

CYPE(6)-04-22 - Paper to note 19

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Children, Young People and Education Committee

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddPlant@senedd.cymru
senedd.cymru/SeneddPlant
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddChildren@senedd.wales
senedd.wales/SeneddChildren
0300 200 6565

Jeremy Miles MS
Minister for Education and Welsh Language

Dyddiad | Date 13 January 2022

Pwnc | Subject: Tertiary Education and Research (Wales) Bill

Dear Jeremy,

Thank you for giving evidence to the Committee on 13 January. As I indicated, there are some issues which we would like some further information on to inform our scrutiny.

Information raised during the consultation

There were some issues that were raised by stakeholders in the consultation, and we would welcome some further clarity on these issues as outlined below.

- The Council of Deans has requested further clarity “about whether the Commission will fund pre-registration healthcare programmes and how this will link with funding from NHS Wales and HEIW”. The Council also asks for more information on how the Commission will fund healthcare research in Wales; and how pre-registration healthcare professional apprenticeship programmes will be funded.
- The Open University in Wales has expressed concerns about lifelong learning provision being framed specifically in terms of further education in the Bill. The OU seeks clarify on this point, writing: “We do not believe that it is the Welsh Government’s intention to limit these funding mechanisms to further education providers but would welcome clarification that our understanding is correct”.

- NPTC Group has asked for clarity regarding the effect of S67 And S68 in the Bill. They write: “Further explanation is [...] required regarding how this [power] interacts alongside the role of WG as Principal Regulator of the FE institutions as exempt charities”.
- The Equality and Human Rights Commission write: “it is unclear how and whether the EIA relates to the breadth of the Bill and the scope of its measures”. The Committee would be grateful if the Minister can clarify this point for the EHRC.
- The Charity Commission has asked for clarity on the following point: “Under clause 25(4)(b)(i) of the Bill, the Welsh Ministers may, by regulation, specify further initial registration conditions relating to the charitable or other status of tertiary education providers. It would be helpful to have clarity as to what conditions may be imposed in practice”.
- Universities Wales asks for clarity on why the Commission is obliged to have regard to the ‘distinctive characteristic’ of providers when funding under some headings but not others, for instance when funding research and innovation.
- On the matter of Additional Learning Needs:
 - The Children’s Commissioner has requested further details be provided that would “support the Commission to more effectively fulfil [the activity listed in para 3.276 of the EM]” in relation to learners with ALN.
 - Natspec asks how the Bill will require providers to be accountable for meeting the needs of students with ALN; and draws the Committee’s attention to “a need to ensure young people with complex ALN who require a placement at a specialist further education college are not excluded from the protections offered by the Commission”. The Committee would appreciate more information on these points.
 - Estyn has told us that: “we feel the Bill as introduced is not clear about the Commission’s role in funding [high need and ALN] learners to have appropriate provision”. They seek clarity regarding: “why or how learners with high needs could be funded differently according to the type of provision they need and may have differing quality experiences according to which provider they attend”.

Issues arising from the evidence session

Following discussion of the evidence, we would welcome some further information on:

- Your thinking on the development of the national strategic body for adult community learning;
- How ALN provision will work for learners in practice and how this Bill will interact with other pieces of relevant legislation such as the 2018 Additional Learning Needs Act; and

- Why you believe 6th forms should be included in the Commission's remit, and if so, clarity as to why some of the provisions around learner protection and learner voice do not cover 6th forms

During the session you agreed to provide:

- Comparative information on composition and differing types of Board membership in similar organisations to the Commission;
- Further information on the latest position on the power to dissolve Higher Education Corporations;
- Further information on the issues arising from the [petition](#) on the postgraduate STEM bursary;
- Further information on how the Bill can support academic freedom for individual academics, as opposed to the broader protections within the Bill for institutional academic freedom;
- Further information on how the Coleg Cymraeg Cenedlaethol, Commission and other associated bodies will work together in relation to their roles in relation to Welsh medium provision; and
- Whether consent has been granted for section 128.

In order to ensure your response can inform our deliberations on the Bill, we would ask for a response by Friday 4 February.

Yours sincerely,



Jayne Bryant MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.