

**National Assembly for Wales**  
Children, Young People and Education  
Committee

## Higher Education (Wales) Bill: Stage 1 Committee Report

October 2014



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

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## Children, Young People and Education Committee

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: the education, health and wellbeing of the children and young people of Wales, including their social care.

On 22 January 2014, the Assembly agreed to alter the remit of the Committee to include Higher Education. This subject will continue to be included in the remit of the Enterprise and Business Committee, with both committees looking at Higher Education from their particular perspectives. The Committee was previously known as the Children and Young People Committee.

### Current Committee membership



**Ann Jones (Chair)**

Welsh Labour  
Vale of Clwyd



**Angela Burns**

Welsh Conservatives  
Carmarthen West and South  
Pembrokeshire



**Keith Davies**

Welsh Labour  
Llanelli



**Suzy Davies**

Welsh Conservatives  
South Wales West



**John Griffiths**

Welsh Labour  
Newport East



**Bethan Jenkins**

Plaid Cymru  
South Wales West



**Lynne Neagle**

Welsh Labour  
Torfaen



**David Rees**

Welsh Labour  
Aberavon



**Aled Roberts**

Welsh Liberal Democrats  
North Wales



**Simon Thomas**

Plaid Cymru  
Mid and West Wales

The following Member was also a member of the Committee during this inquiry:



**Rebecca Evans**

Welsh Labour  
Mid and West Wales

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## The Committee's Key Conclusions and Recommendations

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**Recommendation 1.** Given the Review of Higher Education Funding and Student Finance Arrangements in Wales, led by Professor Sir Ian Diamond is still on-going, the Minister should provide an action plan and timetable setting out how the potential outcomes of the Diamond review will be managed in terms of the new regulatory system established by the Bill.

(Page 12)

**Recommendation 2.** The Minister should undertake a review of the Bill to establish whether there are any gaps in the regulation of publicly funded provision, and if gaps are identified, should amend the Bill accordingly to address those gaps.

(Page 16)

**Recommendation 3.** The procedures for both “automatic designation” and “case-by-case designation” should be included on the face of the Bill.

(Page 16)

**Recommendation 4.** The Welsh Government should bring forward drafts of regulations during Stage 2 of the legislative process, to provide more clarity on the proposed operation of fee and access plans.

(Page 18)

**Recommendation 5.** The Welsh Government should review the Bill to ensure that it includes sufficient detail to provide a robust basis for fee and access plans, and to ensure fee and access plans are able to operate as an effective regulatory tool and the basis for the new regulatory system.

(Page 18)

**Recommendation 6.** The Welsh Government must ensure that the quality assurance provisions of the Bill cover all part-time courses.

(Page 22)

**Recommendation 7.** The Welsh Government should provide reassurance that courses commissioned or validated by Welsh HEIs and run in, for example, London or outside the UK will be rigorously quality assured.

(Page 22)

**Recommendation 8.** The Minister should review the quality assurance procedures for all types of provision from Welsh institutions (in Wales, the rest of the UK and overseas) to ensure they are robust and effective in order to protect the reputation of the Welsh higher education sector.

(Page 23)

**Recommendation 9.** The Welsh Government should include risk assessment and risk management, as part of their approach to the regulation of the sector, ensuring the early identification of any activity that could potentially damage the good reputation of the HE sector in Wales. (Page 23)

**Recommendation 10.** The Welsh Government should review whether setting the fees charged by overseas institutions to the fee limits of regulated institutions is within the competence of the National Assembly, to provide clarity on this point. (Page 23)

**Recommendation 11.** The Bill should make provision for the draft Financial Management Code to be subject to scrutiny by the National Assembly for Wales, either through the affirmative or super-affirmative procedure. (Page 25)

**Recommendation 12.** The Minister should review the timetable for implementation, and ensure HEFCW has sufficient time to undertake a thorough consultation on the new Financial Management Code. (Page 25)

**Recommendation 13.** The Welsh Government should ensure HEFCW receives sufficient resources to enable it to effectively implement the new system of regulation. (Page 27)

**Recommendation 14.** The Welsh Government should review the proposed regulation making powers contained in the Bill and work with higher education providers to resolve the concerns on regulation that have been expressed and, if appropriate, revise the Bill accordingly. (Page 29)

**Recommendation 15.** The Bill should be amended to include a clause that protects the institutional and academic autonomy that is currently in place in the Further and Higher Education Act (FHEA) 1992. (Page 29)

**Recommendation 16.** The Bill should be amended to require HEFCW's annual reports on the exercise of their functions under the Bill to be laid before the National Assembly for Wales as well as sent to Welsh Ministers. (Page 29)

**Recommendation 17.** The Welsh Government should seek expert advice on the risk of reclassification as a result of the Bill. (Page 32)

**Recommendation 18.** The number of regulation making powers should be reduced and greater detail added to the face of the Bill. (Page 36)



**Recommendation 19.** The use of ‘may’ in relation to subordinate legislation provision within the Bill should be further reviewed to ensure there is sufficient legislative provision within the Bill to enable HEFCW to undertake all of its functions effectively and deliver all the Welsh Government’s policy intentions. (Page 36)

**Recommendation 20.** The Minister should establish a longer implementation timetable that makes provision to take into account any significant concerns raised during the consultation on the draft regulations. The revised timetable should also provide HEFCW and the institutions enough time to prepare effective fee and access plans under the new regulatory system for 2016/17. (Page 37)

# 1. Introduction

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## Background

1. On 19 May 2014, the Minister for Education and Skills, Huw Lewis AM (“the Minister”), introduced the Higher Education (Wales) Bill<sup>1</sup> (“the Bill”) and made a statement<sup>2</sup> in plenary<sup>3</sup> the following day.

2. At its meeting on 13 May 2014, the National Assembly’s Business Committee agreed to refer the Bill to the Children, Young People and Education Committee (“the Committee”) for consideration of the general principles (Stage 1), in accordance with Standing Order 26.9. The Business Committee agreed that the Committee should report to the Assembly by 3 October 2014.

