

White Paper – FE/HE (Wales) Bill

A joint response from Higher Education Wales and Chairs of Higher Education Wales.

About Higher Education Wales and Chairs of Higher Education Wales

Higher Education Wales (HEW) represents the interests of Higher Education Institutions (HEIs) in Wales and is a National Council of Universities UK. HEW's Governing Council consists of the Vice-Chancellors of all the HEIs in Wales and the Director of the Open University in Wales. HEW provides an expert resource on the Welsh Higher Education sector.

Chairs of Higher Education Wales (CHEW) is the representative body for university governing body Chairs. It is a unified body which encompasses all Welsh universities irrespective of their mission or origins. As such, it reflects the diversity of the Welsh higher education sector, and therefore seeks to address generic rather than specific issues. It engages with a wide range of stakeholders and works in close association with Higher Education Wales.

Context

This response focuses on the consultation questions that relate to higher education, specifically:

- new arrangements for quality assurance and enhancement of HE provision;
- provision for effectively funded student unions and purposeful student charters;
- powers for direct funding of higher education (HE) provision;
- amendments to the functions of the Higher Education Funding Council for Wales (HEFCW) in light of the new funding and student support arrangements.

Summary

HEW and CHEW value the opportunity to comment on the Welsh Government's consultation White Paper, published on 2 July 2012, setting out the Government's legislative proposals in relation to further education governance and higher education reform. We welcome the focus given to quality assurance and enhancement of higher education provision in Wales as we believe these to be the cornerstones on which our future will be built. We believe that:

- quality and enhancement are inextricably linked to the learner voice and wider student experience matters and that all providers of higher education should be required to adhere to, and be assessed under, the robust quality assurance framework that operates on a UK-wide basis. This would, in turn, allow all students access to the services of the Office of the Independent Adjudicator.

Higher education across the UK is experiencing a period of fluidity in a radically changed economic environment. We believe that:

- in relation to the areas of quality and enhancement, caution should be taken at this stage of being too prescriptive in the proposals to place a further duty on HEFCW in terms of the arrangements to assess and enhance provision.
- until the full details of the new funding regime for part-time students have been agreed, it is more appropriate at this stage to acknowledge the entitlement of part-time students to the same quality assurance and enhancement as their full-time peers.

In relation to the proposals to allow Welsh Ministers to directly fund higher education in strategically appropriate circumstances, we believe that:

- the proposals in the White Paper do not meet the objectives, as outlined, and there are more disadvantages than potential advantages to be gained from establishing new statutory powers of direct funding. This is explored further in answer to questions 8 and 9, along with suggestions of a possible alternative solution.

Universities in Wales have a strong relationship with their student unions and student engagement has become embedded and valued by students and staff alike. HEFCW guidance on matters such as student charters has been developed jointly by NUS Wales, HEW and HEFCW officials, through the Student Engagement Group. We believe that:

- this is an effective mechanism to allow for further consideration of the current guidance in terms of student charters and student union funding. Further details of the work of this group can be found in response to questions 13-15.
- the Student Engagement Group should be utilised further in the future to consider what additional support or guidance could be given to both universities and student unions on matters such as reviewing student charters.

Access to a university education has always been an important springboard to better living standards for individuals and families in Wales. For many, a degree has helped to advance their careers, broaden their horizons and raise their aspirations and has led to benefits in communities and society at large. Widening access to higher education is an issue that has rightly been given prominence in Wales and we believe that:

- all providers of higher education in Wales should continue the work that our universities are engaged in as agents of positive social change in terms of widening access to higher education.
- all providers of higher education in Wales should comply with the dispute resolution arrangements of the Office of the Independent Adjudicator.

NEW FUNDING AND STUDENT SUPPORT ARRANGEMENTS

Question 5: Do you agree that provision should continue to be made for the Welsh Government to provide support to students who seek to access designated HE courses delivered by private providers?

Question 6: What are the advantages and disadvantages of maintaining such support?

