

## Consultation

**Response Form** Your name: **Learned Society of Wales**

Organisation (if applicable): **Learned Society of Wales**

email / telephone number: [smorse@lsw.wales.ac.uk](mailto:smorse@lsw.wales.ac.uk) / 02920 376971

Your address: The University Registry, King Edward VII Avenue, Cathays Park, Cardiff CF10 3NS

### Strategic Planning

#### **Question 1:**

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

Yes – this to involve strategic planning operating within the Government’s high level vision for the sector, but critically, the plan has to be developed in consultation with the PCET sector which will be tasked with delivery of the strategic objectives.

It is important that the Commission **remains independent of government** (non-departmental arms-length body) to be more effective in engaging all relevant stakeholders and ensure the autonomy of HE institutions. A second benefit of ALB is that their governance tends to be more representative than other forms of government making public officials more accountable.

The Commission must have flexibility within its remit to determine the best approach to fulfil its responsibilities, and to enable the sector to respond to need and demand as appropriate.

#### **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?

**Yes** and they will necessarily need to be developed in partnership with institutions in order to balance institutional autonomy with accountability for public investment. The Commission should draw on good practice in other countries (eg Scotland, Denmark, and Australia) when developing its strategic planning relationship with institutions and providers. In Scotland outcome agreements initially covered one year but has now moved to 3 years which seems sensible. The outcome agreement process should be designed to recognise the differences between universities in areas such as their organisational aims and objectives and their different student profiles. This means that the specific targets and areas of focus that each university agrees with the Commission in its outcome agreement reflects the strategic priorities of the university as well as the Welsh Government’s national priorities for higher education.

Moreover such agreements should not limit the ambitions of the sector or preclude the sector from pursuing other opportunities in keeping with other parts of the UK or more generally internationally.

The outcome agreements also offer the opportunity to embed the public benefits and civic society roles of further and higher education in the relationship between the Government, the Commission, and the PCET sector. The agreements should promote and recognise the contributions of the institutions and providers to the society, culture, education, and economy of their local communities, and the wider Welsh nation.

### 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?

**Yes.** There needs to be a high level vision developed by government in association with the PCET sector and in consultation with other relevant stakeholders to allow the Commission to come up with a strategic plan. Provided that the Commission's plan has taken account of the Sector's input, it would be appropriate for Welsh Government to give its approval.

#### **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,** provided that the PCET sector has been meaningfully consulted and has engaged with the development of the vision, plan and its delivery. The notion of reasonableness and proportionality should be part of the Outcome Agreement framework, taking into account the amount of public investment. It will be necessary to acknowledge that institutions have sources of income other than direct public investment and publically supported student fee income.

#### **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?

**Yes.** But any penalties, if any, must be proportionate and reasonable as to not impact deleteriously on the delivery of the wider university functions and other achievements in the outcome agreements.

#### **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,** and with the general purpose of ensuring the success of the outcome agreements more widely.

#### **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

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.** However the duties on students as learners should also be set out and where reinforced where necessary.

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?

It is vital that students are provided with the opportunity to transfer more easily to other appropriate courses within Wales and the UK, and for progress to be recognised at the second institution.

**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?

Yes. Current arrangements for HE include a range of safeguards all of which should continue.

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?

There is a duty on the sector to ensure that learners are on the appropriate course and at the appropriate level at the all stages of their learning experience and to encourage movement to more suitable courses if appropriate.

**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?

Strategic oversight within institutions would provide the opportunity to better inform students on possible learning and career pathways, and pathways for transitions between different modes and levels of study, empowering them to make the best decisions for their circumstances, utilising internationally recognised credit transfer frameworks.

**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?

The Office of Independent Adjudicator already fulfils this function for HE, but an equivalent mechanism will be required for FE in Wales

**Quality Assurance and Enhancement****Question 14:**

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

The current HE Quality Assurance Framework is a robust model that benefits from its pan-UK framework and benchmarking system. It is vital that these arrangements remain in place. FE providers which deliver HE courses are familiar with this QA framework, and aspects of it could be extended in to FE provision more widely.

**Question 15:**

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

Yes, to ensure continuous improvement.

**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.

Sector-wide strategic oversight measures should offer opportunities in relation to developing and simplifying skills and training provision, in particular apprenticeships.

Apprenticeship schemes in Wales span many levels and different providers (work-based learning, colleges and universities) are involved in their delivery (usually in partnership with employers and/or professional bodies), which adds some complexity to how funding is distributed and responsibility for quality assurance. With oversight by one body, there could be increased flexibility, a reduction in bureaucracy, and improved connections between different aspects of the PCET sector, to the benefit of learners, employers and the economy.

**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?

Yes

**Question 18:**

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

Long term, **secure funding** will be important, in conjunction with meaningful and open dialogue between the sector and government to help ensure sustainability.

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**, we agree that there should be a Committee of the Commission to be known as Research and Innovation Wales. The Commission will require advice from a body expert in HE research policy. Moreover HEFCW's role needs to be secured in the transition through to a fully operational Commission with that expertise.

This should be a statutory committee that works with all relevant government departments to ensure that the full spectrum of government activities is engaged in the development of research and innovation strategies within the PCET sector.

A recent report commissioned by the Learned Society of Wales highlighted that Wales's REF impact results showed that Wales not only secured the highest proportion of 4 Star impact for any the UK countries, but that 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, dementia, childcare, mental health, public housing, renewable energy, community violence, poverty, transport management, cancer and agriculture.

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. The committee's remit should include the fostering and promotion of excellence in and impact of research activity across the disciplines to include Social Science and Humanities as well as STEM.