## Terms of scrutiny

3. The Committee agreed the following framework within which to scrutinise the general principles of the Bill:

To consider:

- the general principles of the Higher Education (Wales) Bill and whether the legislative approach outlined in the Bill is necessary to deliver the Bill’s stated policy objectives;
- the key provisions set out in the Bill and whether they are appropriate and proportionate to deliver its stated purposes;
- the appropriateness and proportionality of the powers in the Bill conferred on the Welsh Government and HEFCW<sup>4</sup> to determine and enforce mandatory requirements in relation to regulated institutions;
- the implications of the Bill for the governance, autonomy and academic freedom of universities, including their status as charities and classification as Non Profit Institutions Serving Households for purposes of national accounting;
- the impact for students (including those students who do not pay higher fees) and wider higher education stakeholders, and potential cross-border issues arising from the Bill;

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<sup>1</sup> [Higher Education \(Wales\) Bill](#)

<sup>2</sup> [Record of Proceedings, 20 May 2014](#)

<sup>3</sup> A full meeting of the National Assembly for Wales

<sup>4</sup> Higher Education Funding Council for Wales

- potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment, which estimates the costs and benefits of implementation of the Bill); and
- the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation).

### **The Committee's approach**

4. The Committee issued a consultation and invited key stakeholders to submit written evidence to inform the Committee's work. A list of the consultation responses are attached at Annexe 1.
5. The Committee took oral evidence from a number of witnesses. The schedule of oral evidence sessions are attached at Annexe 2.
6. The following report represents the conclusions and recommendations the Committee has reached based on the evidence received during the course of their work.
7. This report does not comment on all sections of the Bill. Where no comment is offered on a particular section, it can be assumed that the Committee is content with the provisions as drafted within the Bill.
8. The Committee would like to thank all those who have contributed to its scrutiny of the general principles of the Bill.

## 2. General principles and the need for legislation

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### The National Assembly's legislative competence to make the Bill

9. The Explanatory Memorandum<sup>5</sup> ("EM") states:

"The National Assembly for Wales has the legislative competence to make provision in the Higher Education (Wales) Bill under Part 4 of the Government of Wales Act 2006 (GoWA 2006). The relevant provisions of GoWA 2006 are set out in section 108 and Schedule 7. Paragraph 5 of Part 1 of Schedule 7 sets out the following subjects on which the Assembly may legislate under the heading "Education and Training"..."

10. The Presiding Officer issued a statement on 19 May 2014<sup>6</sup>, which stated, in her opinion, that the Bill would be within the legislative competence of the National Assembly for Wales.

### General principles

11. The Welsh Government's primary policy objectives in relation to the Bill are to:

- (a) ensure robust and proportionate regulation of institutions in Wales whose courses are supported by Welsh Government backed higher education grants and loans;
- (b) safeguard the contribution made to the public good arising from the Welsh Government's financial subsidy of higher education;
- (c) maintain a strong focus on fair access to higher education; and
- (d) preserve and protect the institutional autonomy and academic freedom of universities.

12. The Welsh Government intends to achieve these objectives by:

- (a) establishing a new regulatory framework applicable to all providers of higher education in Wales which seek automatic designation of their higher education courses for the purpose of student support;
- (b) ensuring the new regulatory controls do not rely on HEFCW providing funding to those institutions and providers;

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<sup>5</sup> [Explanatory Memorandum, paragraph 3](#)

<sup>6</sup> [Presiding Officer's Statement](#)

(c) requiring all higher education providers that benefit from the Welsh Government's financial subsidy in the form of statutory student fee loans or grants to have charitable status;

(d) requiring all higher education providers whose courses are automatically designated for statutory student support to commit to activity in support of equality of access to higher education; and

(e) building, as far as possible, on the existing system of controls established by HEFCW under its terms and conditions of funding.

### **The need for legislation and alternative approaches**

13. The Minister has reiterated to the Committee, both in evidence sessions and in his written responses, that bringing forward primary legislation is necessary to best achieve the Welsh Government's stated policy objectives. He says that the current regulatory framework is no longer fit for purpose as a result of large reductions in direct HEFCW funding for higher education institutions.

14. When questioned further about the potential to achieve the policy aims through non-legislative means, the Minister agreed that an administrative, non-legislative approach could have been pursued. The Minister did not however believe that that would have been adequate.

15. The Minister indicated that there was an effective relationship with current HEIs, but recognised that this may change over time as new providers of HE enter the sector. Therefore the status quo, which relied very much on 'goodwill', would not provide long term clarity and may not be sustainable should a breakdown in relationships arise.

16. The Minister went on to state that primary legislation would provide the necessary clarity in terms of regulatory roles and responsibilities and what action would be taken if problems arise.

17. On the need for legislation, the majority of stakeholders providing evidence agreed in principle although almost all commented that the Review of Higher Education Funding and Student Finance Arrangements in Wales, led by Professor Sir Ian Diamond (the Diamond review), is likely to have an impact on the new regulatory framework established by the Bill. In his oral evidence to the Committee, Dr Blaney, Chief Executive of HEFCW, supported the introduction of the Bill, but also suggested that a situation could arise where the Bill could become redundant.

18. The Minister agreed that there are important issues of potential cross-over between the new regulatory system to be established through the Bill and the outcomes of the Diamond Review.

19. The Committee heard that the UK Government has endorsed a voluntary agreement between Higher Education Funding Council for England (HEFCE) and the higher education sector as an interim solution in England. None of the witnesses supported a voluntary agreement only approach in Wales. However Higher Education Wales (HEW) also cautioned that the introduction of legislation should not be rushed at the expense of getting it right.

20. Cardiff Metropolitan University suggested that an interim voluntary agreement alongside a new Bill would allow the Welsh Government to manage risk whilst ‘buying the time’ to develop new legislation.

#### *Committee View*

21. The Committee acknowledges that the ‘levers’ for ensuring higher education institutions meet specific funding conditions are now far less effective as a result of the large reductions in direct HEFCW funding for higher education institutions.

22. It is clear that the current framework must evolve to ensure robust and proportionate regulation of higher education institutions in Wales and, particularly given the views of the majority of stakeholders that the Committee heard from, the Committee accepts that on balance, the most appropriate means to achieve this is through primary legislation.

23. The Committee is, however, concerned that the Welsh Government has not given sufficient consideration to the potential outcomes of the Diamond Review. Depending on the recommendations of the Review, the new regulatory system established by the Bill could require significant changes within a relatively short period and the Bill may prove to be a temporary ‘stop-gap’ piece of legislation. The Committee therefore believes that while the most appropriate means to achieve the policy aims may be through primary legislation, the Minister should provide an action plan and timetable setting out how the potential outcomes of the Diamond review will be managed in terms of the new regulatory system.