The private higher education sector is emerging as a growing force in many parts of the world and presents a range of potential opportunities and challenges. From the overall UK perspective, private providers are broadening the UK offer by providing qualifications to a greater number of students. Private providers have expanded rapidly in recent years in delivering foundation, business, law, language and study skills courses to students on campus under a contract or partnership arrangement with a host university, on both a full and part-time basis.

Unlike publicly-funded institutions, the granting of degree awarding powers (DAPs) to private providers is restricted to a period of six years, after which time it must be reviewed and can be revoked. At present, none that have DAPs have been subject to the six year QAA review. There is concern that there is no requirement for private providers to supply government or any agency with information on staff and student numbers or financial information such as turnover or financial capacity. When considering transparency of information, it should be noted that the Quality Assurance Agency's reports on publicly-funded institutions are published but the reports on private colleges from British Accreditation¹ Council inspectors are not, although the College of Law has done so².

Private HE is a growing phenomenon and it is important that appropriate measures are in place to ensure high quality. For example, information concerning students' experiences in private institutions is generally absent in the UK, so it is difficult to judge whether the support provided to students at these institutions by the Welsh Government is being used to the advantage and benefit of the student. The Welsh Government has little control over student numbers in terms of private providers operating in Wales and no control over those operating in England. This could cause potential difficulties for the Welsh budget, which in turn could impact on the amount of funding available for the publically-funded Welsh HE sector to meet Welsh Government priorities. There is no obligation for private providers to engage with the twin pillars of Welsh Government policy of social justice and economic development, nor is there a requirement for them to engage in areas such as widening access or Welsh Medium services, for example.

¹ [British Accreditation Council](#)

² The College of Law is also starting on the six year review process.

Both the quality of learning and teaching and the student experience, are important to Wales and we suggest that if all providers of HE, including private providers, were required to adhere to the QAA's Quality Code³, the Welsh Government could expect them to take deliberate steps to engage all students, individually and collectively, as partners in the assurance and enhancement of their higher education experience.

Question 7: Do you agree that all providers of HE in Wales which offer courses which are designated for the purposes of student support should be required to comply with arrangements:

- on an institution-wide basis (concerning financial and quality assurance and dispute resolution via the OIA); and
- arrangements in respect of individual courses (fair access arrangements, fee regulation, information provision and student number controls)?

It is essential for learning and teaching in Wales and for the reputation of Welsh HE on a national and international basis, that the student voice is safeguarded and the maintenance and enhancement of standards are robust. The Welsh Government supports differing modes of delivery of HE and so any move that will encompass these more non-traditional study options, is to be welcomed. We consider it important that all providers should come under a framework for quality assurance that would offer a degree of protection for students and enhance the reputation of Wales as a provider of high quality higher education.

SUPPORTING PARTNERSHIP AND COLLABORATIVE ACTIVITIES

Question 8: Do stakeholders agree that a provision for Welsh Ministers to directly fund HE in strategically appropriate circumstances would be beneficial for partnership and collaborative activities?

Question 9: A number of advantages have been identified in Section 4.2. Would there be any disadvantages arising from Welsh Ministers funding HE provision directly in strategically appropriate circumstances?

HEW and CHEW welcome the intention to consider ways in which collaborative ventures involving different sectors or different Government Departments can be funded more efficiently, and recognise the need to ensure that the Welsh Government is able to fund strategic developments appropriately. In practice, however, the proposal to introduce an alternative stream of direct funding presents a range of practical issues and we are concerned that this solution may have an adverse impact without necessarily delivering the benefits sought. After considering the issues in this section, we examine some possible ways forward.

³ [QAA Quality Code](#)

In general, the Welsh Government currently funds its strategy for higher education by exercising its powers under s.68 of the Further & Higher Education Act 1992 to make grants to HEFCW subject to such terms and conditions as it sees fit. Subject to these, HEFCW is enabled to administer funds made available to it by the Welsh Government for the purposes of providing financial support for 'eligible activities' - i.e. the provision of education and research and related facilities. Arrangements under this Act have been sufficient to enable a wide variety of collaborative activities and ventures to be undertaken between higher education and a range of partners. The Act also gives HEFCW a general power to make contracts. The Universities Heads of the Valleys Institute shows that collaborative initiatives involving cross-sector and multi-agency collaboration can already be directly funded under existing arrangements.

