



**WALES
CYMRU**

**RESPONSE TO:
Public Good and a Prosperous Wales –
Building a reformed PCET system**

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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 is a politically autonomous but integral part of UCU, the largest post-school union in the world. It was formed on the 1st June 2006 by the amalgamation of two strong partners – the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE) – who shared a long history of defending and advancing educators' employment and professional interests.

We welcome the opportunity to respond to the consultation on Public Good and a Prosperous Wales – Building a reformed PCET system.

UCU Wales welcomed the publication of the Hazelkorn review and are keen to see the re-establishment of a Joint Funding Council for FE and HE Wales. We believe that by having combined oversight of the current FE and HE sectors, the Commission has the potential to support the development of a healthy, vibrant and stable PCET sector. Therefore we welcome the Welsh Government proposals to form the Tertiary Education and Research Commission for Wales.

Strategic Planning

Question 1:

Do you agree the Commission should have a role in strategic planning at national level across the PCET system?

Yes, but it is crucial that the strategy is developed on the basis of a clear understanding of government's policy in relation to the post 16 sector. As UCU have argued previously on several occasions, we have policy for HE, schools and skills, but no clear policy and remit for the FE sector. Thought must be given to this omission before a coherent strategy for post 16 can be developed that will deliver for the learner. Wales needs life-long learners who can re-engage with learning throughout their working lives.

There needs to be one overall strategy for PCET in Wales, provided that the Commission's strategic planning body comprises of members who not only have an understanding of employer needs but also those with sound knowledge and experience of pedagogy; both academic and vocational. The commission will also need to have control of the funding, in order to develop coherent and deliverable strategic plans.

Having a central body to oversee provision will help to identify and reduce unnecessary competition and repetition; and to identify gaps in provision. Giving the Commission the authority to oversee all PCET delivery in Wales will help develop a coherent sector, through the ability to streamline progression routes, making qualification pathways easier for all to understand. The key here is the streamline progression routes for learners, these must be fundamental focus when developing future policy and strategy.

Having a single arm's length body that can liaise with providers and employers, will allow the PCET sector to focus more on the core skills of teaching and learning, rather than employer engagement. Employer engagement can be overseen by the commission and share intelligence at institutional level. The commission will have oversight of the needs of students, employers, through Regional Skills Partnerships and Welsh Government and provide as strong basis for the development of one overall and coherent strategy for the post 16 sector in Wales.

However any strategy must be developed in partnership and should take account of the central role of PCET within local communities, as well as the allowing providers to develop their own particular strengths.

Question 2:

Should Outcome Agreements form the basis of the Commission's strategic planning relationship with institutions and providers? If so, what steps could be taken to ensure that Outcome Agreements do not encourage short-term thinking by institutions?

It is acknowledged that there must be a mechanism for measuring and justifying the use of the of public money that is allocated to the post 16 sector; it is hoped that the Commission will ensure the development of a fairer way of allocating funds across all PCET provision.

However care must be taken when deciding exactly which outcomes should be measured. Past experience shows us that, even with the best intentions, focussing on outcomes can produce counterproductive consequences.

Boocock, as quoted in the PPIW report into Vocational education (2016)¹, points out that benchmarking for example can "...bring about gaming with deleterious consequences for the quality of learning."

Outcomes such as attainment levels, employment and earnings, may give an indication of a level of success, but they do not provide an understanding of the quality of the process that has underpinned the achievement of the qualification; particularly if employment opportunities and higher level incomes are less readily available as in times of economic downfall. We need to move towards a culture of meaningful targets, rather than continuing the culture of achieving targets without taking account of the process used to get there. The focus of the PCET system should not be based on the premise of providing as many qualifications as is possible, in the shortest amount of time and for the least amount of money. The focus should be on the quality of provision as well as the quality of the outcome as a preparation for lifelong learning and citizenship

Already there is a shift to looking at feedback from employers and higher education providers to gauge the appropriateness of prior teaching and learning on preparation for the workplace or HE environment; this is an area that needs to be further developed. After all what is the purpose of our education system if it is not to improve the knowledge and skills of individuals, for the benefit of the nation.