**Given the Review of Higher Education Funding and Student Finance Arrangements in Wales, led by Professor Sir Ian Diamond is still on-going, the Minister should provide an action plan and timetable setting**

**out how the potential outcomes of the Diamond review will be managed in terms of the new regulatory system established by the Bill.**

### 3. Key areas for change

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24. The Bill seeks to establish a new regulatory framework, applicable to all providers of higher education in Wales which seek designation of their higher education courses for the purpose of student support. Fundamental changes within the regulatory system are proposed in the following key areas:

#### *Fee and Access Plans*

25. All institutions whose activities are conducted wholly or principally in Wales and who wish their courses to be designated for student support will be required to apply to HEFCW for approval of a fee and access plan.

#### *Quality Assurance*

26. The Bill sets out a revised duty which requires HEFCW to assess, or make arrangements for the assessment of, the quality of education provided by, or on behalf of, each regulated institution in Wales. As now, it will remain a matter for HEFCW to determine how their quality assessment duty is discharged, but it is envisaged that HEFCW will maintain their existing arrangements with the Quality Assurance Agency (QAA) and Estyn in this regard.

#### *Financial Management Code*

27. The Bill makes provision for HEFCW to prepare and publish a Financial Management Code which will apply to regulated institutions. The Bill will require HEFCW to monitor, or make arrangements for the monitoring of, institutions' compliance with the requirements of the Code. The Bill will also confer functions upon HEFCW which they may exercise where they are satisfied that a regulated institution has failed, or is likely to fail, to comply with a requirement of the Code.



## **4. The new regulatory framework and potential gaps**

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28. The Welsh Government stresses that entry into the new regulatory system and becoming a “regulated institution” is voluntary. Almost all stakeholders agreed that all the current universities are expected to apply to become regulated institutions. ColegauCymru went on to say that they also expect most of the Further Education colleges to apply to become regulated institutions.

29. In its evidence to the Committee, Higher Education Wales expressed concern that there are important gaps in the activities (and potentially providers) that can be regulated under the new Bill, for example: there are no arrangements in place for unregulated providers; postgraduate or research specialists could not be brought within the Bill’s regulation; and part-time specialist providers could only be brought within it by introducing fee limits.

30. In response to this the Minister disagreed, stating that (for example) section 2 of the Bill sets out three clear requirements in respect of the eligibility of providers:

- an applicant must be an institution in Wales whose activities are carried on wholly or principally in Wales;
- the applicant must be an institution which provides higher education; and
- the applicant must be a charity.

31. All providers of full-time HE provision meeting these requirements can apply to be designated. Those providing part-time only provision cannot be automatically designated, but can apply for designation under “case-by-case” designation procedures.

32. The Minister also emphasised that the higher education sector generally is undergoing a period of significant change, and although there are not many unregulated providers in Wales at the moment, this may change in future. The new regulatory framework would allow for those unregulated providers to apply to become regulated.

33. Cardiff Metropolitan University expressed concern that there are no safeguards in respect of provision delivered within Wales by ‘private’ or ‘alternative’ providers that benefit indirectly from public funding via tuition

fee loans; or by ‘public’, ‘private’ or ‘alternative’ providers based elsewhere in the UK. UNISON Cymru expressed similar concerns in its evidence<sup>7</sup>.

### *Committee view*

34. The Committee is concerned that there is some uncertainty amongst key stakeholders that there may be gaps in the new regulatory framework in relation to both activity and potential providers. It is vital that there is clarity on this before the Bill progresses, and as such the Minister should review which types of providers he expects to apply to become regulated institutions, which types of providers he anticipates will apply for “case-by-case designation”, and establish whether there are any gaps in the regulation of publicly funded provision.

35. The Committee believes that there must also be clarity in the Bill in relation to the procedures relating to ‘automatic designation’ and ‘case by case designation’ of institutions, currently through student support regulations, to ensure that both categories of providers are treated equally and to reassure stakeholders that this is the case.

36. The Committee shares the concerns expressed by Cardiff Metropolitan University, and others, that there may not be sufficient safeguards in respect of provision delivered within Wales by ‘private’ or ‘alternative’ providers based elsewhere in the UK.

37. The Committee also believes the Welsh Government and HEFCW should continue their regular dialogue with HEFCE on the monitoring and assurance of financial and governance matters in respect of provision that benefits from Welsh public funding in English institutions.

**The Minister should undertake a review of the Bill to establish whether there are any gaps in the regulation of publicly funded provision, and if gaps are identified, should amend the Bill accordingly to address those gaps.**

**The procedures for both “automatic designation” and “case-by-case designation” should be included on the face of the Bill.**

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<sup>7</sup> [Written Evidence, UNISON Cymru: HEB 12](#)

## 5. Fee and access plans

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38. Evidence provided to the Committee raised a number of matters concerning the proposed operation of fee and access plans. HEFCW themselves have said<sup>8</sup>:

“Policy leverage will now depend almost entirely on fee plans which are constrained in their scope, with a strong focus on widening access and on activities rather than outcomes. They are also less efficient and effective as a policy lever than funding. There is inevitably a long timeline between construction and approval of a fee plan and the point at which there is sufficient data about performance to be in a position to judge the extent to which the plan has been delivered. As a minimum, that is close to three years. The proposals in the Bill also introduce a range of processes for representations and reviews which will extend that timeline still further. In practice, therefore, sanctions are likely to be sustainable only in instances of extremely poor performance. This means that a number of current Welsh Government policies will not be subject to effective policy leverage via fee plans with the concomitant risk of poorer performance in these areas.

We would also note that there is no provision in the Bill to enable us to control the annual cost of tuition fee grants.”

39. The Minister acknowledges that it will take some time for HEFCW to evaluate the effectiveness of fee and access plans and the evidence provided to Committee has correctly emphasised this point. The Minister states that under the current system the maximum duration of plans is two years although HEFCW has requested the submission of new plans on an annual basis.

40. The Minister’s stated intention is that in the long term this duration could be extended up to five years when the operation of the new system has embedded and institutions and HEFCW are familiar with the monitoring and evaluation of the plans. He says there is no contradiction between an annual renewal of plans and HEFCW’s long-term evaluation of the effectiveness of plans.

### *Committee view*

41. The Committee welcomes the aims of the Bill on widening access, and generally agrees with the principles set out by the Welsh Government.