We understand that the Welsh Government is not seeking a general exception to the arrangements of the 92 Act, but a much more limited and prescribed power. In particular, the 1992 Act imposes a number of important restrictions on both the Welsh Government and the Funding Council in the exercise of their powers, and in further considering this proposal it is important that in seeking to establish any alternative route for funding, that the legislative changes do not lead to an erosion of the public safeguards which these represent. These safeguards could be summarised as follows:

1. In respect of the Welsh Government, the terms and conditions must relate to all institutions or classes of institution and not to particular institutions.
2. The terms and conditions of the Welsh Government must also not relate to particular courses of study, programmes of research or to the criteria for the selection and appointment of academic staff and for the admission of students.
3. In respect of the administration of funding by the Funding Council, this includes a duty to have appropriate regard to the denominational character or distinctive characteristics of institutions, and to have regard to the desirability of not discouraging institutions from developing other sources of funding.
4. The Funding Council, before exercising its discretion with respect to the terms and conditions to be imposed, has a statutory duty to consult with any particular institution or representative body which appear to the Council to be concerned.
5. In making payments to institutions, the Act also stipulates that terms and conditions which the Funding Council sets shall not relate to the application, by the body to whom the grants or other payments are made, of any sums derived otherwise than from the Council.

It is our view that these represent important safeguards which should be retained. From a drafting perspective, we believe there would be a considerable challenge to define the circumstances in which this new power could be exercised appropriately to avoid a number of serious practical issues which could arise if these were not appropriately circumscribed and subject to these safeguards:

- The 1992 act is widely regarded as preserving the necessary public safeguards against autonomy of corporate policy and academic independence, which have been a cornerstone of the UK's international reputation for having the best system of higher education in the world. Prevailing international trends point to the adoption of a model similar to the UK - in Europe, for example in France, some countries who have had greater State control of universities are moving away from using a direct funding model to one that uses an intermediary body.⁴ We would be concerned if either an actual or apparent erosion of these safeguards led to perceptions of a fundamental divergence of higher education in the UK and/or impacted on the international reputation of the sector in this respect.
- As it stands, the 1992 Act ensures that the Government and Funding Council have separate and distinct roles. This has a number of practical benefits. HEFCW - which is required by the statute to keep all eligible activities under review - has the expertise, resources, and a detailed knowledge of the sector which places it in a unique position to administer funds in pursuance of government objectives. It also acts as safeguard to ensure that in reality investment decisions are good value for money. From the Welsh Government's perspective, the Act provides a means of effective delegation of its responsibilities, removing the need for consideration of detailed operational issues and freeing the Welsh Government from potential charges of inappropriate intervention in individual academic affairs or corporate policy. Effective decision making would require the Government to have a similar capacity to consider individual initiatives. Instead of promoting an efficient use of public funding, this could potentially encourage the development of overlapping resource and expertise and a lack of clarity. It could also potentially make it more difficult for the Funding Council in its new strategic role, which appears counter to the intention of the Bill.
- A general power which enables the Welsh Government to fund specific initiatives or institutions on such terms and conditions as sees fit could also potentially have an impact on the status of institutions for national accounting and reporting purposes, if it were viewed as providing the financial levers for wider control of an individual institution's corporate policy. The Office for National Statistics (ONS) has regard to the *de facto* degree of public sector control over general corporate policy of institutions in determining whether or not a sector (or institution) should be classified as central government, as was highlighted in their decision in 2010 to reclassify FEIs as central government.⁵ In particular, if the Welsh Government's powers to set terms and conditions extended beyond the extent of the payment in question, this could be a significant issue.
- On a practical level, the potential availability of funding for the same set of activities from two sources – the Funding Council or Welsh Government, except in exceptional

⁴ Fielden (2008), pp.14-17.

⁵ Office for National Statistics. Reclassification of Further Education Corporations and Sixth Form Colleges in England, 31 May 2010.

and clearly defined circumstances, adds to the complexity and uncertainty for institutions in seeking funding for initiatives. It also makes accountability and audit issues more complex. We note that a key motive for the proposal is to enable better joint planning and delivery of provision involving a single process which requires less back office resource and administration – from an HE perspective this would not appear to create a single process and may have the opposite effect.

- It is also unclear whether a university's charitable status would be compromised if the Welsh Government was able to directly fund.
- CHEW has particular concerns that a governing body may become more restricted in operating by way of a board of independent governors led by an independent chair drawn from industry or civil society, if an institution is directly funded, in whatever circumstance.
- There is also a possibility that if direct funding becomes a major source of funding for some institutions and not others, a dividing line may be opened up in higher education resembling the 'binary line' between universities and polytechnics which existed before 1992.⁶

On balance, our view is that altering the existing statutory powers in respect of direct funding could raise more issues than it resolves. We would support the attempt to find simpler and more efficient routes for funding, rather than an extension of existing powers as such. If a limited measure is sought along these lines, we would recommend that the Welsh Government further considers extending its powers of recommendation and agency e.g. along the following lines:

- A power to make payments available to the HE Funding Council exclusively for the purposes of funding higher education institutions to deliver eligible activities in partnership with further education and other education providers, and to make recommendations for its use for specific initiatives where these initiatives rely on funding from other Welsh Government sources.
- A corresponding duty of the Funding Council to determine payments to HEIs from such funds, taking into account the Minister's recommendations.
- A power to direct HEFCW to act as its agent in making payments in respect of FE and other educational partners on its behalf in relation to such initiatives, where this does not otherwise alter existing powers and duties in relation to such payments and enables greater efficiency in administration. This would ensure that the Welsh Government retains its responsibility and control for the allocation of funding to such institutions, and is a variant on the statutory arrangements in Scotland which provides the Funding Council with a general power to fund FE.

By introducing a new funding route rather than new powers, we would hope that this obviates the difficulties outlined above. Potentially, the key advantages of a power of

⁶ Before 1992 polytechnics had their own funding council, the Polytechnics and Colleges Funding Council.

recommendation rather than a power to direct payments made to HEFCW, would be that HEFCW retains the accountability and responsibility for ensuring that the investment represents value for money. It would also retain its strategic oversight of the sector, residual issues about the impact for ONS classification would be avoided, and there would still be a single source of funding, from the perspectives of universities.

QUALITY ASSURANCE AND ENHANCEMENT OF HE PROVISION

Question 10: Do you agree that the proposed statutory duty to secure that provision is made for quality assessment and enhancement should extend to the following:

- all HE institutions,
- providers with degree awarding powers
- any other providers who offer courses which are designated for the purposes of student support operating in Wales (but which are not HE institutions or do not have degree awarding powers)?

It is important that any quality assurance and enhancement framework is applicable to all institutions, providers with degree awarding powers, and other providers who offer courses designated for purposes of student support, including those who offer courses on an exclusively part-time basis. It should be noted however, that until the full details of the part-time regime are in place, caution should be exercised in assuming that full and part-time providers should be assessed in exactly the same way. Consideration should instead be given to how part-time providers can fit within an overall quality and enhancement framework that works towards the same end.

2012/13 will see the introduction of the QAA's revised method of institutional review in Wales that relates to all publically-funded institutions. This new method will deliver judgements about academic standards and quality and enhancement, as well as promote a culture of continuous improvement. Institutions will be judged whether or not they have met the UK expectations as set out in Part A of the Quality Code, *Setting and maintaining threshold academic standards*⁷. For the first time, the methodology will provide a framework which will allow institutions to embed enhancement in quality assessment practices and more importantly, be able to demonstrate the work that institutions are engaged in in terms of enhancement.

In England, it is accepted that risk-based quality assurance, by nature, will always contain an element of risk on the part of providers and any quality assurance framework, regardless of country in the UK, should require providers to demonstrate how it will protect and enhance the student interest. Any quality assurance framework should be adaptable in response to the demonstrable good practice and performance of a provider over time and HEW

⁷ [QAA Quality Code](#)

considers the QAA, via the current service level agreements with HEFCW, is the best organisation to allow HEFCW to fulfil this quality assurance duty.

It is important to recognise that quality enhancement and assurance, although linked, are two distinct aspects of HE and have been treated as such in Wales. The Higher Education Academy Wales (HEA) has had a leading role in the enhancement process in Wales through the *Future Directions for Higher Education in Wales Quality Enhancement*⁸ programme and has established itself as an expert resource and focus of learning and teaching enhancement for the sector. Recognising the linkages between quality and enhancement, the HEA and QAA, in collaboration with HEFCW and HEW, are working on a more joined-up approach between the two organisations, on enhancement in Wales. The approach is based on the work of Welsh institutions and the HEA's *Future Directions* programme and will minimise the risk of duplication of effort and allow even greater interaction and synergy between the quality enhancement work of the QAA and that of the HEA in Wales.

Question 11: In relation to HEFCW having due regard to quality assurance and enhancement guidance provided by the Welsh Government, what guidance would be considered beneficial to quality assurance and enhancement?

Guidance produced by the QAA, based on best practice across the UK, enables universities in Wales to continually improve and build on excellent quality provision. The QAA works closely with HEFCW and HEW and is best placed to provide this guidance, drawing on the UK-wide remit, when appropriate. It is clear that being part of a UK-wide quality assurance system is beneficial to the Welsh HE sector and having a system that is comparable across the UK reinforces Wales' position internationally.

The HEA has built up a strong and well utilised sector-wide approach to enhancement and works closely with HEFCW, NUS Wales and HEW on a series of enhancement themes under the banner of Future Directions. This partnership approach has gained recognition throughout the UK as an example of best practice collaborative working and has resulted in the publication of guidance on the three strands within *Future Directions* - Students as Partners; Learning in Employment; and Learning for Employment, all of which involve full and part-time students. The HEA also delivered Wales' first national learning and teaching conference that focused specifically on enhancement themes in April 2012 that not only enabled participants to share best practice from across Wales but also set a road-map for the future of enhancement in Wales. HEFCW should continue to use the HEA's expertise and track record of delivery when it comes to enhancement activities.

⁸ [Future Directions](#) – HEA

The Regulatory Partnership Group (RPG) Project B recently published a report *Redesigning the higher education data and information landscape: a pathway to reform* (June 2012)⁹, in respect of the HE White Paper for England but is as relevant to Wales as it considers delivery across various recognised providers, including universities, private providers and HE in FE. The principles of RPG Project B include greater streaming of requests and sharing of data between agencies across the UK, including for the purposes of quality assurance, in order to reduce the burden of collation and analysis, improvement of the quality of the data published and a greater accessibility of data that is published. We believe that HEFCW should begin a dialogue with the funding bodies across the UK to agree on a set of data in relation to quality assurance that adheres to the principles set out in the RPG report.

Question 12: What other changes could be implemented to make the quality assurance system in Wales more robust?

The 2012-13 academic year will see the introduction of the QAA's revised Institutional Review (Wales)¹⁰ method that will involve, amongst other things, a requirement for institutions to publish an action plan that will be monitored by the QAA throughout the year and set out the Expectations that all higher education providers are expected to meet. The judgements will be supported by the Quality Code and will provide the public with the confidence that universities are both meeting quality and standards but are also exceeding the Expectations. Under the revised method, if an area reviewed fails to reach the Expectations, a follow-up process will be triggered that may include a shorter time period before the next review. We consider the revisions to the institutional review as a good example of the sector, HEFCW and the QAA self-evaluating the review method and working together to strengthen the quality assurance system.

There may be other ways in which the quality assurance system could be made more robust, including strengthening the annual visits by the QAA, reducing the period of time between reviews where appropriate and offering students a greater level of interaction with the reviews. What is crucial however, is that any changes are mindful of the need to maintain Wales' position in a UK-wide quality assurance context.

