

**Explanatory Memorandum to the Gower College Swansea (Incorporation) Order 2010 and the Gower College Swansea Further Education Corporation (Government) Regulations 2010**

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Gower College Swansea (Incorporation) Order 2010 and the Gower College Swansea Further Education Corporation (Government) Regulations 2010. I am satisfied that the benefits outweigh any costs.

*Leighton Andrews*

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

25 April 2010

## **1. Description**

The Gower College Swansea (Incorporation) Order 2010 (the Incorporation Order) establishes a further education corporation for the purpose of conducting a new educational institution by the name of Gower College Swansea. The Order provides that the new further education corporation will be established on 20th May 2010 and will conduct the educational institution called Gower College Swansea from 20 August 2010.

The Gower College Swansea Further Education Corporation (Government) Regulations 2010 (the Government Regulations) prescribe the Instrument of Government and Articles of Government for the Gower College Swansea Further Education Corporation. The Instrument of Government and Articles of Government provide for the constitution and conduct of the Gower College Swansea Further Education Corporation.

The new educational institution of Gower College Swansea will be operational from 20<sup>th</sup> August 2010. The Welsh Assembly Government intend the further education corporations of Swansea and Gorseinon Colleges to be dissolved (by Order) and their property, rights, liabilities and staff to be transferred to Gower College Swansea Further Education Corporation with effect from 20<sup>th</sup> August 2010. The Welsh Assembly Government intend that an Order having that effect will be made and laid before the National Assembly for Wales in sufficient time for the Order to come into force on 20<sup>th</sup> August 2010.

## **2. Matters of special interest to the Constitutional Affairs Committee**

In accordance with the requirements of the Further Education Corporations (Publication of Draft Orders) (Wales) Regulations 2007 (the 2007 Regulations) a summary of the Draft Incorporation Order was published in at least one newspaper circulating in the area to be served by Gower College Swansea; the Western Mail and South Wales Evening Post on 17<sup>th</sup> March 2010, was posted in at least one conspicuous place within that area; Swansea Civic Centre and was posted in a conspicuous place at or near the main entrance to Swansea College and Gorseinon College; the notice board at the entrance to all campuses of Swansea and Gorseinon Colleges. The summary was also posted in the local and neighbouring local authorities' libraries, and in the foyers of Swansea University and Swansea Metropolitan University.

Also in accordance with the 2007 Regulations a copy of the Draft Incorporation Order was sent to The City and County of Swansea; the governing bodies of further education institutions and schools which provide education for 16-18 year olds, in the area to be served by Gower College Swansea. The Draft Incorporation Order was also sent to other persons appearing to the Welsh Ministers to have an interest including relevant professional organisations, unions, Higher Education Institutions, Welsh Language Board and Faith Communities Fora.

### **3. Legislative background**

The Incorporation Order is made under section 16(1)(a) and 17 of the Further and Higher Education Act 1992 (the 1992 Act).

A draft and summary of the Incorporation Order have been published in accordance with section 51(3) of the 1992 Act and the Further Education Corporations (Publication of Draft Orders) (Wales) Regulations 2007.

The Government Regulations are made under sections 20(2), 21(1) and Schedule 4 to the 1992 Act.

The functions of the Secretary of State under sections 16, 17, 20, 21, 51 and schedule 4 of the 1992 Act were transferred to the National Assembly for Wales by virtue of article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

The Incorporation Order and Government Regulations are subject to the negative resolution procedure.

### **4. Purpose & intended effect of the legislation**

The Assembly Government is committed to developing an education and training system that offers a broad range of learning opportunities and is responsive to learners, employers and communities across Wales as in *One Wales, Skills that Work for Wales* and *Transforming Education and Training Provision in Wales*.

The Assembly Government's policy for the *Transformation of Education and Learning Provision in Wales* was launched in September 2008 and encourages mergers between institutions where they offer improved learning provision and opportunities for learners.

