

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 39

Ymateb gan: Prifysgol Abertawe

Response from: Swansea University

We welcome the scrutiny of the Tertiary Education and Research (Wales) Bill and are grateful to the committee for the opportunity to comment on its contents as drafted.

We recognise that, in response to concerns raised following publication of the draft bill, a number of amendments have been subsequently introduced. We welcome the positive changes that have been made particularly around the changes to the Commission's general duties. However while changes have been made to strengthen their duties with the nine duties that the Commission must now perform, we need to highlight that there is still **no specific duty** on the Commission in relation to **promotion of research and innovation** and this is not covered within the existing nine duties. As this is a key part of the CTER's responsibility it seems remiss that this has not been addressed satisfactorily within the Bill.

We would also light to highlight the following issues that have not yet been sufficiently addressed in our opinion.

- Although changes have been made in relation to **academic freedom** the duty at the moment only appears to apply to HE provision and not to research and innovation. In addition there is no general duty on Welsh Ministers to protect the **institutional autonomy** of universities.
- The draft Bill allows for the ability to subsequently **amend primary legislation through regulations**. We are concerned that this could result in key features of the Bill being decided without the full primary legislative process.
- We remain incredibly concerned about the new information powers of the Welsh Ministers which have not changed despite concerns being raised from across the HE sector during the initial consultation on the draft Bill.

- Concerns remain around the **level of independence** of the new **Commission for Tertiary Education and Research** (CTER) from government which we feel is a necessity for genuine engagement with and support from the HE sector. The levels to which Welsh Ministers may intervene in the Commission's **strategic approach and operation** is of great concern.
- In certain instances there is no longer a duty on the Commission to consult with universities, to have regard to their individual characteristics or to ensure that the terms and conditions of funding only relate to that **funding** which comes from the Commission. Additionally as it stands there are no limitations on the Welsh Minister's powers to fund universities directly.
- When setting the Commission's terms and conditions of funding, Welsh Ministers are not prevented from **specifying courses** or areas of **research**.
- It is troubling that there appear to be some provisions within the Bill that could potentially cause the Commission to require universities to **act incompatibly with charity law**. This would be a direct breach of the Commission to not cause such an issue.
- We welcome the removal of Access and Opportunity Plans but there is limited information on the new arrangements to replace them. We are concerned that the promised removal **unnecessary regulatory burden** lies with the detail of subsequent regulations.
- The **timescale for implementation** of the new Commission is very challenging and we are concerned that a lack of detail in new regulatory arrangements may further hamper the intention to launch the Commission in 2023 (with transition arrangements through 2022). We are unclear as to what the likely arrangements would be and the subsequent impact on Welsh institutions should the deadlines not be achieved.