⁹ Regulatory Partnership Group, *Redesigning the higher education data and information landscape: a pathway to reform* (June 2012): http://landscape.hesa.ac.uk/wp-content/uploads/2012/01/IRPG_PriB_Final_Report.pdf

¹⁰ Institutional Review Wales [handbook](#)

STRENGTHENING THE LEARNER VOICE, ACCESS ARRANGEMENTS AND DISPUTE RESOLUTION PROCEDURES IN HE

Student engagement in Wales has moved on considerably since the publication of the York Consulting report¹¹ in 2006. Across the country, students are actively engaging at every level within their institutions and the days when students only saw the Vice-Chancellor at graduation are long gone. Today's students don't just want more interaction with decision makers, but rather better quality interaction and to be involved in decision making processes. There are many committees, forums and review panels that meet regularly at universities at different strategic levels, and it is important that student representatives have the support to develop. NUS Wales works hard on the '*Have Your Say*'¹² project, a toolkit that focuses on recruitment and development of course representatives across Wales. The project is part of the Wales Initiative for Student Engagement – WISE¹³ - a cross- sector initiative currently chaired by HEW, which engages students as active participants in the leadership, management, development and delivery of their own educational experience and is a defining feature of further and higher education in Wales.

WISE is paying dividends - more students than ever are getting their voices heard and university leaders value the enthusiasm and commitment of our 21st century students. They bring an added dimension and viewpoint to discussions that can be hugely beneficial and this has resulted in consideration of issues such as student charters, that are based on mutual respect, openness and trust. There is still work to be done in ensuring the diverse student body that we have in Wales, including those who study on a part-time basis, is fully represented at all levels and HEW will continue to work with, and through, the WISE group to improve engagement from all quarters.

Question 13: What impact has the HEFCW guidance had so far on ensuring that student unions are provided with sufficient funding to deliver a common set of functions? What else should be done to satisfactorily achieve this aim?

Established in September 2010, the Student Engagement Group comprising of the Chair of the HEW Pro Vice Chancellor Learning and Teaching Advisory Group, the Learning and Teaching Policy advisers at HEW and HEFCW and the NUS Wales President and Director, has considered wide ranging policy matters, resulting in Welsh universities pushing the boundaries of student representation. The group has reached agreement on subjects such as costs of study¹⁴, student charters¹⁵ and more recently, the guidance on good practice in funding of effective, democratic student unions, and student representation.¹⁶

¹¹ Study of the Extent and Effectiveness of Existing Student Representation Structures within Higher Education Institutions across Wales - York Consulting [Report](#)

¹² '[Have Your Say](#)' Toolkit

¹³ [WISE](#) - Reinforcing, sharing and developing good practice in approaches to student engagement in Wales

¹⁴ [W10/07HE](#) : Provision of information for students on cost of study

¹⁵ [W11/31HE](#) Guidance on the development of student charters

¹⁶ [W12/09HE](#) : Guidance on good practice in funding of effective, democratic student unions, and student representation

All Welsh HE institutions have submitted robust fee plans for 2013/14 that have been drafted in conjunction with their respective student unions and agreed by HEFCW. HEFCW considers that the plans contain sufficiently ambitious proposals in terms of ensuring that student unions are appropriately funded to undertake their important role. From 2012/13, all Welsh universities will be working on a 'Relationship Agreement' between themselves and their student union. Wales is the only country in the UK to have all universities signed up to this process.

The NUS UK Good Governance project¹⁷, endorsed by the Committee of University Chairs, Universities UK and GuildHE, suggests that a review of any relationship agreement could be tied into the quinquennial review requirement as set out in the Education Act 1994¹⁸. As this review includes the conduct of financial affairs and constitution, it may be considered that this is an appropriate time to include a review of relationship agreements. We however, consider this too long a period to wait in between reviews and suggests that the Student Engagement Group should consider whether HEFCW should provide any further guidance, or indeed offer an opportunity to share best practice in this area, at the same time as the student charters are reviewed.

It is worth noting that the QAA's UK Quality Code chapter on student engagement includes reference to the funding of effective, democratic students' unions and student representation as directed by HEFCW.

Question 14: Are the common set of functions for student unions included in the HEFCW guidance appropriate?

