



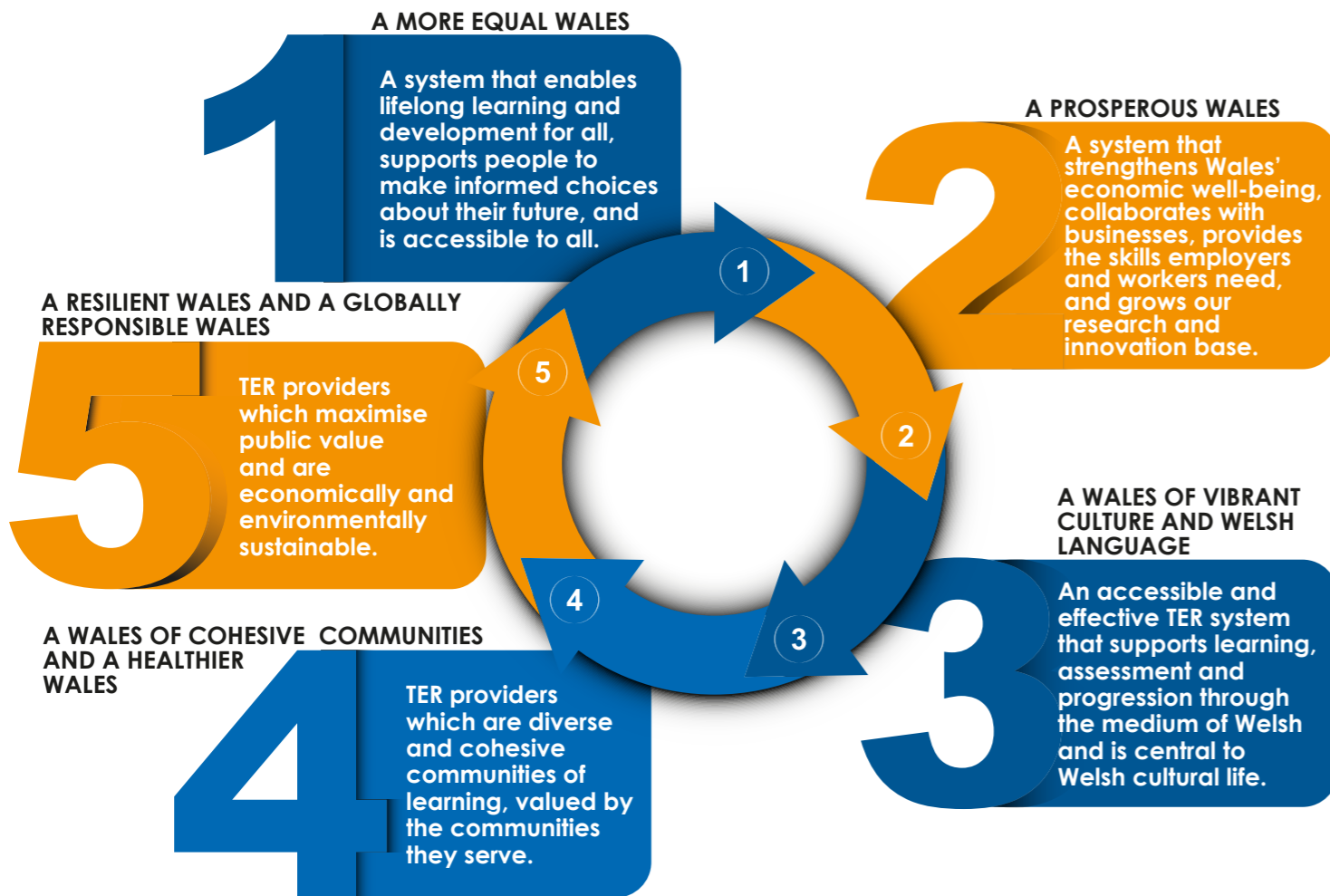
Llywodraeth Cymru
Welsh Government



Commission for Tertiary Education and Research

A Summary of the Tertiary Education
and Research (Wales) Act

TERTIARY EDUCATION AND RESEARCH (TER) STRATEGIC VISION



“The Welsh Government, working in partnership with the sector and the new Commission for Tertiary Education and Research (CTER), will deliver a tertiary education system which is centred around the learner and has excellence, equality and engagement at its heart.”

What is the Tertiary Education and Research (Wales) Act?

A changing global context requires new thinking and a reinvigorated approach to the role of Wales' tertiary education and research sector, at home and internationally.

The Welsh Government, working in partnership with the sector and the new Commission for Tertiary Education and Research (CTER), will deliver a tertiary education system which is centred around the learner and has excellence, equality and engagement at its heart.

