

Government Response: *The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024*

Scrutiny point 1:

In correspondence to the Children, Young People and Education (CYPE) Committee in November 2022, the Minister for Education and Welsh Language highlighted that a phased approach to implementation was being adopted based on three key principles:

- Ensuring continuity of provision for the sector with no discernible disruption for providers or learners during the establishment of the Commission for Tertiary Education and Research (the Commission),
- Avoiding undue burden on providers during the implementation phase, for example managing and synchronising the volume and timing of engagement and formal consultation,
- The strategic duties, as set out in Part 1 of the Act, to form the core foundation for the Commission's work from the outset, including the preparation and publication of the Welsh Ministers' statement of priorities.

The Minister for Education and Welsh Language published a written statement on 24 January, which he also referenced when he attended the CYPE Committee on 28 February, confirming that the legislative powers would now transfer to the Commission on 1 August 2024, with the Higher Education Funding Council for Wales (HEFCW) continuing to exercise its full regulatory and funding functions until that time. The revised date has been agreed to ensure a smooth transition of the existing legal and regulatory environment which has proved more complex than initially anticipated when the 2023 Order was made.

Whilst the operational date for the Commission has been revised, it will continue to work on the development of its first strategic plan and preparations for the new tertiary education regulatory system. Whilst staff will now transfer to the Commission on 1 August 2024, officials continue to work closely with HEFCW and the Commission to ensure suitable staffing arrangements are in place to maintain momentum and to provide continuity for the sector. This essential preparatory work is designed to support a smooth transition towards the Commission becoming operational, ensuring there is no discernible disruption to either learners or providers.

The revised operational date is in line with the implementation principles detailed above and seeks to balance providing appropriate time to ensure the changes to the legislative landscape are successfully delivered whilst also ensuring that the new arrangements are effective on the ground as soon as practicable.

Stakeholders have welcomed this approach and recognise that a smooth transition for learners, providers and staff is key in delivering our innovative and ambitious vision for Wales' tertiary education and research sector.