The Assembly Government has received a proposal from the further education corporations of Swansea College and Gorseinon College to merge and create a single further education college for the City and County of Swansea, to be known as Gower College Swansea.

The Welsh Assembly Government has considered the proposal and is satisfied that the proposed merger will improve the efficiency, effectiveness and flexibility for learners in the City of Swansea.

### **5. Consultation**

A consultation on the Incorporation Order and Government Regulations has not been undertaken. However, in September 2009 Swansea and Gorseinon

Colleges undertook a consultation exercise which indicated overwhelming support, by key stakeholders, for the colleges' merger proposal.

Swansea College Further Education Corporation and Gorseinon College Further Education Corporation were given an opportunity to comment on the content of the Instrument and Articles of Government prescribed in the Government Regulations. Neither corporation had any comments.

## **Regulatory Impact Assessment (RIA)**

The Incorporation Order and Government Regulations have no impact on the statutory duties (sections 77 – 79 Government of Wales Act 2006) and do not impose any additional burdens upon the statutory partners (sections 73 – 75 GOWA 2006).

## **6. Options**

The 'do nothing' option is not viable. The corporations of Swansea College and Gorseinon College have concluded that the status quo is not acceptable from an educational and economic viewpoint. This option was expressed in a merger proposal 'Strategic Outline Case for Merger between Swansea College and Gorseinon College dated December 2009. The Assembly Government has considered the proposal and is satisfied that the proposed merger will improve the efficiency, effectiveness for learners in the area. The status quo option would only provide minimal benefit in terms of improved quality, standards and achievement, meeting future skills needs, increased participation and improved choice and social mobility.

This option does not address concerns in respect of improved access and overlap, and would not contribute to taking forward the aims of the policy for the *Transformation of Education and Learning Provision in Wales*.

The merger option proposed was the only achievable option which will offer the ability to raise aspirations of all learners, address the social mobility agenda, provide regeneration opportunities through the development of a city centre campus and thus improve access and the ability to engage with employers.

Financial and Legal Due diligence exercises have been undertaken on both institutions which have identified where efficiencies and savings can be made.

## **7. Benefits**

The option to merge was considered by the further education corporations of Swansea and Gorseinon Colleges, working with the City and County of Swansea, in response to the Transformation Policy. The colleges recognised that they would be better placed to serve the needs of the local and regional community if they were to merge.

The merger will bring two complementary and successful organisations together, and is expected to provide outstanding learning opportunities and experience for young people, adults and employers within the City & County of Swansea

Merger is the best option for meeting the wide-ranging demand for high quality education; delivery through state of the art facilities; improving participation and stimulating community desire to engage in learning.

In addition, a single further education Institution in Swansea would make best use of available resources, enabling development and investment in a more responsive curriculum to meet the need of the local community including employers.

## **8. Costs**

The Incorporation of Gower College Swansea and the subsequent dissolution of Swansea College further education corporation and Gorseinon College further education corporation will optimise the efficient and effective delivery of FE provision in the City and County of Swansea.

Swansea and Gorseinon Colleges forecast savings over the first two years post-merger and this will be used for more and improved front line services:

- To increase participation in learning and employment
- To raise levels of success and attainment
- To increase progression to HE or employment
- To raise levels of adult basic skills [essential skills].
- To provide a transformation curriculum able to meet the future needs of Swansea
- To re-skill and up-skill the population of Swansea to allow people to compete effectively in the job market and attract employers in the area
- To increase levels of entrepreneurship to drive organic growth of businesses within Swansea
- To improve the numbers and range of options offered through the medium of Welsh or bilingually.

## **9. Consultation**

This has been covered in paragraph 5.

## **10. Competition Assessment**

The Incorporation Order and Government Regulations will have no impact on the costs of business, charities or the voluntary sector.

## **11. Post implementation review**

The merger process is subject to ongoing review procedures which will be monitored and followed with a comprehensive report 18 months after the date of the dissolution order.

## **12. Summary**

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