It would also be beneficial to look at the systems and processes that support the professional development of the staff that deliver PCET. It is planned that by April 2018, Health Education and Improvement Wales (HEIW) will be established as the new body for the commissioning, planning and development of education and training for the NHS workforce in Wales. It's suggested that functions of HEIW will include undergraduate and post graduate education and training; be responsible for widening access by identifying and implementing appropriate programmes whether academic or vocational; and co-ordinate apprenticeship opportunities and flexible training routes.?

¹ <http://ppi.w.org.uk/files/2016/01/PPIW-Report-Fostering-High-Quality-Further-Education-in-Wales.pdf>

Presumably there is in existence a model for delivering such an approach to professional development, if so, it could be developed as a model to deliver the functions of the Commission?

The Commission could also focus on the health of the provider, when assessing outcomes; such as the research profile or international links in HE provision, and not just Welsh Government priorities for Wales.

In terms of reducing short-term thinking, the development of outcome agreements in partnership with providers will allow scope for institutions to develop their strengths and/or unique programmes over the long term alongside more short-term developments; institutions need to be allowed to develop what they're good at as well as national outcomes. However outcomes are not the only factor affecting short-term thinking; changing targets, funding uncertainty and the constant quest for innovation and change also encourage short term thinking.

Whatever the basis, provider input will be needed to maintain an appropriate response to local or international needs as appropriate. Outcome agreements should not limit the initiative of individual institutions; they should allow institutions to develop their strengths, alongside relevant national objectives. Care needs to be taken that the pursuit of outcomes does not narrow opportunities. The sector would benefit from more stable funding cycle – annual funding does not support longer term planning. UCU would support a three year cycle.

A Single Funding Body

Question 3:

Do you agree that funding to the Commission should be dependent upon the production of a strategic plan approved by Welsh Ministers?

Welsh Government funding to the commission should be dependent on production of a strategic plan approved by Welsh Ministers. Public money needs to be spent justifiably on the Welsh Governments socio-economic goals. However this should not undermine the strengths of individual institutions. Minister should take advice and guidance from the expertise within the commission, in the approval process.

Question 4:

Do you agree that a provider's eligibility for funding should be conditional on producing an Outcome Agreement that reflects relevant priorities in the Strategic Plan?

Yes, but not limited to this. The sector needs some flexibility to be able to develop ways of delivering quality provision that meets the needs of not just employers and Welsh Government, but also the needs of students and the communities that they live in. Providers will have a wealth of knowledge and experience about the aptitudes that need to be developed alongside academic and/or vocational programmes.

"...high quality VET should develop a breadth of understanding well beyond the immediate needs of the workplace..."²

Future generations will need to acquire a wide range of skills and knowledge, not just to get them into employment, but to keep them agile enough to adapt to a rapidly changing job market.

The process of drawing up strategic plans and outcome agreement should be in partnership. As in our answer to question two, the 'outcomes' in any outcome agreements, need to be carefully chosen, this should not just be a top down process.

Question 5:

Do you agree that the levels of funding should be dependent, in any way, upon a provider's performance against its Outcome Agreement?

Again this would depend on the criteria set for the expected outcome. It would not be appropriate to provide public funding for provision that was clearly not in the public interest, however some projects require time to develop and this needs to be factored into funding agreements.

Funding based on successful outcomes will not always mean that the best quality, or the most innovative provision, will receive appropriate financial backing. Further this can encourage 'gaming' of the system, which may well offer more funding to the provider, but may not be in the best interests of the students.

² <http://ppi.w.org.uk/files/2016/01/PPIW-Report-Fostering-High-Quality-Further-Education-in-Wales.pdf>

Question 6:

Do you think that the Commission should be empowered to make recommendations to the institution, and/or to the Welsh Government, where an institution is at serious financial risk?