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<sup>8</sup> [CYPE\(4\)-16-14 – Paper 1](#)

42. The Committee is however concerned that the Bill does not contain detail, or clarity, about the proposed operation of fee and access plans. Part 2 of the Bill contains subordinate legislation making powers relating to the detail of fee and access plans. The Committee notes the Minister's intention to bring forward drafts of regulations at Stage 2, and believes that regulations on fee and access plans must be included in any drafts of regulations brought forward at that stage to provide clarity in this area.

43. The Committee is particularly concerned, based on the evidence from HEFCW, that the fee and access plans may not be fit for purpose as an effective regulatory tool and the basis for the new regulatory system.

**The Welsh Government should bring forward drafts of regulations during Stage 2 of the legislative process, to provide more clarity on the proposed operation of fee and access plans.**

**The Welsh Government should review the Bill to ensure that it includes sufficient detail to provide a robust basis for fee and access plans, and to ensure fee and access plans are able to operate as an effective regulatory tool and the basis for the new regulatory system.**

## 6. Quality assurance

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44. The Bill will establish a revised duty which requires HEFCW to assess, or make arrangements for the assessment of the quality of education provided by each regulated institution. In its evidence, HEFCW indicated that it is envisaged that they will maintain their existing arrangements with the QAA for this purpose.

45. The Committee believes that the quality assurance of higher education provision remains of paramount importance, and welcomes the intention of HEFCW to maintain the relationship with the QAA. There were, however, concerns expressed in the following specific areas:

### **Cross border issues and arrangements**

46. HEFCW had identified a number of potential difficulties in respect of the quality assurance of cross-border arrangements. They say that further clarity will be required to specify the relevant control regime for a range of scenarios, such as:

- Welsh providers franchising into England;
- Welsh institutions with a secondary campus elsewhere in the UK;
- distance learning provision with students on either side of the border; and
- English-based providers, either public or private, who wish to operate within Wales.

47. The Open University will continue to be assessed by the QAA through existing arrangements which HEFCW has put in place with HEFCE.

### **Quality assessment of part time courses**

48. Concerns were expressed by Members that some part-time courses will fall outside the scope of HEFCW's new quality assessment duty for as long as part-time fees remain unregulated.

49. The Minister anticipates that the majority of part-time courses will be within scope of the quality requirements because HEFCW's quality assessment duty in the Bill covers all courses (whether full or part-time), delivered by institutions in Wales with an approved fee and access plan in place. In addition, the Minister has stated that HEFCW will be able to secure quality assessment arrangements at funded institutions which only deliver

part-time courses through terms and conditions of funding, in the same way as they do now. In summary, the Minister states:

“I have ensured that the regulatory framework has been designed to accommodate part-time courses in the future if a decision is taken to regulate part-time fees. Until such time, I am satisfied that the necessary arrangements exist to ensure all provision designated for student support will continue to be subject to stringent quality assessment requirements.”

### **Quality assessment of franchised and validated courses**

50. In a letter to the Committee<sup>9</sup>, the Minister states that HEFCW’s new quality assessment duty will cover certain franchised courses. HEFCW will be required to secure the quality assessment of franchised courses delivered in Wales on behalf of regulated Welsh institutions.

51. The Minister also says that his officials are currently in discussions with the UK Government about a proposed Order under section 150 of the *Government of Wales Act 2006*. One of the aims of this Order is to extend HEFCW’s quality assessment duty to cover education delivered in England by a franchisee on behalf of a regulated Welsh franchisor. However, any provision delivered by a franchisee in Wales under arrangements with a franchisor in England will be a matter for HEFCE and the Welsh Government must rely on the regulatory systems that they have in place in this situation.

52. As well as validating courses in further education colleges in Wales, some Welsh universities have arrangements for validating courses run by other institutions in Wales, the rest of the UK and overseas. Other institutions deliver both franchised and validated provision for Welsh HEIs. In respect of both franchised and validated provision, the Explanatory Memorandum states:

“73. Regulated institutions may elect to enter into franchise arrangements with other institutions or providers to deliver part or all of certain courses on their behalf. The Welsh Government considers that responsibility for fee limits applied to courses and the quality of education of such courses should rest with the franchising institution. Under the new regulatory framework, where a regulated institution enters into franchise arrangements with partner organisations the regulated institution will be responsible for ensuring that any qualifying courses are included in its fee and access plan, that the relevant fee limits for those courses are complied with and that the quality of the education provided on those courses is adequate. The

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<sup>9</sup> [CYPE\(4\)-19-14 - Paper to note 2](#)

Bill makes provision in this regard across each of the elements of the regulatory framework in respect of HE courses provided by, or on behalf of, regulated institutions. The choice of franchise partner will remain a matter for individual institutions to determine and care will need to be exercised by institutions in their choice of franchise partners.

### *Validated Courses*

74. In the case of validated courses (for example, where a regulated institution which has no degree awarding powers provides a qualifying degree course which leads to a degree being conferred by another provider) that degree course will need to be included in the regulated institution's fee and access plan and will be subject to the fee limit set by that regulated institution."

### **Quality assessment of courses run by private providers**

53. Higher education courses must be designated by the Welsh Ministers to enable students to access financial support. In terms of private providers, the Minister says that the quality assessment arrangements will depend on whether their courses are designated for the purpose of student support. For providers which only deliver part-time courses this could be through the case-by-case designation route.

54. If however a private provider's courses are not designated for the purpose of student support, the Minister says that it would not be appropriate to impose quality assessment arrangements where the Government (or other public bodies) have no financial interest. In his written evidence, the Minister states:

"On a related point, HEW have stated that in the absence of further legislation there will be no public body with a duty to provide quality assurance for unregulated providers (i.e. those not subject to an approved fee and access plan). That is correct, but again this is nothing new."<sup>10</sup>

### **A risk management approach**

55. Members were concerned that the Welsh Government had not included risk assessment and risk management as part of their approach to the regulation of the sector. Inclusion of risk assessment could help ensure early identification of any activity that could potentially damage the good reputation of the HE sector in Wales.

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<sup>10</sup> [CYPE\(4\)-19-14 – Paper 1](#)

### *Committee view*

56. The Committee is particularly concerned that not all part-time courses are covered under the quality assurance provisions of the Bill. Although the Diamond review has been remitted to look at the future of part-time provision, the Committee recognises that the providers of part-time HE provision are “in limbo” until key decisions are made. The Committee believes that the Bill is a missed opportunity for the Welsh Government in respect of regulating part-time provision.