**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?

**Yes.** With the impact of Brexit it is essential that Wales now acts to develop greater R&I capacity and capability. Public investment in research is vital to Wales's current and future

prosperity, and can in turn lever in additional investment from other sources. It is important that no decisions should be taken forward until the recommendations of the ongoing **Reid Review** of government funded research and innovation have been made and fully considered.

### 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?

Strategic oversight by one body across the PCET sector has the potential to improve progression rates and routes from FE to HE. As the 2015 WISERD report on *Access to Higher Education in Wales* recommended, a national strategic framework for widening access across all sectors within education, and specify the complementary roles of different providers in implementing widening access policies. The framework should identify target groups to be the beneficiaries of the policies, and also specify performance indicators – not only for participation but also retention and progression through FE and HE, and include analysis of the “value added” by comparing entry and exit qualifications. Brexit will inevitably create a greater need to enhance skills levels in the existing workforce and to draw a proportion of those not currently active in the labour market into work. Taken together, these developments constitute both challenge and opportunity in the area of lifelong learning and widening access to FE and HE. They will require providers to develop greater flexibility of provision and enhanced engagement with employers.

#### **Question 22:**

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

Strategic oversight by one body across the PCET sector has the potential to improve retention and successful rates in both FE and HE. As the 2015 WISERD report on *Access to Higher Education in Wales* recommended, a national strategic framework for widening access across all sectors within education, and specify the complementary roles of different providers in implementing widening access policies. The framework should identify target groups to be the beneficiaries of the policies, and also specify performance indicators – not only for participation but also retention and progression through FE and HE, and include analysis of the “value added” by comparing entry and exit qualifications. Brexit will inevitably create a greater need to enhance skills levels in the existing workforce and to draw a proportion of those not currently active in the labour market into work. Taken together, these developments constitute both challenge and opportunity in the area of lifelong learning and widening access to FE and HE. They will require providers to develop greater flexibility of provision and enhanced engagement with employers.

### Measuring impact

#### **Question 23:**

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

More sector wide intelligence is needed facilitated by improved data collection. The development of the Unique Learner Number scheme will be vital to this evidence base in order to anonymously identify potential widening access groups.

**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?

HE institutions already have a duty to collect and report such data, but it is important that FE institutions do likewise to ensure better monitoring of application, acceptance, progression and non-continuation rate via the Unique Learner Number, to ensure comparability with other areas of the UK.

Widening access to the PCET sector should involve all levels of education provision and an all-age approach – responsibility lies with schools, FE colleges and HE providers – working where appropriate with employers and professional bodies. As the WISERD report recommended, existing monitoring of the performance of FE colleges should be expanded to include measures of learner destinations (including entry to higher education).

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?

**No** : Not at this stage. It will have sufficient challenges without that role which is best left to current arrangements which should work in tandem with the Commission.

**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?

Meaningful and successful widening access policies should incorporate all sectors of the education system in Wales, and therefore some engagement between the Commission and schools could be considered, to reinforce the complementary roles of different providers in implementing widening access strategies and in increasing the proportion of learners going on to post school education.

**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?

Yes, however any consideration of incorporating sixth form education should be delayed until much later

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?

Yes. It is vital that Wales maintains a register of providers in order to ensure that every provider meet agreed criteria and expectations, and to clarify the standing of providers and

their provision for students. A public register would help to protect the well-deserved reputation of the sector.

The register, which could serve the entire PCET sector, following the existing model of the recognised institutions which have been granted degree awarding powers.

### 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.

#### **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.



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?

Structural reform should be a phased process in order to minimise disruption, and any consideration of incorporating sixth form education should be delayed until much later

**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?

**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 positive effects could be increased, or negative effects be mitigated?

Full consideration of the issues around Welsh medium education and training must be given from the very beginning of discussions about establishing a new body. Any negative effects must be mitigated, and the opportunities to increase provision of Welsh medium courses at FE level and ensure progression to HE level should be developed, and can build on the successful work of the Coleg Cymraeg Cenedlaethol to date.

**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.

**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:

Please enter here:

It is critical that lessons are learned from ELWA inform the way the Commission is established and the strategies implemented. It is essential that the good work of HEFCW is not lost and that its significant expertise are retained.

We strongly welcome the commitment of the continuation of QR funding, in line with the recommendations of the Diamond Review. This unhypothecated funding is crucial to effective research activity and impact in Wales. This type of funding plays a crucially important role in underpinning the HE sector as a whole, allowing for investment in interdisciplinary and experimental research, establishes the conditions for research collaborations with other institutions – often on an international basis - and provides the bedrock for leverage of further funding from other sources. The Kings College report commissioned by the Learned Society of Wales found considerable interdisciplinarity between research disciplines and corresponding impact topics in Welsh research e.g. Business and Industry impact originated from research disciplines in life sciences, engineering and physical sciences, social sciences and arts and humanities.

Some of the most significant challenges that Wales faces today are interdisciplinary in nature. Research funding and the policy environment must support, stimulate and enable cutting-edge interdisciplinary research. It is critical that this funding is protected.

It will be important as with previous consultations to pay due respect to the feedback provided from those providers that will ultimately be charged with delivering the success of the new structure.

With this in mind, we note our concern that the WG decided a month before the submission deadline for this consultation to announce another review for monitoring and improving the effectiveness of post compulsory education in Wales – the Weingarten review. As this new review (announced before consideration of this outcomes of this consultation) can be seen as part of the wider approach to the long term reform of PCET including creating a new Tertiary and Education and Research Commission for Wales and Professor Graeme Reid's ongoing review of government-funded research and innovation in Wales, it might have been better to have waited before commissioning a further review.

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: