

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref LF/HL/0560/14

Jocelyn Davies AM
Chair
Finance Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

30 June 2014

Higher Education (Wales) Bill – Clarification on costs in Annex

Thank you for your letter of 6 June 2014, regarding the costs associated with the Higher Education (Wales) Bill.

I am pleased that the Committee found the level of detail included in the Explanatory Memorandum helpful. The following table provides a breakdown of task days associated with the headline tasks recorded in the Regulatory Impact Assessment. In order to aid understanding, the 'sub-tasks' used in the cost analysis are also included.

I trust that this information is helpful and responds to the Committee's specific questions.

Best Regards
Huw

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Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

	Junior	Middle	Senior	Specialist
Fee plan approval and automatic designation				
REGULAR				
Welsh Ministers to issue guidance to HEFCW on designation and fee plan approval	5	25	6	2
HEFCW to provide applicants with information concerning the designation process and requirements	5	15	5	3
HEFCW to provide applicants with information concerning regulatory requirements	5	15	5	3
Institutions to compile fee plans	12	60	10	5
Institutions to include provisions in respect of the retention of students who are members of groups which are under-represented in HE				
Institutions required to set out the proportion of their fee income above the threshold amount which they intend to apply to fee plan objectives				Info. only
HEFCW to receive and assess fee plans	5	25	16	2
HEFCW to have regard to the quality of education at the institution				
HEFCW to have regard to the financial stability of the institution				
HEFCW to have regard to the corporate governance arrangements in place				Info. only
HEFCW to establish the charitable status of applicant institutions				
HEFCW be required to take a proportionate approach when approving and enforcing fee plans dependent upon fee level				
SANCTIONS/COMPLIANCE				
Institutions to be able to apply for a variation of the fee plan	4	20	5	2
HEFCW to approve variations	2	20	9	2
HEFCW to withdraw approval of a fee plan if an institution ceases to have charitable status				See 'Fee plan refusal/withdrawal'
Fee plan monitoring and evaluation				
REGULAR				
Welsh Ministers to issue guidance to HEFCW on monitoring and evaluation	5	20	6	2
Institutions' Governing Bodies must monitor compliance with the plan and progress in achieving objectives	12	60	15	10

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HEFCW to monitor and evaluate the effectiveness of plans individually and at the sector level and to use these to inform the development of good practice guidance	5	40	21	5
HEFCW to issue good practice advice on targeting of particular disadvantaged or under-represented groups			Incl. above	
Institutions with a fee plan to co-operate and engage with HEFCW for purposes of evaluation	4	20	5	2
HEFCW to be able to commission the gathering of information and the carrying out of research and analysis in support of evaluating fee plan outcomes	4	35	20	2
Institutions will be required to have due regard to good practice guidance issued by HEFCW			Info. only	
HEFCW to monitor fee plans and to determine the most effective monitoring arrangements for fee plans	5	40	18	2
SANCTIONS/COMPLIANCE				
Welsh Ministers may request that HEFCW undertakes reviews of fee plans as and when considered to be necessary			Individual items below	
when the Welsh Ministers want to receive a report from HEFCW on the compliance of regulated institutions generally	3	15	12	1
when the Welsh Ministers want to receive a report from HEFCW on the compliance of a specific regulated institution	3	25	9	2
when the Welsh Ministers want to receive a report from HEFCW on the effectiveness of regulated institutions generally	3	15	12	1
when the Welsh Ministers want to receive a report from HEFCW on the effectiveness of a specific regulated institution	3	25	9	3
HEFCW to be able to instruct an institution to invest a specific proportion of fee income on activities relating to promotion of equality of opportunity and/or promotion of HE			Sum of items below	
Compliance Process I			See 'Compliance Process I'	
Compliance Process II			See 'Compliance Process II'	
HEFCW to be able to amend the direction if the direction is partially discharged	3	12	6	2
HEFCW to be able to direct an institution to vary a fee plan to account for the spending direction	3	12	6	2
HEFCW to be able to refuse to approve a fee plan upon renewal where an institution has failed to comply with the general provisions of the plan			See 'Fee plan refusal/withdrawal'	
HEFCW to withdraw approval of a fee plan if an institution persistently fails to comply with the requirements of its fee plan			See 'Fee plan refusal/withdrawal'	

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Tuition fee controls				
SANCTIONS/COMPLIANCE				
HEFCW to be able to issue guidance to institutions about the steps to be taken to comply with a fee limit	5	15	12	2
Welsh Ministers may issue guidance to HEFCW	5	20	6	5
HEFCW to consult appropriate institutions before issuing such guidance	5	15	15	2
Institutions governing body to have regard to guidance	Info. only			
HEFCW to be able to direct an institution to take action to comply with the appropriate fee limit and/or reimburse excess fees which have been paid to it.	Sum of items below			
Institution to reimburse fees	20	30	10	5
Compliance Process I	See 'Compliance Process I'			
Compliance Process II	See 'Compliance Process II'			
HEFCW to be able to amend the direction if the direction is partially discharged	3	12	6	2
HEFCW to make public an assessment of any institution which the Council considers not to have made sufficient progress against its fee plan	3	12	9	2
HEFCW to be able to refuse to approve a fee plan upon renewal where an institution has failed to comply with the fee limit specified in the plan	See 'Fee plan refusal/withdrawal'			
HEFCW to withdraw approval of a fee plan if an institution persistently fails to comply with fee limits	See 'Fee plan refusal/withdrawal'			
Quality Assessment				
REGULAR				
HEFCW to assess or make provision for the assessment of quality	4	20	18	4
Welsh Ministers to be able to provide guidance to HEFCW concerning the exercise of its quality assessment functions and the production of its annual report.	5	25	5	2
Welsh Ministers to consult with HEFCW before issuing guidance	1	3	1	0
HEFCW to have due regard to this guidance	Info. only			
HEFCW should prepare, consult on and publish a statement as to how it will exercise the new functions	5	30	18	4

	Junior	Middle	Senior	Specialist
HEFCW to issue guidance to regulated institutions concerning quality assessment.	5	30	18	4
Guidance to include maintaining a subscription to QAA			Info. only	
Institutions to have due regard to guidance			Info. only	
HEFCW to establish and maintain a committee to provide advice on its quality assessment duty including any such functions conferred on it by the Welsh Ministers	4	12	9	18
HEFCW to submit an annual report to the Welsh Ministers on the discharge of its quality assessment functions	4	12	9	2
Welsh Ministers able to direct HEFCW as to the form and content of the annual report	5	15	1	1
Institutions under an obligation to engage with the quality assessment arrangements	20	80	10	10
SANCTIONS/COMPLIANCE				
HEFCW to issue a direction to a regulated institution which would require them to allow access to premises, records and documents	10	30	30	12
HEFCW to be able enforce compliance with such a direction by way of a Court injunction	10	30	40	12
HEFCW may direct regulated institutions to take or refrain from taking certain steps to rectify any weakness in quality				
Compliance Process I	See 'Compliance Process I'			
Compliance Process II	See 'Compliance Process II'			
HEFCW to be able to issue a notice of intent to refuse to approve a fee plan upon renewal	3	15	15	6
HEFCW to be able to withdraw such a notice	3	15	15	6
HEFCW to be able to direct an institution to develop and implement action plans to address failures/weaknesses in quality	15	40	5	2
Such plans would be subject to HEFCW's approval	6	24	30	8
HEFCW may take additional action where it is considered that an institution is failing to meet quality requirements	Individual items below			
HEFCW to be able to send in a support team	3	15	15	2
HEFCW to be able to undertake additional assurance reviews	2	10	6	1
HEFCW to be able to attend and address meetings of the governing body / management board of a regulated institution	2	15	8	2

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Institutions to be under a duty to comply with the above measures	5	20	5	2
HEFCW to be able enforce compliance with such a direction by way of a Court injunction	2	10	15	2
HEFCW should be able to withdraw its approval of the regulated institution's fee plan	See 'Fee plan refusal/withdrawal'			
Financial assurance				
REGULAR				
Welsh Ministers to be able to issue guidance in connection with the preparation of the Financial Management Code	5	25	5	3
Welsh Ministers to lay the Code before the National Assembly	4	5	1	2
HEFCW to prepare and publish a Financial Management Code	2	8	12	2
HEFCW to keep the Code under review	2	5	2	1
HEFCW to consult upon a draft of the Code or any subsequent review	2	8	12	2
Institutions under a duty to comply with requirements imposed by the Code	20	80	10	10
Institutions to have regard to this guidance	Info. only			
HEFCW to submit a draft of the Code following consultation to the Welsh Ministers for approval	1	2	2	0
HEFCW to issue the Code to regulated institutions and to make the Code publicly available by publication on its website	2	2	0	0
HEFCW to be able to commission efficiency studies related to the Code	5	60	20	1
HEFCW to monitor the financial arrangements in place at regulated institutions	5	20	12	5
HEFCW should be required to prepare, consult on and publish a statement of the Council's policy on the exercise of its proposed intervention powers	2	5	5	2
Welsh Ministers to prescribe the manner in which HEFCW should prepare, consult on and publish a statement of intervention powers	5	10	2	2
HEFCW to consult on a draft policy and revised draft following a review	Incl. above			
Welsh Ministers to issue guidance on the matters to be included in the intervention policy	5	20	3	4
HEFCW to have regard to that guidance	Info. only			
Institutions under a duty to engage with the assurance arrangements put in place by HEFCW and provide assistance, access and information	10	20	5	2

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HEFCW to be able to issue a direction, enforceable by way of an injunction, to a regulated institution which would require them to allow access (to premises, records etc)	5	30	18	4
HEFCW should be required to provide an annual report to the Welsh Ministers detailing how the Council has discharged its financial assurance functions	2	8	6	1
Welsh Ministers to be able to issue guidance as to form and content	5	10	2	1
SANCTIONS/COMPLIANCE				
HEFCW to intervene in the event of a regulated provider failing to comply (or being likely to fail to comply) with the Code's requirements	Covered below			
HEFCW to be able to issue a direction to an institution to take or refrain from taking certain steps				
Compliance Process I	See 'Compliance Process I'			
Compliance Process II	See 'Compliance Process II'			
As an alternative to an injunction HEFCW to give notice of the intention to refuse to approve a fee plan upon renewal	See 'Fee plan refusal/withdrawal'			
HEFCW to have the ability to withdraw a notice that it will not approve a fee plan upon renewal	2	20	12	2
HEFCW to provide written notification to an institution when the direction has been complied with	2	8	12	2
HEFCW to be able to support an institution	Individual items below			
HEFCW to be able to send in a support team	5	35	21	4
HEFCW to be able to undertake reviews	4	8	4	1
HEFCW to be able to attend and/or address a governing body or committee	1	35	18	4
Institution under a duty to have regard to advice etc given by HEFCW	5	15	7	5
HEFCW to be able to withdraw approval of an approved fee plan if the failure to comply with the Code is sufficiently serious	See 'Fee plan refusal/withdrawal'			
Definition of institution				
Welsh Ministers to amend Recognised and Listed Bodies Orders regularly	10	5	1	6
Fee plan refusal/withdrawal				
HEFCW to withdraw approval of a fee plan	Sum of items below			
Welsh Ministers to issue guidance to HEFCW on the exercise of its ability to withdraw a fee plan	5	20	3	5

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Compliance Process I	See 'Compliance Process I'			
Upon withdrawal of a fee plan, transitional measures will be required to enable students to remain eligible for support	15	25	10	10
HEFCW to be able to refuse to approve a fee plan upon renewal	Sum of items below			
Compliance Process I	See 'Compliance Process I'			
Upon refusal of a fee plan, transitional measures will be required to enable students to remain eligible for support	As above			
Compliance processes				
Compliance Process I	Sum of items below			
HEFCW required to issue a warning notice	1	10	6	2
Institutions subject to such warning notices to be able to make representations against the direction	5	25	10	2
HEFCW will be required to have regard to any representations received from the regulated institution	1	10	6	2
HEFCW will be able to issue a notice of direction	1	10	9	2
Institutions subject to the decision should be able to seek a review by an independent person or panel	2	8	5	0
HEFCW will be required to reconsider its decision having regard to any recommendation	1	10	5	2
Institutions to be under a duty to comply with the direction	5	25	10	2
HEFCW to revoke the direction when the direction is discharged	1	6	3	1
Compliance Process II	Sum of items below			
HEFCW to be able enforce compliance with such a direction by way of a Court injunction	2	14	10	3