57. The Committee is concerned that the Bill does not contain adequate provision in respect of quality assurance arrangements for all franchised and validated courses. The Committee welcomes the discussions with the UK Government about a proposed Order under section 150 to help address this, but seeks reassurance from the Welsh Government that courses commissioned or validated by Welsh HEIs and run in, for example, London or outside the UK will be rigorously quality assured.

58. The Committee believes the Minister should review the quality assurance procedures (both statutory and non-statutory) for all types of provision (including franchised and validated provision) from Welsh institutions (in Wales, the rest of the UK and overseas) to ensure they are robust and effective in order to protect the reputation of the Welsh higher education sector.

59. The Committee also believes the Welsh Government should include risk assessment and risk management, as part of their approach to the regulation of the sector, in order to ensure the early identification of any activity that could potentially damage the good reputation of the HE sector in Wales.

60. Paragraph 74 of the Explanatory Memorandum suggests that fees charged by overseas institutions will be subject to the fee limit if they are validated by a Welsh HEI. The Committee is concerned that this may raise a question of whether this would be within the competence of the National Assembly for Wales, and believes that the Minister should provide clarity on this matter.

**The Welsh Government must ensure that the quality assurance provisions of the Bill cover all part-time courses.**

**The Welsh Government should provide reassurance that courses commissioned or validated by Welsh HEIs and run in, for example, London or outside the UK will be rigorously quality assured.**



**The Minister should review the quality assurance procedures for all types of provision from Welsh institutions (in Wales, the rest of the UK and overseas) to ensure they are robust and effective in order to protect the reputation of the Welsh higher education sector.**

**The Welsh Government should include risk assessment and risk management, as part of their approach to the regulation of the sector, ensuring the early identification of any activity that could potentially damage the good reputation of the HE sector in Wales.**

**The Welsh Government should review whether setting the fees charged by overseas institutions to the fee limits of regulated institutions is within the competence of the National Assembly, to provide clarity on this point.**

## **7. Financial management and the new financial management code**

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61. The Bill requires HEFCW to monitor, or make arrangements for the monitoring of, regulated institutions' compliance with the new financial management code. The Bill enables HEFCW, in certain circumstances, to give a direction to a regulated institution to take steps in order to rectify inadequate quality of education or to take steps for the purpose of dealing with a failure to comply with the requirements of the financial management code. If necessary, HEFCW will be able to enforce those directions by application to the courts for an injunction. The Bill also confers a power upon HEFCW to withdraw their approval of a fee and access plan, subject to certain conditions being satisfied.

62. When developing the new financial management code, HEFCW must consult with each regulated institution and other persons as it thinks appropriate, then submit a draft to the Welsh Government for approval. The Bill requires the code to be approved by the Welsh Government, laid before the National Assembly for Wales, and then published. The Bill does not contain any provision for Assembly scrutiny of the code.

63. The Committee has heard a significant number of concerns from witnesses about the proposed financial management procedures including:

- the amount of detail that is left to subordinate legislation;
- that there will be insufficient time for HEFCW to undertake thorough consultation on the new financial management code;
- that the new powers for HEFCW are disproportionate.

### **Rights of entry and inspection of documents**

64. Higher Education Wales describes the powers of entry and inspection in sections 22 and 35 of the Bill as new and unnecessary. They also refer to legal advice that describes the powers as "draconian". [The impact of the Financial Management Code on higher education institutions is covered later in the Report].

65. The Minister says that he expects institutions and HEFCW to come to mutually acceptable arrangements but the Bill must make provision for those occasions, however rare, when an institution refuses to co-operate by allowing HEFCW entry to its premises or to inspect documents. He also says

that HEFCW can currently provide for a right of entry to premises and to inspect documents through its terms and conditions of funding.

*Committee view*

66. The Committee is concerned that there is a high level of detail for financial management code left to subordinate legislation rather than being set out on the face of the Bill.

67. The Committee is also concerned that there will be insufficient time for HEFCW to undertake thorough consultation on the new financial management code before it is approved by the Welsh Government. This should be taken into account by the Minister when considering the timetable for implementation of the Bill.

**The Bill should make provision for the draft Financial Management Code to be subject to scrutiny by the National Assembly for Wales, either through the affirmative or super-affirmative procedure.**

**The Minister should review the timetable for implementation, and ensure HEFCW has sufficient time to undertake a thorough consultation on the new Financial Management Code.**

## 8. The impact on the Higher Education Funding Council for Wales

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### New powers for HEFCW

68. The Bill provides HEFCW with new statutory powers in addition to amending, repealing and replacing some of HEFCW's existing functions. This will change the relationship between HEFCW and the HEIs.

69. The Bill strengthens HEFCW's monitoring and enforcement functions giving them new powers of enforcement and a range of intervention sanctions to be applied in the event of a regulated institution's failure to comply with regulatory requirements – including the powers to issue directions under certain circumstances and, if necessary, to enforce those directions by application to the courts for an injunction.

70. HEFCW will report to the Welsh Ministers annually on the exercise of their functions under the Bill and provide special reports on approved plans if requested by Welsh Ministers.

71. Dr Blaney, HEFCW, told the Committee that the deployment of any of these tools, for example, the withdrawal of funding from an institution, is “pretty extreme” and would only happen in a crisis situation. Nevertheless he said that it is important to make sure that the machinery is in place should that become necessary.

### Dual regulation

72. In his Plenary statement<sup>11</sup>, the Minister indicated that not all of HEFCW's functions can be included in the revised regulatory system and that it will not be a direct replacement for the existing funding-based system.

73. In a letter to the Committee<sup>12</sup>, the Minister confirmed that HEFCW's function to allocate funding to institutions under section 65 of the *1992 Act* will remain in force and HEFCW will continue to be able to attach terms and conditions to such funding.

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<sup>11</sup> Plenary Statement, 20 May 2014, [Record of Proceedings](#)

<sup>12</sup> [CYPE\(4\)-19-14 - Paper to note 2](#)

## **HEFCW's capacity and costs incurred as a result of the legislation**

74. The Explanatory Memorandum estimates that the costs of the Bill to HEFCW will be £978,000 (11% of the total estimated cost of the Bill) over five years.

75. In their oral evidence, Dr Blaney stressed that HEFCW had only made a very initial assessment of the impact on them but when questioned in committee said “our assessment is that we reckon that about eight to nine additional members of staff would be required”<sup>13</sup>.

