

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 03

Ymateb gan: Comisiynydd y Gymraeg

Response from: Welsh Language Commissioner

The Welsh Language Commissioner's evidence on the Tertiary Education and Research (Wales) Bill for the Children, Young People and Education Committee

1. General

- 1.1 In general, we support the establishment of the Commission for Tertiary Education and Research. The aspiration to develop a more effective and coordinated post compulsory education and training system offers obvious opportunities to improve Welsh medium provision. It is important that these aspirations align to the aims of the Cymraeg 2050 Strategy.
- 1.2 However, significant work is needed in order to develop Welsh medium and bilingual provision in the post compulsory sector. My 5 year [Report on the Position of the Welsh language](#) notes that the statistics of the past five years show that there has been very little real progress in the sector in relation to the core objectives of Cymraeg 2050. Historically, the post compulsory education sector's Welsh medium and bilingual provision has not received the same investment and strategic emphasis in comparison with the statutory education sector. This situation has changed significantly in the context of the higher education sector since establishing the Coleg Cymraeg Cenedlaethol in 2011, but it is fair to argue that there is a need to go further, especially in terms of further education provision and Welsh medium apprenticeships. Therefore, establishing the Commission offers an opportunity to reflect on the current situation, and to establish more robust frameworks and arrangements in order to ensure that the entire post compulsory sector takes strides to improve Welsh medium and bilingual provision.

2. The Bill's provisions for the Welsh language

2.1 The Commission's Responsibilities

In general we welcome the duties placed on the Commission in Part 1, section 8 of the Bill to promote tertiary education through the medium of Welsh; to encourage people to participate in tertiary education provided in Wales through the medium of Welsh; to encourage the provision of tertiary education through the medium of Welsh by registered providers in Wales, and other persons providing tertiary education funded or otherwise secured by the Commission. We are however concerned about the wording of the duty to take all reasonable steps to ensure that there is sufficient tertiary education provided in Wales through the medium of Welsh to meet reasonable demand.

2.2 All reasonable steps and meeting reasonable demand

It is not sufficient to place the duty that the Commission must 'take all reasonable steps to ensure that there is sufficient tertiary education provided in Wales through the medium of Welsh to meet reasonable demand'. The fact that tertiary education provision through the medium of Welsh has been very limited in the past means that there is a need to actively promote the provision and encourage individuals to study through the medium of Welsh. Without focusing on this, there is a danger that the clause 'meet reasonable demand' will lead to a lack of progress. Therefore, we

believe the Commission will need to have a specific strategic focus on encouraging and promoting Welsh medium and bilingual provision, especially in the short and medium term. In this context, there should be a specific focus on progression in Welsh medium and bilingual education, and the value of bilingual skills in the world of work in Wales. We therefore believe that the Bill's wording should be amended in order to place a duty on the Commission to ensure that tertiary education provision enables all Welsh learners/students to continue to develop their Welsh language skills when transferring from statutory education to tertiary education. This is essential when considering the vision that the sector will contribute significantly to national and individual prosperity, as bilingual skills will increase the employability of individuals.

2.3 Funding

We understand that Welsh Ministers will be able to allocate financial resources to the Commission in respect of all categories of tertiary education and that the Commission will be able to allocate funding to providers to deliver Welsh-medium tertiary education and the provision of Welsh language acquisition courses. We support this ability to allocate funding but believe that there is a need to consider the best way of doing so with regards to the outcomes of the provision in ensuring that people maintain and develop their Welsh language skills all over Wales.

2.4 Additional Learning Needs

We support the requirements on the Commission when securing further education and training requirement in Section 3, 93, 1 (d) to have regard to the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh; and (e) to have regard to the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs.

2.4 Sixth forms and local Welsh medium provision

We understand that for the purposes of the Bill that tertiary education encompasses sixth form provision. In light of the lack of Welsh language provision in the wider post-16 sector, there is an important place for sixth form classes in Welsh medium schools. This provision provides pupils who have received their statutory education through the medium of Welsh the opportunity to maintain and develop those Welsh language skills and also contribute to the Welsh ethos of those schools. The Commission will therefore need to have an understanding and appreciation of sixth forms in Welsh medium schools.

- 2.5 The Commission will be responsible for allocating funding for local authority maintained school sixth forms. The Commission is to be enabled, in certain circumstances, to direct that a local authority, or the governing board of a foundation or voluntary school, establish or discontinue a school sixth form, or make proposals in accordance with such a direction. The circumstances and limitations on what might trigger the Commission to direct a local authority to bring forward proposals will be consulted on and included in the statutory School Organisation

Code. Our hope would be that these systems and processes would safeguard and promote the current Welsh medium provision in Welsh medium schools.