A single national commission, with a clear and ambitious remit to deliver for citizens, communities and the nation, will deliver a more strategic, coherent and efficient approach. As with the reforms to the school curriculum, the sector will be supported to help learners grow as engaged and enterprising citizens, contributing to national and individual prosperity and well-being.

The challenges created for our economy and education sector as a result of Covid-19 mean that the changes put forward in this Act are more urgent than ever. A new strategic approach, with and through the new Commission, will build on current strengths, widen access to quality research-informed provision throughout learners' lives, promote continuous institutional improvement and collaboration, and education through both national languages within a civically engaged and international sector.

What does the Act do?



ESTABLISHING THE COMMISSION FOR TERTIARY EDUCATION AND RESEARCH

The Act establishes the Commission for Tertiary Education and Research (CTER), a new Welsh Government sponsored body, and dissolves the Higher Education Funding Council for Wales (HEFCW). The intention is to establish the Commission in 2023 who will be responsible for strategy, funding, and oversight of the following sectors:

- Further education, including colleges and school sixth-forms
- Higher education, including research and innovation
- Adult education and adult community learning
- Apprenticeships and training

The Commission will have a Board and a Chief Executive. The Board will include associate members as representatives of learners, tertiary education practitioners, and the Commission's own staff.

Whilst one of the main effects of this Act is the creation of Wales's first ever national steward for the whole tertiary and research sector and the closure of HEFCW – the outcome is seeking to shape a new structure and system is to better support learners, with the knowledge and skills for lifelong learning, development and success.

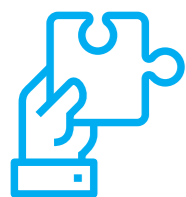


STRATEGY

The Act sets out eleven strategic duties under which the Commission is required to exercise its functions. These legal duties are the long-term strategic purposes for the system, and reflect the Government's vision.

The Welsh Government will be required to publish a statement of priorities for tertiary education, training and research in Wales. The duties, in conjunction with the Welsh Ministers' statement of priorities, will outline the core matters the Commission must consider and take into account when exercising its functions and provide a consistent set of principles under which the Commission will operate. The Commission will then produce a strategic plan, following consultation with stakeholders, which will set out how it will deliver on these priorities.





FUNDING

The Commission will ensure facilities are funded and secured for further education and training of young people aged 16 to 19 year olds and adults over 19 years old. The Commission will have powers to fund higher education, apprenticeships, research and innovation, and other activities in connection with tertiary education such as information, advice and guidance. The Commission will also be able to fund local authorities for the purposes of local authority maintained school sixth forms.

Together with the Welsh Government's progressive higher education student support package, the Commission's funding functions will enable a comprehensive approach to supporting learning throughout life, across all levels of education and training.



OVERSIGHT

The Commission will have several ways to oversee tertiary education providers. It will be required to maintain a register of tertiary education providers in Wales. Providers will need to register to ensure that their courses are eligible for Welsh Government student support. Through regulations, there will be categories of registration each with conditions, including quality of education, the governance and management of institutions, their financial sustainability, and advancing equality of opportunity and access in tertiary education, as well as supporting and promoting the welfare of learners and staff.

The Commission may be required by the Welsh Government to enter into an Outcome Agreement with the bodies it funds. These will be agreements between providers and the Commission setting out the ways in which public funds given to providers by the Commission will contribute to the overall strategic goals for the tertiary education and research system.

The Commission will be required to monitor providers' compliance with requirements relevant to their category of registration, and will have recourse to a range of interventions in order to address situations where providers are either at risk of failing, or have failed, to comply with the ongoing conditions of their registration. The purpose of such interventions is to protect the interests of learners, taxpayers and the Welsh Ministers, as well as the reputation of the Welsh tertiary education sector.



QUALITY

The Commission will have a duty to monitor and promote improvement in the quality of tertiary education in registered and/or funded providers. It will have the power to develop and publish guidance and information on criteria and processes for the assessment of quality, the roles and responsibilities of assessors and providers, and professional development of the workforce.

Estyn will retain a duty to inspect further education and training. It will prepare an annual plan setting out the estimated expenditure necessary to carry out inspections. The plan must be approved by the Commission and the Welsh Ministers. The Commission will provide funding for the exercise of Estyn's functions.

The Commission will have a duty to ensure that quality assessments are carried out on higher education provided by each registered provider. It will have the power to designate a body to exercise its assessment functions.



APPRENTICESHIPS

The Act establishes a new Wales specific apprenticeship system that is flexible and responsive to the needs of our learners and employers, and supports the development of a robust and innovative Welsh economy.

Ministers will have strategic stewardship of the Welsh apprenticeship system, funded by the Commission, with delivery remaining with providers.