### *Committee view*

76. The Committee notes that in addition to the new system of regulation, HEFCW will still be regulating though the old system of terms and conditions attached to funding for certain types of publicly funded provision for example case-by-case designated courses.

77. The Committee also notes the assessment from HEFCW on the additional staff required to undertake its work following implementation of the Bill. The Committee believes that in order to effectively implement the new regulatory system, HEFCW must receive sufficient levels of funding.

**The Welsh Government should ensure HEFCW receives sufficient resources to enable it to effectively implement the new system of regulation.**

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<sup>13</sup> Oral evidence, 11 June 2014, [Record of Proceeding](#)

## 9. The impact on the providers of higher education

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### **Robust and proportionate regulation**

78. The Welsh Government's objectives for the Bill include ensuring robust and proportionate regulation and the preservation and protection of the institutional autonomy and academic freedom of institutions.

79. However several respondents (including Chairs of Higher Education Wales (CHEW); The Learned Society of Wales; Cardiff Metropolitan University; and Glyndŵr University) have significant concerns about whether the regulation making powers proposed in the Bill are proportionate.

80. Higher Education Wales says that the Bill provides a framework for the expansion of HEFCW's roles and powers and, potentially, involves a significant increase in the powers for regulatory intervention. They argue that the potential scope of the fee plans application appears to be excessively wide, given, in their view, the new powers of enforcement and comparative lack of restrictions on the requirements that can be made.

81. The Chairs of Higher Education Wales (CHEW) also want specific assurances in the Bill on autonomy, and the Learned Society of Wales is concerned that greater and detailed powers and regulation in the Bill may lead to the micro-management by Welsh Ministers and HEFCW of the affairs of universities.

82. The Minister stated to the Committee that "It is important to dispel any misconception that this Bill introduces a new regulatory system with significant new and draconian functions for HEFCW. Almost all of the activity undertaken by HEFCW as a result of this Bill already happens under the existing statutory framework".<sup>14</sup> He also emphasises that he places great importance on institutional autonomy and academic freedom.

### *Committee view*

83. The Committee believes that the new powers contained in the Bill are disproportionate in relation to a mature sector, which values its autonomy, and that the Bill may have an adverse effect on the principle that institutions should operate at "arms length" from government.

84. The Committee does not agree with witnesses who said that institutions will become micro-managed in the running of their day-to-day affairs. Never

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<sup>14</sup> [CYPE\(4\)-19-14 - Paper 1](#)

the less, the Committee is concerned that there is a danger of over-regulation of the sector. Therefore the Committee would like the clauses in the Further and Higher Education Act (FHEA) 1992 which protect institutional and academic autonomy to be included in this Bill.

**The Welsh Government should review the proposed regulation making powers contained in the Bill and work with higher education providers to resolve the concerns on regulation that have been expressed and, if appropriate, revise the Bill accordingly.**

**The Bill should be amended to include a clause that protects the institutional and academic autonomy that is currently in place in the Further and Higher Education Act (FHEA) 1992.**

**The Bill should be amended to require HEFCW's annual reports on the exercise of their functions under the Bill to be laid before the National Assembly for Wales as well as sent to Welsh Ministers.**

### **Safeguards for institutions**

85. The Welsh Government, in the Explanatory Memorandum, states that the Bill creates procedural safeguards for regulated institutions. For example, HEFCW will be required to give a warning notice to a regulated institution if they intend to take enforcement action in relation to the institution's failure to comply with fee limits, the general provisions of its approved plan or in the event of inadequate quality of education or failure to comply with the requirements of the financial management code.

86. Those warning notices must inform institutions that they are able to make representations about HEFCW's intended enforcement action. HEFCW will, in turn, be obliged to take such representations into account in determining whether or not to proceed with enforcement action. Additionally, it is intended that institutions are to be afforded the right to request a review where HEFCW decides to proceed with the enforcement action. It is intended that such reviews will be undertaken by an independent person or panel appointed by the Welsh Ministers.

### *Committee view*

87. The Committee is content that the Bill contains effective safeguards for institutions.

## **Regulation of non-publicly funded activities**

88. Higher Education Wales queried the relationship between regulatory control under the Bill and public funding. In their written evidence, they say that the Bill seemingly gives free reign to the Welsh Government and HEFCW to determine and control activities which are neither supported by grant nor relate to regulated fee income, and places no financial limits on any spending requirements or financial sanctions.

89. Others in the sector also have concerns that the new regulatory framework will extend wider than just those activities which are obviously in receipt of public funding. The Chairs of Higher Education Wales (CHEW) in their written response stated that a relatively broad interpretation of ‘promotion of higher education’ is currently being applied in Wales whereby fee plans relate to both equality of opportunity and the promotion of higher education. CHEW went on to say that it is envisaged that HEFCW could use the Bill to widen that interpretation further, to encompass, for example, the universities’ commercial activity and fees paid by non-Welsh domiciled students.

90. The Minister disagreed, arguing that the key components of the Bill relate to fee limits and access arrangements, quality assessment and the financial management of institutions. All of these elements are connected to public funding, in that they relate to the delivery of courses attended by publicly-funded students.

### *Committee view*

91. While the Committee believes that the new regulatory framework may have an unintended consequence of impacting on provision that is not supported by public funding, it remains to be convinced that this will have any detrimental effect.

## **Charitable status**

92. The requirement in the Bill that regulated institutions should be charities is welcomed by all witnesses although the Chairs of Higher Education Wales, Cardiff Metropolitan University and Glyndŵr University raised concerns about members of governing bodies and their responsibilities as trustees under charity law, and the requirements of them under the Bill.



93. CHEW called for a clause to be added to the Bill to ensure that governors are faced with no conflict in discharging their charity trusteeship responsibilities.

94. The Charity Commission for England and Wales has written to the Committee saying<sup>15</sup>:

“Policy officers in the Welsh Government’s Bill team have met with policy officers at the Commission and provided briefing on the proposed new frameworks for designation of higher education courses.

We have no concerns about the policy intentions of the Bill, or the proposed new regulatory framework, in terms of charity law, the charitable status of HEIs whose courses are funded by the Welsh Government, or charity regulation.”

95. The Learned Society of Wales agrees to some extent with the Charity Commission, but expressed concerns about the potential impact of subordinate legislation on the charitable status of HEIs.

96. In both written and oral evidence to the Committee, the Minister has stated that he has no concern on the effect of the Bill on the charitable status of HEIs. The Minister stated, however, that to put this matter beyond doubt he will continue to engage with the Charity Commission to pre-empt any possible issues that could arise, for instance, at the amending stages.