The Student Engagement Group worked in partnership on the development of the guidance from HEFCW and considered them to be appropriate at the time. It was never the intention that the common set of functions would remain the same ad infinitum, and it was always intended that they be reviewed and refreshed at an appropriate time, which the group considered to be on an annual basis. As specified in response to question 13 above, the Education Act 1994 Part II¹⁹, sets out requirements to be observed in relation to student unions, including the necessity to undertake a review of the constitution at least quinquennially. Again, we consider a quinquennial review in this particular instance to be too long and suggests that the Student Engagement Group reviews the appropriateness of the common set of functions and accompanying guidance, on an annual basis.

¹⁷ [Good Governance](#) - Principles that underpin excellent working relationships between Higher Education Institutions and Students' Unions

¹⁸ [The Education Act 1994](#)

¹⁹ [The Education Act 1994](#) Part 11

As most student unions are charities, they are required to comply with certain legal requirements, including the conduct of financial affairs. Any review would need to be mindful of the Charity Commission's operational guidance²⁰.

Question 15: Has the HEFCW guidance been effective enough in ensuring that HE institutions develop student charters in consultation with student unions? If not, what else should be done to satisfactorily achieve this aim?

Every university in Wales now has a student charter that outlines what students, staff and the university can expect from each other. Based on the work of the Student Engagement Group, the guidance from HEFCW takes this one step further and includes links to additional information around courses, costs, and regulations. We recognise the need for greater engagement with prospective students as we enter a period of change in the funding and fees system not just in Wales but across the UK. Our universities are working with student unions to ensure that prospective students are provided with good, timely information - if we are to ensure that those considering higher education in the future are not deterred from applying, this is crucial. As important, is the responsibility that student unions have in recruiting officers from the diverse student body that includes mature and part-time students. The 'Key Information Sets' (KIS), published for the first time this academic year, pulls together data concerning the costs and benefits of a university education, as well as student satisfaction and employment outcomes. The KIS will ensure all information is held in one place, in a common format, that is easily accessible to students. The KIS will be bilingual and comparable across all universities in Wales and the UK.

The excellent work undertaken by NUS Wales in an advisory role on matters such as student charters and guidance to institutions, as well as having a key role in WISE, could be extended to assist those institutions who may not have a high level of sabbatical officers as a resource that can be utilised on a regular basis. Those student unions may value additional advice and guidance from NUSW head office when it comes to best practice in interacting with their institutions in these areas.

We would not wish HEFCW to be dogmatic in its approach to how charters should be reviewed by universities and student unions. However, guidance that is appropriate to both, that sets the expectations and shares best practice, could be of benefit to staff and students alike.

Question 16: Do you agree that all HE institutions and providers offering courses designated for statutory student support should comply with:

²⁰ Charity Commission's [Guidance](#) on Student Unions

- fair access arrangements in relation to those courses;
- OIA student dispute-resolution arrangements (on an institution-wide basis)?

Question 17: How can the fair access arrangements be improved? Do you agree there is a need for legislative change through strengthened powers for HEFCW?

Fair Access and Admissions

The Schwartz review in 2004²¹ conducted an independent review of the options which English institutions providing higher education, should consider in assessing the merit of applicants for their courses. The subsequent review in 2008²² highlighted that university admissions decision-making functions across the UK had become more centralised since the original Schwartz Report. The reasons for this included internal changes in the institutions and changes introduced as a result of the Quality Assurance Agency (QAA) 'Code of Practice on admissions to higher education', as well as the publication of the original Schwartz Report. These fair access arrangements and practices are now embedded in our universities. The HEW Learning and Teaching Advisory Group works closely with the Supporting Professionalism in Admissions (SPA) group that was established as a recommendation of Schwartz, on the continuing development and promotion of fair admissions and good practice in the recruitment and selection of students to higher education. Universities in Wales will continue to interact with the organisation in order to build on the principles of fair admissions, share good practice across the sector and the UK, and benefit from the research and advice developed by SPA.

Universities across the UK are becoming more interested in contextual data and the report²³ published by SPA has been discussed on a pan-Wales basis to support work in outreach and widening access. Welsh universities have considered the report in terms of the academic and other criteria considered when making admissions decisions, to aid a fair admissions process.