Apprenticeship frameworks will set out the requirements for completing a Welsh apprenticeship in a specific occupation.

The Commission will be responsible for preparing and publishing apprenticeship frameworks, or securing others to prepare them on its behalf. It will be required to maintain and publish a register of these frameworks.

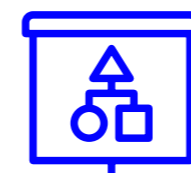


SECURING THE INTERESTS OF LEARNERS

The Act provides for reforms which place the learner at the centre of the tertiary education system. The Commission will be required to prepare, consult and publish a Learner Engagement Code. This Code is intended to ensure learners' interests are represented, that learners have the opportunity to give their views to providers about the quality of education they receive, and to participate in the making of decisions by those providers. Registered providers, and those funded by the Commission, will be required to comply with the Learner Engagement Code, as well as local authority maintained school sixth forms. The Commission must monitor compliance with this code.

The Commission may also require providers to produce a Learner Protection Plan, setting out how a provider will protect learners' interests in the event of course disruption or closure, and how providers might facilitate the transfer of learners to other providers.

The Act also provides for extension of the higher education student complaints scheme to the further education sector.



PROMOTING COLLABORATION

The Commission's duties to promote collaboration and coherence in tertiary education, research and with trade unions will help support social partnerships, develop coherent learning and career pathways, whilst increasing quality and efficiency. These pathways will help ensure that all learners have a seamless post-16 education journey which fully meets their needs.

The Act will facilitate collaborative arrangements and also enable the Commission to, where necessary, take steps to protect the interests of students and learners, ensure the proper use of public money and protect the reputation of the Welsh tertiary education and research sector.



DATA AND INFORMATION

The Act sets out the powers and duties of the Commission and other relevant bodies in relation to the sharing of data and information. In particular, the Bill gives the Commission the power to request application-to-acceptance (in practice, from bodies such as UCAS), following similar powers that were introduced in England in 2017.



OTHER CHANGES

The Act creates functions for the Welsh Ministers and the Commission in respect of local curriculum entitlements for 16-19 year olds, amending existing legislation in this area in light of the introduction of the Curriculum and Assessment (Wales) Act 2021.

The 2021 Act supports the implementation of the new purpose led curriculum and assessment arrangements for pre-16 learners expected to come into force from September 2022.

The Act also creates powers for the Commission, in certain circumstances, to direct local authorities to make proposals for school reorganisations in respect of sixth-forms. Any reorganisation plans continue to be subject to approval by Welsh Ministers.



What will happen following the enactment of the Act?

The Welsh Government intends for CTER to be established in 2023, and for HEFCW to be dissolved. The Chair, Chief Executive, and governing body of the new Commission will be appointed in this timeframe.

Secondary legislation, required under the Act, would be brought before the Senedd following Royal Assent.

Further information

This document is a summary of the Tertiary Education and Research (Wales) Act and not intended to be exhaustive.

Further details regarding the Act can be found in the [Explanatory Memorandum](#), published alongside the Act.



Glossary

Apprenticeship Framework

The outline of an apprenticeship for a particular occupation, setting out the training, assessment and qualification requirements for completing the apprenticeship.

Apprenticeship Specification

The Specification of Minimum Standards for Apprenticeships in Wales, setting out the minimum standards required for an approved Welsh apprenticeship, determined through regulations made by Welsh Ministers.

Learners/Students

Learners is used as a collective term for all persons undertaking tertiary education in any setting, and including those usually described as students, pupils, and apprentices.

Learner Engagement Code

A statement published by the Commission setting out principles and expectations for ensuring that students and learners' interests are properly and appropriately represented in the making of decisions, by a provider and that can give their views on the education they are receiving from the provider and on any other matters of interest to learners.

Learner Protection Plan

A plan produced by tertiary education providers, and approved by the Commission, setting out the steps a provider will take to protect students and learners in the event of closure or disruption to a course, and how it will

support students who wish to transfer to a different provider.

Outcome Agreement

An agreement between the Commission and a funded body, as part of the terms and conditions of funding, setting out how the body will use its funding to contribute to meeting the objectives set out in the Commission's strategic plan.

Tertiary Education

For the purposes of this legislation, tertiary education means higher education, secondary education for those over compulsory school age, further education and training. In law, further education generally refers to education provided (outside a school setting) to persons above compulsory schooling age (generally, 16) up to and including level 3 ([A level and equivalent](#)). Higher education generally refers to education provided at level 4 and above.

Register of Tertiary Education Providers

A means of enabling courses of tertiary education providers to attract student support (further to a decision by the provider to apply for registration), and of overseeing such providers as beneficiaries of public funds.

Registration Conditions

The criteria which providers who are registered with the Commission must comply with in order to become and remain registered providers.