Yes, to both Welsh Government and the institution, However early dialogue is essential, to try to prevent an institution from becoming at serious financial risk, in the first place. Institutions may well be autonomous bodies, but ultimately they receive public funding to provide a service, for learners of all modes and stages, for the benefit of both individuals and society. The Commission should be able to make recommendations to both Welsh Government and the institution at the first signs of the institution being at risk, it should not be left until the situation is 'serious'.

Other providers in receipt of funding for the delivery of Post 16 education (including training) should also be subject to Commission recommendations with regard to PCET outcome agreements and attached funding.

Question 7:

Do you think that where it judges that an institution has become financially non-viable, the Commission should be empowered to make appropriate recommendations to the Welsh Government and what safeguards may be required?

Yes.

In terms of safeguarding against becoming financially non-viable, steps need to be taken to ensure that appropriate governance arrangements are in place. There needs to be a duty placed on governing bodies to challenge inappropriate management practices. We need a mechanism to prevent poor performance at senior levels. All institutions in Wales should be required to have a senior pay policy which is transparent and against which pay decisions are made, we should not continue to over pay senior staff for financial failures. Failure in an educational establishment should also consider failure in terms of the knowledge transfer, not just finances.

Protecting the interests of learners in the PCET sector

Question 8:

Do you agree that the arrangements to protect learners studying at PCET providers in Wales need to be strengthened?

Yes, again with reference to improved governance arrangements. Students need to be protected from the consequences of poor performance by senior managers, by placing a duty on governors to challenge where appropriate rather than 'rubber stamping' senior decisions.

Further, the future registration of managers with the EWC may help to protect the interests of students, from unprofessional conduct at senior levels.

Question 9:

If yes, what arrangements should be put in place to support learners no longer able to continue on their course at their chosen provider because of the closure of the course, the closure of a campus or because of provider failure?

Mechanisms for transferring from one provider to another, or to an alternative course with the same provider, should be in place; perhaps a requirement of any funding agreement?

In the interest of making arrangements clear to students and the general public, it would be helpful if a common framework could be produced to cover all providers of PCET, within the Commissions remit.

It is hoped that whilst the Commission will help to promote the individual strengths of differing providers, it will also engender collaboration across all PCET providers, making a common framework easier to develop. The students' interests should be paramount in the event of course closure or provider failure, not the individual institutions. Obligation should be placed on providers to make sure that students can complete qualifications that they are registered for in the event of closure of failure.

Better governance arrangements and longer funding cycles, must result in the ability of institutions to remain viable and avoid closures.

Focus should be on prevention rather than cure; students need a stable sector protected from the vagaries of market forces.

Consideration should also be made of protection for past students, in the form of a central register or depository of qualifications, in the event of provider failure.

Question 10:

Should providers offering higher education courses that are designated for statutory student support in Wales be required to produce student protection plans within their Outcome Agreements?

Why just HE providers? All providers should produce student protection plans as a way of dealing with the issues raised in question 9. The formation of the Commission provides a unique opportunity to create a streamlined, unified PCET system. Providing different support/protection systems for students at different levels will maintain a divide. Therefore students at all levels should be eligible for student protection plans.

Supporting learners who wish to transfer between courses or providers

Question 11:

What support should be provided to learners wishing to change courses or provider?

As in response to question 9, there should be a common framework for use across all providers to assist the process of students wishing to change course or provider.

However, support for students should begin before students enrol.

The development of the new school curriculum, offers an opportunity to improve choice and availability for students long before leaving compulsory education. We need to develop a curriculum that embraces and caters for the diversity of ability that we have in Wales, and move away from shoehorning our young people into a system that does not nurture their talents. The Junior Apprenticeship scheme delivered by Cardiff and Vale College, provides a very positive example of how the school curriculum could be diversified and channel the abilities of young people who may otherwise become NEET or drift in to the PCET sector having already disengaged from learning, which is not the best foundation for post 16 learning. Without prior knowledge and experience of the vast array of alternative options, there may be difficulty in choosing an appropriate pathway at the outset.