HEW agrees with HEFCW's definition of 'fair access' as ensuring that opportunities are open to as wide a pool of talent as possible, recognising that social mobility and the opportunity to fulfil one's potential are key aspects of social justice and economic prosperity. To this end, widening access to higher education from under-represented groups is something that Wales is committed to and does well in. Under-represented groups across higher education include students from families that have no tradition of higher education, students with disabilities, students from some minority ethnic groups and those leaving care. Increasing social mobility, widening access to higher education from Communities First areas and attracting a higher proportion of students from under-represented groups, particularly those

²¹ Fair admissions to Higher Education: Recommendations for good practice. The Schwartz Report September 2004

²² Fair admissions to higher education - a [review](#) of the implementation of the Schwartz Report principles three years on:

²³ [Research](#) to describe the use of contextual data in admissions : February 2012

most able but least likely to apply, are priorities for Welsh universities. HEFCW's strategic approach to widening access²⁴ was welcomed by universities and HEW, via the Learning and Teaching Advisory Group looks forward to continuing to work with HEFCW on the future direction for widening access.

We believe that it is crucial that any provider of HE offering courses designated for statutory student support, should comply both with fair admissions and fair access processes. This will ensure that prospective students are considered in a measured, transparent and consistent manner regardless of the provider they chose to study with and that all providers go the extra mile in recruiting those students with the potential to benefit from higher education.

Office of the Independent Adjudicator (OIA) – Student dispute resolution

The Higher Education Act 2004 required the appointment of an independent body to run a student complaints scheme in England and Wales. Universities were keen that subscription to any organisation set up to review individual complaints by students against universities, included both qualifying²⁵ and non-qualifying institutions²⁶ (NQIs). NQIs however, are not required to be part of the OIA Student Complaints Scheme but rather can apply as long as they meet the criteria of having taught degree awarding powers, are subject to inspection by the Quality Assurance Agency and are incorporated in the UK.

There are direct linkages with this question and previous questions in this consultation around the issue of quality assurance for all providers of HE in Wales. If a provider does not have to adhere to the robust quality assurance regime and undergo a thorough institutional review process by the QAA, then they cannot subscribe to the OIA. If the provider cannot subscribe to the OIA, the students studying with that provider will not have the dispute-resolution services that other students have access to. HEW believes that all providers offering courses designated for statutory student support should comply with OIA student dispute-resolution arrangements.

Any institution charging above £4,000 must submit a robust fee plan to HEFCW detailing its new fee levels and outlining investments it intends to make through using a proportion of this income to encourage further equality of access and undertake activities which promote higher education in Wales to ensure a more positive student experience. Universities in Wales ensure that the fee plans submitted to HEFCW are consistent with its Widening

²⁴ HEFCW's [Strategic Approach and Plan for Widening Access](#) to Higher Education 2010/11 to 2012/13

²⁵ In the Higher Education Act 2004, 'qualifying institution' means any of the following institutions in England or Wales — (a) a university (whether or not receiving financial support under section 65 of the 1992 Act) whose entitlement to grant awards is conferred or confirmed by — (i) an Act of Parliament, (ii) a Royal Charter, or (iii) an order under section 76 of the 1992 Act; (b) a constituent college, school or hall or other institution of a university falling within paragraph (a); (c) an institution conducted by a higher education corporation; (d) a designated institution, as defined by section 72(3) of the 1992 Act.

²⁶ Non-Qualifying Institutions are all Institutions which are not qualifying institutions in accordance with Part 2 of the Act and includes private degree-awarding bodies.

Access Strategy, Reaching Wider Strategy, Learning and Teaching Strategy and Equality Statements. HEW believes that HEFCW has the strategies and processes in place, and they are embedded in its planning structure, to ensure universities are showing continuous improvement in terms of widening access. We consider that universities have demonstrated the will to push the boundaries in this area and that new or strengthened powers are therefore unnecessary in a situation where all parties are committed to, and taking, the positive actions to support this policy.

Higher Education Wales and Chairs of Higher Education Wales
September 2012