#### *Committee view*

97. The Committee welcomes the requirement in the Bill that institutions that benefit from public funding must be charities. The Committee is reassured by the Charity Commission’s evidence that the Bill will have no adverse effect in terms of charity law, the charitable status of HEIs whose courses are funded by the Welsh Government, or charity regulation.

#### **ONS classification of higher education institutions**

98. The possibility of reclassification of universities, as a result of the Bill, for the purposes of National Accounts by the Office for National Statistics (ONS) is one of the major concerns for the sector. The Chairs of Higher Education Wales (CHEW) say<sup>16</sup>:

“...of concern to us is the doubt which appears to exist regarding the Office for National Statistics (ONS) classification of Welsh universities,

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<sup>15</sup> [Written evidence, the Charity Commission for England and Wales: HEB 04](#)

<sup>16</sup> [Written evidence, Chairs of Higher Education Wales: HEB 16](#)

especially the higher education corporations. The reputational risk to Welsh higher education, were it to be regarded as part of the public sector would be very great, and we therefore ask for reassurance on this point as the Bill proceeds.”

99. In his written evidence<sup>17</sup>, the Minister stated that he does not see any need to engage with ONS because the Bill is intended to strike the appropriate balance between maintaining institutions’ independence while at the same time safeguarding the significant amount of public money that is invested in the higher education sector and ensuring that students receive the highest quality of education.

#### *Committee view*

100. The Committee believes that because of the scope of the Bill and the role of the funding council, it agrees with the Welsh Government’s assessment that the risk of reclassification by the ONS is low. However, the Committee believes that even though the risk is low, the Welsh Government should seek appropriate advice from the ONS on the possibility of reclassification as a result of the Bill.

**The Welsh Government should seek expert advice on the risk of reclassification as a result of the Bill.**

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<sup>17</sup> [CYPE\(4\)-19-14 – Paper 1](#)

## 10. The impact on further education colleges

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101. The Explanatory Memorandum states that the Bill will affect five Further Education colleges (four in academic year 2014/15) which benefit from direct funding from the Welsh Government. ColegauCymru anticipate that most, or all, FE colleges in Wales will apply to become regulated institutions. However for colleges that do not apply to become regulated institutions and that run part-time only HE courses, their HE provision will continue to be regulated through funding terms and conditions, at least in the short term.

### *Committee view*

102. The Committee is content that for those colleges that do not apply to become regulated, their HE provision will continue to be regulated through terms and conditions. For those FE colleges that become regulated, any issues flowing from the Bill are covered within specific sections of this report.

## 11. The Bill and students

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103. In the Explanatory Memorandum, the Welsh Government states that the Bill will protect the interests of students including through the enforcement of tuition fee limits and fee and access plan commitments; quality assurance and financial management of regulated institutions; and through transitional measures for students who have commenced their HE courses to enable them to continue to receive Welsh Government student support in order to complete their studies.

104. The National Union of Students (NUS) welcomes the Bill and recognises that the new regulatory system proposed in the Bill will protect the interests of students. However they expressed concerns about:

- the robustness of fee and access plans as a regulatory tool including their focus on activity rather than outcomes and the timescales involved;
- the amount of detail in subordinate legislation – for example they would like case-by-case procedures to be set out as part of the primary legislation rather than through the student support regulations;
- that although the majority of part-time courses will be covered by the quality assurance duty provided in the Bill, there will be part-time courses that fall outside of this duty although they recognise HEFCW will still be able to prescribe terms and conditions through funding; and
- the Bill not going far enough to define exactly what activity is needed to promote equal access to higher education.

105. The NUS also suggest that the Bill should specify that at least one member of HEFCW's Quality Assessment Committee should be a national student representative.

### *Committee view*

106. The Committee notes the concerns raised by the National Union of Students, and is content that the Bill as drafted adequately protects the interests of students. The specific concerns raised by the NUS are considered separately within the body of this report.

## 12. Implementing the legislation

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### **Powers to make subordinate legislation**

107. Concerns have been expressed by several witnesses about the level of detail which has been left to subordinate legislation, leading to a high level of uncertainty about major provisions within the Bill. Concern was also raised that the Bill did not place a duty on the Minister to make regulations in all cases where regulation may be needed.

108. Higher Education Wales has described this Bill as a ‘framework’ Bill. The Minister disagrees with this, stating that in general, the matters left to subordinate legislation deal with matters of technical and practical detail which will require updating from time to time. The Minister also stated to the Committee that in order to assist the scrutiny process, he set out the detail and intention of the powers to make subordinate legislation clearly in his Statement of Policy Intent<sup>18</sup>.

109. In a letter to the Constitutional and Legislative Affairs Committee (CLAC)<sup>19</sup>, the Minister confirmed that he had undertaken an analysis throughout the Bill where it specified that regulation “may” or “must” be made. That analysis indicated that the Minister’s view is that the use of the term ‘may’ is appropriate throughout the Bill.

110. During the Minister’s second evidence session<sup>20</sup>, the Committee expressed concerns that there may be insufficient provision within the Bill to enable HEFCW to undertake all of its functions effectively and deliver the policy intentions of the Bill. In a letter to the Committee<sup>21</sup> the Minister stated in his view that there was sufficient provision in the Bill to enable HEFCW to undertake its functions effectively, basing this on the evidence already provided in his letter to CLAC.

### *Committee view*

111. The Committee recognises that in terms of the detail set out on the face of the Bill, this is an improvement on other Bills it has considered. Despite this, there remains a significant number of subordinate legislation making powers in the Bill. The Committee believes that the number of regulation

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<sup>18</sup> [Higher Education \(Wales\) Bill: Statement of Policy Intent](#)

<sup>19</sup> [CYPE\(4\)-19-14 – Paper 1](#)

<sup>20</sup> [9 July 2014, Record of Proceedings](#)

<sup>21</sup> [CYPE\(4\)-22-14 – Paper to note 5](#)

making powers could be reduced, with greater detail added to the face of the Bill.

112. The Committee acknowledges that the Minister has undertaken an analysis of the use of ‘may’ and ‘must’ in relation to subordinate legislation making powers. However, the Committee remains concerned that without a duty for the Minister to make specific regulations, there may be insufficient legislative provision within the Bill to enable HEFCW to undertake all of its functions effectively and deliver all the Welsh Government’s policy intentions.

**The number of regulation making powers should be reduced and greater detail added to the face of the Bill.**

**The use of ‘may’ in relation to subordinate legislation provision within the Bill should be further reviewed to ensure there is sufficient legislative provision within the Bill to enable HEFCW to undertake all of its functions effectively and deliver all the Welsh Government’s policy intentions.**

### **Timetable for implementation**

113. In the Explanatory Memorandum and subsequent evidence, the Minister outlines the proposed implementation timetable in which 2015/16 is a transition year in preparation for full implementation in 2016/17. Dr David Blaney, HEFCW, told the Committee that the proposed timetable is “tight but doable”.

114. The Minister has told both this Committee and the Constitutional and Legislative Affairs Committee that he intends to publish drafts of Regulations at Stage 2 to assist both the scrutiny process and the implementation timetable.

### *Committee view*

115. The Committee welcomes the Minister’s commitment to publish drafts of Regulations at Stage 2 and undertake consultation on them, but remains very concerned about the tight timetable for implementation of the Bill.

116. The Committee also believes that the timetable fails to give HEFCW and the institutions enough time to prepare effective fee and access plans under the new regulatory system for 2016/17.

**The Minister should establish a longer implementation timetable that makes provision to take into account any significant concerns raised during the consultation on the draft regulations. The revised timetable should also provide HEFCW and the institutions enough time to prepare effective fee and access plans under the new regulatory system for 2016/17.**

## 13. The cost of the legislation

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117. The Regulatory Impact Assessment (RIA) contained within the Explanatory Memorandum breaks the costs of the Bill down into regular costs, additional costs and exceptional costs. The Welsh Government and HEFCW have based the estimated costs on a list of existing and additional tasks associated with the Bill and then allocated the number of days required to complete each task and the grade of the staff member completing the task.

118. Cardiff Metropolitan University however argue that the full costs of the Bill cannot be ascertained because of the amount of detail in the subordinate legislation.

### *Regular costs*

119. The RIA defines regular costs associated with the Bill as reasonably predictable. The regular costs are summarised under six headings that reflect the tasks involved. The Regular costs total (which includes the additional costs below) is approximately £9m, (£8,974,000), over the first five years of operation, 2015/16 to 2019/20.

120. The majority of costs fall to institutions £7,566,000 (84%), followed by HEFCW £978,000 (11%) and £430,000 (5%) to the Welsh Government.

121. The regular costs are comprised of £375,000 implementation costs incurred during the first two years as subordinate legislation is developed, guidance on the new framework is issued and HEFCW is involved in managing change. The remainder of the regular costs (£8,600,000) are recurring.

### *Additional and existing costs*

122. The RIA explains that new regulatory tasks associated with the Bill have created additional costs along with the increased complexity of some activities. The RIA includes these costs in the regular costs and estimates that the total additional costs (excluding the estimated costs of sanctions) of Option 3 over the first five years of operation to be £2.6m. These costs fall to the Welsh Government, HEFCW and HEIs. In a letter to the Committee<sup>22</sup> the Minister confirms that the additional cost to HEIs in Wales of introducing the Bill is estimated to be £1.6m over the first five years of operation.

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<sup>22</sup> [CYPE\(4\)-19-14 – Paper to note 2](#)



### *Committee view*

123. The Committee has noted the estimated costs of implementing the Bill and is in the main is content, but does share some of the concern expressed by Cardiff Metropolitan University. The Committee is also concerned about the resources available for HEFCW to undertake a 'dual funding role'.

124. As part of their scrutiny of the Welsh Government's draft budget, the Committee will continue to check that the Welsh Government has made provision for these costs in the future budget allocations for HEFCW itself and for HEFCW's allocations to the higher education institutions.

## Annexe A - List of written evidence

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The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at:

[www.senedd.assemblywales.org/mgConsultationDisplay.aspx?id=133&RPID=469754&cp=yes](http://www.senedd.assemblywales.org/mgConsultationDisplay.aspx?id=133&RPID=469754&cp=yes)

| Organisation  | Reference |
|---|-----------|
| ColegauCymru  | HEB 01    |
| The Open University in Wales                        | HEB 02    |
| Higher Education Funding Council for Wales (HEFCW)  | HEB 03    |
| The Charity Commission for England and Wales        | HEB 04    |
| CITB Cymru Wales                                    | HEB 05    |
| The Learned Society of Wales                        | HEB 06    |
| Cardiff Metropolitan University                     | HEB 07    |
| Wales Audit Office                                  | HEB 08    |
| National Union of Students (NUS) Wales              | HEB 09    |
| Higher Education Wales                              | HEB 10    |
| Relevant Officers at Ceredigion Education Authority | HEB 11    |
| UNISON Cymru  | HEB 12    |
| Older People's Commissioner for Wales               | HEB 13    |
| Glyndŵr University Wrexham                          | HEB 14    |
| Agored Cymru  | HEB 15    |
| Chairs of Higher Education Wales (CHEW)             | HEB 16    |

## Annexe B - Witnesses

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at:

[www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=9722](http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=9722)

| <b>Date</b>  | <b>Witness / Organisation</b>   |
|--------------|---|
| 5 June 2014  | <b>Huw Lewis</b> , Minister for Education and Skills<br>Welsh Government officials  |
| 11 June 2014 | <b>Dr David Blaney</b> , Chief Executive, HEFCW<br><b>Celia Hunt</b> , Director of Strategic Development, HEFCW<br><b>Bethan Owen</b> , Director of Institutional Engagement, HEFCW   |
| 19 June 2014 | <b>Rob Humphreys</b> , Director, Open University<br><b>Michelle Matheron</b> , Policy and Public Affairs Manager, Open University<br><b>Mark Jones</b> , Chair, ColegauCymru<br><b>Dr Greg Walker</b> , Deputy Chief Executive, ColegauCymru  |
| 25 June 2014 | <b>Professor Colin Riordan</b> , Chair, Higher Education Wales<br><b>Amanda Wilkinson</b> , Director, Higher Education Wales<br><b>Ben Arnold</b> , Policy Advisor, Higher Education Wales<br><b>Beth Button</b> , President, NUS Cymru<br><b>Joni Alexander</b> , Interim Director, NUS Cymru<br><b>Kieron Rees</b> , Policy and Public Affairs Officer, NUS Cymru |
| 9 July 2014  | <b>Huw Lewis</b> , Minister for Education and Skills<br>Welsh Government officials  |