There is also the need for better access to appropriate careers guidance, coaching and tutorial support.

Making sure that courses have transferable skills embedded in them (continuing the idea of Donaldson's purposes of the curriculum) to smooth transitions and recognition of prior learning would help to reduced time and funding wasted on repetition.

Thought needs to go into funding arrangements and any outcome agreements to reduce the temptation to get 'bums on seats' regardless of the suitability of the course to the student and vice versa.

Question 12:

What role, if any, should the new Commission have in ensuring arrangements are in place to facilitate student transfer arrangements and to promote awareness of these arrangements amongst learners?

There should be an agreed framework common to all providers to ensure that transfer arrangements are equitable across PCET. The framework should be developed by the Commission in partnership with providers. Information about transfer arrangements should be published by the Commission and disseminated to students and where appropriate to parents, by providers. Information could be reproduced in recruitment packs, course literature and incorporated into some form of student charter, issued by the Commission.

Providers could be obliged to evidence the assimilation of transfer arrangements into their policies and procedures as condition of funding.

Managing Learner Complaints**Question 13:**

Is there a need to introduce complaints resolution arrangements for learners in the PCET sector, who are currently unable to take their unresolved complaints to an independent body? If yes, what complaint resolution arrangements should be put in place for learners across the PCET sector?

Yes there should be a complaints resolution procedure within the Commission. This could be a useful way of alerting the Commission to early indications of provider failure. The Commission could be a gateway to OfS.

Quality Assurance and Enhancement**Question 14:**

What models could be used by the Commission for a Quality Assurance Framework encompassing all types of provision?

Currently, HEFCW assure themselves that there are appropriate mechanisms in place at an institutional level to assess quality. A model that UCU would support going forward, with the commission setting the requirements of the inspection of institutions with the post 16 sector.

Question 15:

Should quality enhancement be a key feature of the Quality Assurance Framework operated by the Commission?

No.

We need to stop the never ending quest for improvement and perfection, which can have the effect of disregarding what is already working well. Yes, there should be fundamental requirements of quality assurance, which if achieved, indicate that the provision is up to standard and fit for purpose. We need to move away from the culture that sees baseline achievement as 'not good enough' and 'in need of improvement'; this simply results in ever moving goalposts and unrealistic targets.

This is not to say that things do not benefit from re-evaluation and change, but targets need to be relevant and realistic to the purpose of the provision. Get teacher training and CPD right; trust professional teachers and lecturers to be critically reflective of their practice (and allow them time to do this), if it can be improved it will be, but don't devalue already successful practice by insisting that it must be improved. We should stop perpetuating the culture of chasing rainbows and being endlessly dissatisfied.

Quality enhancement needs to focus on the developmental needs of lecturers, as well as the students that they teach. If lecturers' needs are not met, they will not be in a position to deliver the quality of provision that our students deserve. Quality enhancement should not be a feature of the Quality Assurance Framework. It should be a separate function and focus on the quality of processes to support teaching and learning, as opposed to the quantity of arbitrary outcomes, as it is currently.

Financial and Governance Assurance

Question 16:

We welcome views on how Welsh apprenticeships should, in the future, fit within the role of the Commission. In particular, we would welcome views on what, if any, changes could be made to the Welsh apprenticeship system provided for in the 2009 Act.

Prof. Bill Lucas preparing our response to this question and will follow early in Nov. prior commitments prevented him meeting the closing date, we hope you will consider the response once received

Management of Performance and Risk

Question 17:

Do you consider that the proposals above for monitoring performance and achieving accountability across the PCET system are sufficient and appropriate?

Whilst it would be appropriate for the Commission to report annually to Ministers on the performance of the PCET sector, particularly with regard to the use of public money, care needs to be taken that the data gathered within the reports does not have the unintended consequence of producing a league table type report for public consumption. We mustn't develop our own TEF in Wales for the post 16 sector.