- 2.6 13.32 and 13.33 of the explanatory memorandum explains the relationship between the Commission and providers and local authorities. It explains that this could be achieved through the negotiation of outcome agreements (other than where provision and services are secured by means of contracts). It is explained that it is envisioned that these would, in effect, be “performance contracts” to be negotiated between the Commission and providers in receipt of recurrent funds, and between the Commission and local authorities in respect of funding allocated for school sixth form provision. There is a clear opportunity here to ensure that Welsh medium provision is part of these performance contracts.
- 2.7 3.268 of the explanatory memorandum explains that the Commission will have ‘responsibility for ensuring the formation of local curricula, in line with its responsibilities to plan and fund post-16 education and training and to secure proper facilities for learners aged 16 to 19.’ In terms of Welsh medium and bilingual provision it is likely that tertiary education providers will compete, at a local level at any rate, for the same learners and also for funding from the Commission and that it is possible therefore that sixth forms and further education providers will compete for the same students and resources. There is a need therefore to understand how the performance contracts and the concept of local curricula that the Commission will develop will work on a practical level with regards to Welsh language provision locally and regionally. Any arrangements made at a local level will have to be based on robust evidence and detailed understanding of the local post-16 provision and an understanding of Welsh medium provision in the area. Therefore, we would be interested to know how the Commission will develop such detailed and local understanding and collaboration with key partners in this regard. Consideration must also be given to the relationship between the work of the Commission developing local curricula and the [Welsh in Education Strategic Plans \(Wales\) Regulations 2019](#), specifically sections 13 and 14 of the Schedule in the regulations.

2.8 Welsh Language Standards

We welcome the intention that the Welsh Language Standards (No. 6) Regulations 2017 will be amended to include the new Commission. It is essential that the Commission complies with the standards as soon as possible. We also see that the requirement that the Commission will comply with the policy making standards reinforces the duty on the Commission to promote tertiary education through the medium of Welsh.

3. Tertiary education as a result of the Bill

- 3.1 Although we welcome the contents of the Bill in terms of the Welsh language at a general level, it is the implementation of the Bill that will be crucial in achieving such objectives. That is, the matter of crucial importance is the work of implementing the Bill, and ensuring that the objectives and vision of the proposed legislation are realised at grass roots level. We believe that two matters are crucial in this context:

- i. Ensuring a clear strategic direction and robust accountability arrangements when establishing the priorities of the Welsh Ministers, the Commission's strategic plan, and in the registration conditions and outcome agreements of tertiary education providers
 - ii. Ensuring effective collaboration between the Commission and organisations such as the Coleg Cymraeg Cenedlaethol and the National Centre for Learning Welsh
- 3.2 The strategic framework offered in the Bill in terms of setting a direction for the Commission's work and tertiary education providers is common in several different policy areas. The Welsh Ministers will set a strategic direction by announcing priorities for the Commission's work, the Commission will produce a strategic plan based on this, and in turn, this strategic plan will be the basis for financing and arranging tertiary education provision, and in order to review the quality and performance of the provision. We do not disagree with this framework, but each stage of this strategic framework will need to give due consideration to matters regarding Welsh medium provision. The key matter will be establishing robust monitoring and accountability arrangements in order to ensure that the vision and high-level objectives lead to genuine changes at a provider's level in terms of the Welsh language. We believe that the process of producing the Commission's strategic plan and the role of outcome agreements in the relationship between the commission and the providers is vital in this context. Another important element is ensuring that data is collated in a manner that adequately reflects the linguistic outcomes of students in order to measure success and plan provision in the context of the vision of the Cymraeg 2050 Strategy.
- 3.3 We welcome the fact that the Commission will have a duty in terms of promoting Welsh medium tertiary education. We also note the fact that the key role of the Coleg Cymraeg Cenedlaethol and the National Centre for Learning Welsh will continue. The explanatory memorandum explains that Welsh Ministers will continue to provide funding directly to these organisations in the short to medium term. The explanatory memorandum explains that the Welsh Government considers there to be risk, that if the funding for the Coleg and National Centre was allocated to the Commission, the progress made by these organisations in terms of developing capacity of providers to deliver Welsh-medium tertiary education would be lost. It must be ensured therefore that the funding provided to these organisations is sufficient in order for them to achieve the objectives of this Bill, and the more general objectives of the Cymraeg 2050. However, the explanatory memorandum also sets out that there is a risk that Welsh Ministers continuing to provide funding to the Coleg and the National Centre may lead to duplication of work and the inefficient use of resources. This underlines the need for the relationship between the Commission and these intermediate organisations to be clear and that there is clarity in terms of the role and responsibilities of different organisations. It must be ensured that it is possible to support and reinforce the expertise of the Coleg and the Centre, but also ensure that matters regarding the Welsh language are mainstreamed into the Commission's work, and are considered a core part of the Commission's general function