, Young People and Education Committee (CYPE) to provide inputs into the scrutiny process of the Tertiary Education and Research (Wales) Bill, which was laid on 1st November.
2. We acknowledge that this is a significant piece of legislation, fundamentally altering how Welsh universities are regulated and creating a unified sector whereby all post-compulsory education is brought together under one regulator at arm's length from government. We also acknowledge that this development stems from a review commissioned by Welsh Government in 2016.
3. Since that review was published and the recommendations accepted in principle, we have had Brexit, a global pandemic, a new Welsh government and a new Minister for Education post 2021 elections, and the establishment of a new HE regulator across the border in England (the Office for Students) which is implementing its own reform agenda. Against such a backdrop of change, the TERW Bill has also evolved.
4. In general, the TERW Bill which will lead to the establishment of the new Commission should be capable of **accommodating unforeseen seismic shocks** of the kind we have witnessed in the past few years. Education and research have been pivotal to the nation's response to the pandemic and will continue to be so as we move into the recovery phase, which coincides with having to make adjustments to life outside the EU. So the legislation should be designed to encourage **agility**, and to support the sector in its important work to educate future generations as well as those in the workforce – in a manner which is fit for purpose and innovative, irrespective of whatever new crisis (or indeed, opportunity) may be around the corner.

5. Therefore, it is important for the new Commission to **avoid being overly prescriptive** in how it regulates the sector, and equally to ensure that the sector is not integrated in name only, but truly behaves in a coherent manner. There is a significant cost associated with establishing the new Commission, and this will need to yield **added value** and enhancement over time.
6. WGU **welcomes** elements of the Bill which reflect how consultation inputs from the university sector have been taken on board in the earlier drafting stages. This includes stronger references to academic freedom, a clearer awareness that universities are globally connected so that the designation of a body with international credibility in HE to carry out quality reviews is important for us to be competitive, and a move away from '**outcome agreements**' which would have been onerous and could have constrained the sector in its work. However, we note that it is still open to the Commission to introduce outcome agreements at a later stage, which may create bureaucratic overload on top of ongoing registration conditions.
7. The **remaining areas of concern** for WGU align with the submission from Universities Wales, which we have fed into and which we fully endorse (ref: CYPE 2nd December 2021). Rather than rehearse these specific points again, we will focus on related aspects which apply directly to WGU and to our context.
8. **Firstly**, we strongly object to the retention and strengthening of provisions for making constitutional changes to **Higher Education Corporations**, ie those universities which do not have a Royal Charter – WGU among them. Welsh Government would retain its power to **dissolve** HECs against their will, redistribute assets and increase its powers to change the statutory requirements for HECs' instruments and articles of government by regulations. This would run contrary to Law Commission recommendations put forward in earlier consultation responses, and would put HECs in Wales in the weakest position across the entire UK. In England, such provisions were removed from legislation in 2017. Any weakening of Wales' higher education infrastructure, as proposed, will damage delivery on skills, innovation and research, and hence the economy.
9. At the first CYPE scrutiny session in the Senedd on November 18th, the Minister for Education outlined that the powers to dissolve HECs against their will would only be used as a last resort with the students' interests at heart. It is our view that learner protection arrangements and regulatory intervention across the university sector **as a whole** should be robust enough; we do not see the logic of singling out a small handful of institutions where extreme intervention measures are possible, leaving a majority where it is not. Furthermore, such **interventions**

in the operations of HECs would be initiated by Welsh Government, over the heads of the Commission. We do not see the rationale for that.

10. **Secondly**, WGU has a concern with the proposed powers of the Commission to set **specific registration conditions** for particular institutions rather than for categories of institutions. It is not explained in the Bill on what grounds such decisions might be taken. WGU is a small university located close to the border with England, with a rapidly evolving student enrolment profile characterised by diversification of study modes. We would be concerned that universities that might be considered outliers could be singled out for specific ongoing registration conditions, as the Bill stands.
11. **Thirdly**, elements of the Bill come across as if Welsh Government wishes to retain or acquire particular powers despite the creation of an arm's length body, for reasons which are not clear to WGU. For instance, it is proposed that **Welsh Government would be able to specify particular courses and programmes** or areas of research when setting the Commission's terms and conditions of funding. As it will be a key task of the Commission to develop a strategy and annual programme of work, would that not be wasteful duplication? Again, as a small and agile university we would be concerned that such specific direction from government with regard to prioritisation of subject areas might not always be appropriate for our place-based context.
12. **Fourthly**, under the section *Information Powers*, which sets out a comprehensive range of areas where the Commission may seek data from institutions (these are fair and proportionate), there is also a clause stipulating that Welsh Ministers may require **"application-to-acceptance" information directly from a provider** (or via the Commission – that is not entirely clear). It states that the duty to comply is "enforceable by injunction". We do not understand why such a heavy-handed approach would be necessary. The risk of continuous data requests, over and above already existing reporting requirements, would pose an unwelcome burden on WGU.
13. It is reassuring that the Welsh tertiary education reform agenda is fundamentally different from that in England, for instance in the pursuit of quality enhancement and widening access. Notwithstanding these differences, due to the **permeability of the border between England and Wales** and the resulting cross-border flow of students in both directions, it will be important to strive for coordination and information-sharing at system level. This is particularly important for WGU, given our natural catchment area straddling across the border plus our proximity to a range of English universities which form our key competitor base. We understand that the purpose of new legislation cannot be to align it with whatever emerging

policy there happens to be in another UK jurisdiction, but we would welcome a **commitment that the new Commission will liaise closely with sister regulators** to ensure that there are no unintended consequences which may damage Welsh institutions or the future prospects of students in Wales.

14. As an additional point, we believe that the Bill could be stronger in how the new Commission will exercise its sixth strategic duty to “**promote collaboration and coherence in tertiary education and research.**” Where the other eight duties as set out in Part I (Strategic Framework) provide more clarity on what is expected and aspects to which the Commission should have particular regard, on the issue of collaboration and coherence nothing further is said, either in this chapter or elsewhere in the Bill. These matters formed the key rationale for the original recommendations of the Hazelkorn review, which in turn should provide the basis for this Bill. For instance, there could be explicit reference to **regional partnerships and pathways being incentivized** for the benefit of students and the local economy, moving away from the sometimes haphazard and commercially driven franchise arrangements currently in place.
15. To conclude, WGU looks forward to continued dialogue about the further shaping of the Bill, and to working with Welsh Government and with the new body in future years as it is being implemented. We have set out four remaining areas of concern, which complement the Universities Wales response. We have also made some suggestions how the Bill could be strengthened in a couple of areas. We trust that the CYPE will take these on board as we move towards stage 2.