There's a difference between accountability in spending public funds which is clearly vitally important. However we as a profession would like to see an evidence-based approach to making decisions and a commitment to enhancement and staff-led CPD. We must tackle the managerialism that is threatening our post 16 sector.

Question 18:

What more might need to be done to secure the sustainable operation of the PCET system in Wales over the longer term?

There needs to be a much clearer focus and strategy aimed at engaging students who do not fall into the full-time, 16-19/HE category. Recent trends across the UK show that there has been a 28.6% decline in part time first degree courses since 2006/7. Cost and inequality of access to support and funding, is likely to be a contributing factor here (although we acknowledge steps to address this through the Welsh Government response to Diamond)

The provision of a wider range of L4, 5 & 6, with greater flexibility of the mode of delivery, would help to widen the participation of older students and those already in employment, who would like to develop their skills beyond L3 or to switch from one discipline to another.

Currently there is little opportunity for those who wish to return to education, to progress beyond L3 and to bridge the gap between L3 and HE. The result of this is that there are many who are excluded for the PCET system, which is detrimental to both individuals and to Wales as a whole. This may also help to alleviate the number of NEETS aged 19-24, which still remains higher than those aged 16-18³

The cabinet secretary must require the civil service/ HEFCW to provide an evidence base for proposed changes in relation to assessment and quality assurance going forward. The system is creaking with managerialism and the focus on pedagogy is lost; staff are struggling to concentrate on the learning process because so much time is being required to be spent on the bureaucracy imposed by well-meaning individuals who have never been in the classroom and do not understand the dynamic and pressures of teaching.

³ <http://gov.wales/docs/statistics/2017/170726-young-people-not-education-employment-training-year-31-march-2017-en.pdf>

Research and Innovation

Question 19:

Do you agree that there should be a committee of the Commission to be known as Research & Innovation Wales?

Yes. Members of the RIW would then be well place to become members of the UKRI.

UCU Wales welcome the proposal to maintain the links between teaching and research.

Question 20:

Do you agree that Research & Innovation Wales should operate as set out above to develop research and innovation capacity and capability in Wales?

UCU Wales see the role of the RIW as being wider than that of simply a committee. Bearing in mind the number of external bodies that the RIW is likely to engage with (industry, HE, FE, charities, UKRI, Welsh Government etc.) it's probable that the workload and responsibility will exceed the capability of a committee. The RIW could perhaps be a department within the Commission, which would become the 'go to' place for the gathering and dissemination of information and innovation in research in Wales. The RIW would be uniquely placed within the commission, to inform the overall PCET strategy of the demand and expertise of research in Wales, the UK and wider.

The RIW must include the current FE sector where appropriate.

Widening access and participation in the PCET sector

Question 21:

What actions, if any, should be undertaken to encourage greater participation in the PCET sector, particularly by individuals from disadvantaged and under- represented groups?

The PCET sector needs to be better aligned with the curriculum changes taking place in the school sector in Wales, particularly with regard to NEETS 16-19. A broadening of curriculum choices, outside the traditional academic disciplines, would be of benefit to many young people who become disengaged from education at around year 9, for example the Junior Apprenticeship scheme at Cardiff and Vale College. This can provide a more suitable pathway for many and lay the foundations for future vocational learning at post 16, meaning that young people do not have to 'start again' after leaving school; it also means that young people have a better understanding of their own talents and will guide them to more suitable post 16 options, reducing the 'drop out' rate.

Thought also needs to be given to ways of engaging older students. The reduction in part time provision needs to be addressed, as does the cost. As suggested by Wolf (2016)⁴, the need for a single lifetime tertiary education entitlement, should be seriously considered, as a way of encouraging greater participation in the PCET sector, giving the individual the flexibility to study at a time, place and mode of their choice.

ALNET Bill does not include WBL therefore young people with ALN may be excluded from the support and assistance that they need in order to take part in an apprenticeship programme. This could perhaps be offset by requiring service level agreements as a condition of funding, between the Committee and employers, to include support plans for accommodating apprentices with ALN, where employment opportunities are appropriate for individual apprentices.

⁴ <http://epi.org.uk/wp-content/uploads/2016/11/remaking-tertiary-education-web.pdf>

Question 22:

How could we ensure greater retention on and successful completion of PCET courses by these groups?

As suggested above, the broadening of the curriculum at compulsory school age to help engage young people earlier and improve continuity between compulsory and post compulsory education. As already widely agreed, there needs to be a better balance between vocational and academic courses, however there is still a tendency to shoehorn academia into vocational qualifications. Courses need to be appropriate, relevant and interesting. Although it is acknowledged that numeracy and literacy are important skills, it needs to be recognised that for some, these are more difficult to acquire. Many young people are discouraged from PCET as they are required to continue to study, in the same way, subjects that they 'failed' in school i.e. Maths and English. We should perhaps focus on developing the talents that young people already possess and celebrate these talents in their own right, accepting their value to society; instead of focussing on skills that they don't possess and perhaps never will.

Consideration of the 'overload' should also be taken into account, particularly for lower level students. The noble quest for the inclusion of for example, numeracy, literacy and employability skills has led to there being very little room for flexibility within the curriculum, which has ironically had the effect of reducing the time for reflection, consolidation and critical thinking. We would suggest that in the development of the new vocational qualifications, time is built into course programmes for appropriate skills to be developed within the context of the core subject of the qualification. For example, taking the principles of the Welsh Baccalaureate Qualification and incorporating them into the new qualifications, currently being developed for Wales

We welcome the development of higher vocational qualifications and urge an increase of these particularly at levels 4 and 5, to open up opportunities to those who have the ability and wish to engage in higher learning, that is not of the traditional academic nature. The provision of a wider variety of more suitable courses should also increase the retention rate in the PCET sector.

Increased communication and better sharing of student data would help retention and completion as provider would have more accurate information regarding student needs, which would help greatly in providing support for them. Shared computer systems and common data sets would be of benefit. The introduction of the requirements proposed in the additional learning needs bill, will help to streamline this process for students with ALN and the principle of a 'common template' to record student data could be adopted by the education sector as a whole.

The importance of local centres and part-time day and evening courses should not be overlooked either, nor should the workload of teachers and lecturers. The Welsh Governments own workforce survey, highlighted this issue; an issue that ultimately impacts on the student experience of teaching and learning. Staff who need to spend time dealing with overloaded timetables and excessive amounts of preparation, assessment and administration, are unable to prioritise the needs of individual students in a way that fully supports their learning, which contributes to student dropout rates or underachievement.

Measuring impact

Question 23:

How can the evidence base for widening access across the PCET sector be strengthened?

Care should be taken that the focus on widening access for particular groups is not to the detriment of mainstream individuals, who will have their own particular needs. Again the issue is one of looking at the processes available to support the needs of individual students and making sure that groups of people are not excluded or disadvantaged by that process. I.e. the funding incentives for widening access should not deflect attention from the needs of mainstream students.

Further, collecting evidence regarding the number of BME or Welsh language students, for example, does not tell us about the quality of support. Further if demand for such support is not there, the data will be an inaccurate measurement of the organisations efforts to increase such students.

It is also important to focus on access for students who are not included in the full time 16 – 19 category, regardless of protected characteristics. Again, the provision of a wider range of L4, 5 & 6, with greater flexibility of the mode of delivery, would help to widen the participation of older students and those already in employment.

Thought should also be given to the inclusion of academic support/study skills being an integral part of all curricula.

Question 24:

Should further and higher education institutions be placed under a duty to publish and provide to the Commission, data on the application, acceptance and progression rates of students, broken down by gender, ethnicity and socio-economic background?

Yes, but it must be recognised that it will not provide an indication of the quality of provision. It's simply data pertaining to the differing backgrounds of students. This data is nevertheless important in monitoring equality of opportunity and identifying common patterns.

Sixth forms

Question 25:

Do you think that the Commission should have responsibility for the planning, funding and monitoring of school sixth forms? If yes, please give reasons?

Yes, definitely, it's post 16 education. There must be an integrated and comparable system to ensure that students are able to make properly informed choices about the pathway most suitable for them. However, UCU believe that the legal framework must include the capacity to regulate 6th forms but the time at which the commission deems appropriate, a stage two if you will.

It will also support the removal of unhelpful competition and duplication; the commission will have oversight of the whole post 16 sector and will better able to ensure that courses are delivered by the most suitable provider, in the best interests of the student.

Question 26:

Do you think that the Commission should have any other role in relation to school sixth forms, for example provider registration, quality assurance and enhancement, and governance? If yes, please give reasons?

Yes, they are post 16 providers. There must be an integrated and comparable system to ensure that students are able to make properly informed choices about the pathway most suitable for them.

If we are to ever achieve parity of esteem across levels of qualifications, the providers of such qualifications should all be subject to the same scrutiny. We must provide easily comparable conditions for students, parents and employers to be able to make the right decisions for their own particular needs and aspirations.

However, as suggested above, 6th forms should be included within the legislation, but with the option to fully integrate in stages; perhaps starting with quality assurance and bringing in other roles at a later date

Question 27:

Do you think it might be preferable to establish the Commission without including sixth forms within its remit, but with the option of doing so at a later date?

This runs the risk of the 6th forms never being included. They should be included in the legal framework from the outset even if the legislation is not used immediately. In the best interest of our young students, 6th forms must be included.

The current arrangements with DfES should be transferred to the Committee, with the potential to develop the committee's remit at a later date to ensure that in the first instance the focus is on setting up the committee to function for the wider PCET sector. Schools are a politically volatile issue and the commission would do well to consider its initial development in terms of its functioning without having to deal with the potential backlash if decisions are made which have an immediate impact on sixth forms.

Managing the relationship between the Commission and providers

Question 28:

Do you agree the new Commission should operate a registration system to facilitate a flexible but consistent approach to its engagement with institutions and providers across the full range of PCET activity if so, which model, if any, do you prefer and why?

UCU believe the commission should operate which ever system it believes will enable it to work effectively and efficiently across the PCET sector recognising the different providers and their capacity to deliver the provision. We believe that a dialogue should be encouraged between the FE part of DfES and HEFCW to allow those currently operating the system to come forward with proposals for the PCET stakeholder group to consider and make recommendations to government.

Higher Education Governance

Question 29:

We are seeking views on how extant legislation governing HECs in Wales might be modernised to place them on a more equal footing with other providers of higher education, incorporated under different constitutional arrangements and, in particular, whether:

- current prescriptions in relation to the governing documents of HECs should be removed;
- whether the requirement for Privy Council approval should be removed for certain amendments to HECs' governing documents;
- whether the current power for the Welsh Ministers to dissolve HECs should be retained or removed.

No. From our perspective, having the articles and instruments of governance at least ensure that we as staff, who have a significant vested interest in the health of the HE institutions in Wales, have a set of written requirements that we can use to hold institutions to account. Without the current prescriptions we believe there would be greater problems with transparency and probity with governance of institutions in Wales.

We would wish to see what amendments could be considered under such a proposal, before agreeing to such a move.

We believe the Welsh Ministers power to dissolve an HEC should be retained.

Question 30:

We are also seeking views on whether any reform to the process and criteria for granting degree awarding powers (DAP) and university title (UT) for institutions in Wales is necessary as a result of the policy divergence between Wales and England. In particular, whether:

- the Privy Council's role in relation to the granting of DAPs and UT should be retained in Wales or whether responsibility for part or all of the process should transfer to the new post compulsory education and training body.
- any changes to the existing eligibility criteria for DAPs and UT are necessary, including the track record requirement.
- the current basis for the award of indefinite DAPs remains appropriate in light of funding and regulatory changes in Wales.
- the introduction of more flexible degree awarding powers, such as bachelor level only or limited subject, should be explored in Wales.
- powers to vary and revoke degree awarding powers and university title should be considered in Wales,
- any changes to degree awarding powers and validation arrangements would improve the effectiveness of existing partnership arrangements for the delivery of higher education by further education institutions.

Key to these questions is the public perception of any differences that start to arise between the processes in England and Wales. We believe that whilst the Privy Council operates for other parts of the UK HE sector it should operate in Wales. We think that the new commission should be consulted on proposals by the Privy Council to ensure that full information is being disclosed in the applications.

Welsh Government should lobby Westminster to consider the award of 'indefinite' DAPs- it is possible for Wales, with current and proposed legislation, to limit the activity of a provider through the FEE plan arrangements. We wouldn't want to see changes made in Wales that impact on the perception that Wales is different and potentially less attractive to students and staff.

Transitional arrangements – Preparing the road to implementation

Question 31:

Protecting the interests of learners and minimising disruption for providers will inform plans for the transitional period. Are there any other matters which should be taken into account?

UCU would want to be fully engaged as a full stakeholder during the process so that we are able to feed into those managing the transition the issue and solutions to problems if they arise.

Question 32:

To help inform our assessment of the possible impact of these proposals can you foresee any particular impact on those with protected characteristics (within the meaning of the Equality Act 2010) and how they might be particularly affected by these proposals? What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Widening access and participation for learners in work, there should be a clear strategic link between the measures to widen participation and the Welsh Governments 30hour childcare pledge. Affordable, accessible, high quality childcare is the key to ensuring participation from underrepresented groups.

Question 33: We would like to know your views on the effects that the establishment of the *Tertiary Education and Research Commission for Wales* would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh and
- ii) on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

With regard to opportunities to use Welsh, a body that will strategically plan the delivery of an education and skills system for Wales should identify areas where provision needs to be delivered through the medium of Welsh – for example healthcare, teaching and social care. This will not only ensure that the Welsh Government makes progress towards its ambitious target of 1 million Welsh speakers by 2050 but will enable citizens in Wales to access services through the medium of Welsh should they choose to do so.

The Commission should provide greater coherence across the sector, enabling learners to move to different settings, which in theory would mean education delivered through the medium of Welsh across a number of settings. This would require a further investment in the development of Welsh language skills in the sector.

Question 34: Please also explain how you believe the proposed policy could be formulated or changed so as to have

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

There needs to be a clear strategic link and accountability with the PCET proposals and the activities of the Coleg Cymraeg Cenedlaethol.

If an outcomes based approach is followed, one of the measurable outcomes could be the expansion of the provision of education through the medium of Welsh, or demonstrating commitment to improving/enhancing use of Welsh in Institutions.

Question 35: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

It is planned that by April 2018, Health Education and Improvement Wales (HEIW) will be established as the new body for the commissioning, planning and development of education and training for the NHS workforce in Wales. It's suggested that functions of HEIW will include undergraduate and post graduate education and training; be responsible for widening access by identifying and implementing appropriate programmes whether academic or vocational; and co-ordinate apprenticeship opportunities and flexible training routes.

How will functions of the HEIW align with the functions of the commission for PCET, particularly with regard to progression routes; especially vocational/apprenticeship routes?

What safeguards will there be to ensure that the parity and quality of provision overseen by the differing commissions are subject to equally robust measures; and that levels of qualifications harmonise with all other qualifications in Wales?

How will health education and training be allocated between the two commissions in a way that does not create completion and/or duplication of provision?

It would also be useful for the Commission to have a strategic planning role in relation to the provision of vocational courses so that the number of places on particular courses are better matched to opportunities in the labour market. This would mean a more regulated/planned sector rather than a competitive market place where student demand drives provision.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

