

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Craffu ar ôl deddfu ar Ddeddf Addysg Uwch (Cymru) 2015 | Post-legislative scrutiny of the Higher Education (Wales) Act 2015

HEA 11

Ymateb gan: Comisiynydd y Gymraeg

Response from: Welsh Language Commissioner

Thank you for the opportunity to respond to your consultation. Our response will seek to draw attention to lessons from the 2015 Act that may be relevant to the planned Post- compulsory Education, Training and Research (PCETR) Bill. We would like to emphasise the following points:

- The planned PCETR Bill should include statutory requirements on the Welsh Ministers and the new PCETR Commission to:
 - ensure a sufficient level of financial support to Welsh-medium higher education;
 - assess the sufficiency of financial support based on targets for growth rather than the performance in the past;
 - regularly review the sufficiency of the support based on consultation with key stakeholders.
- The planned PCETR Bill should recognise the quality and availability of Welsh- medium education as one of the measures of quality of higher education in Wales, to be monitored by the new PCETR Commission as an integral part of the broader quality assurance in the sector.
- Considering the role of the planned PCETR Commission as an umbrella body over the post-16 education sector in its entirety, we underline that the above arguments are equally valid with regards to the Welsh medium provision in the further education (FE) and work-based learning (WBL) sectors.

1. Funding

We believe that the 2015 Act sets an overall satisfactory framework for the funding of higher education in Wales. However, the Act does not contain any

statutory measures that would protect the financial support to Welsh-medium education. This means that the level of such support depends on the discretion and strategic decisions of the Welsh Government and Higher Education Funding Council for Wales (HEFCW).

We acknowledge the valuable financial support to some key projects in the sector as far as the Welsh language is concerned – chief among them the Coleg Cymraeg Cenedlaethol. However, such strategic decisions can also have a negative effect, e.g. since 2014/15 the Welsh-medium premium has been available only to undergraduates studying part-time – that is, a very small percentage of learners studying in Welsh. In addition, the total value of the premium has decreased since 2014/15.

A more general problem is that the support given to Welsh medium provision is based on the use of Welsh in the previous years rather than the ambition for growth.

We argue therefore, that the planned PCETR Bill should include statutory requirements on the Welsh Ministers and the new PCETR Commission to:

- ensure a sufficient level of financial support to Welsh-medium higher education;
- assess the sufficiency of financial support to Welsh-medium higher education based on targets for growth rather than the performance in the past;
- regularly review the sufficiency of support based on consultation with key stakeholders.

2. Monitoring

Again, the overall framework of the 2015 Act is suitable in principle to monitor the quality of higher education in Wales in general. However, neither the Act nor the relevant regulations contain any provisions that would protect the Welsh-medium education specifically, for example:

- Under the Act, the fee and access plans must explain how the education provider will promote equality of opportunity. There is no definition of equality of opportunity in the Act. The Welsh Government [Guidance to HEFCW on Fee and Access Plans](#) (paragraph 4.16) states that equality of opportunity relates to removing barriers to higher education that

members of under-represented groups experience. The listed examples do not include promoting opportunities for Welsh speakers to follow provision in Welsh and to ensure that the provision is available and that there is awareness of it..

- Under the Act, the fee and access plans must explain how the provider will promote higher education. Again, there is no definition of promotion of higher education in the Act. The Welsh Government [Guidance to HEFCW on Fee and Access Plans](#) (paragraph 4.19) provide examples of such promotion. The listed examples don't include promotion of Welsh-medium education.
- Based on clause 2(4) and 7(3) of the Act, the Welsh Ministers can make regulations to set the content of the fee and access plans. [The Higher Education \(Fee and Access Plans\) \(Wales\) Regulations 2015](#) do not refer to Welsh-medium education.
- The Act places a duty on HEFCW to assess the quality of higher education provided in Wales by or on behalf of the regulated institutions. According to the [definition adopted](#) by HEFCW, the quality of education is inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course. The reasonable needs for higher education are currently considered to be met if a provider obtains judgements of 'Meet(s) UK expectations' or 'Commended' in all four judgement categories in Quality Assurance Agency (QAA) review. The [QAA Quality Code](#) (2018) doesn't refer to Welsh-medium education.

In practice, the Welsh Government and HEFCW guidance to education providers refers to the Welsh language nevertheless, e.g. the [National measures for higher education performance](#) (2018) include learners studying through the medium of Welsh. In addition, HEFCW instructs the providers to declare how their fee and access plans align with their Welsh language strategies, Welsh language standards, and other relevant strategic commitments (ex. [guidance 2020/21](#)).

However, we do not believe that such guidance should depend solely on the discretion of the Welsh Government and HEFCW. We argue therefore that the planned PCETR Bill should recognise the quality and availability of Welsh-medium education as one of the measures of quality of higher education on Wales, to be monitored by the new PCETR Commission as an integral part of the broader quality assurance in the sector.

3. Closing comments

Clearly, the current arrangement for funding and quality assurance of the FE and WBL provision in Wales differ widely from those in place in the higher education sector.

Considering the role of the planned PCETR Commission as an umbrella body over the post-16 education sector in its entirety, we underline that the above arguments are equally valid with regards to the Welsh medium provision in the FE and WBL sectors.

I trust that our comments and suggestions above will be of interest to you. We look forward to engaging further with the Committee when more details of the planned PCETR Bill become available.

Yours sincerely,

A handwritten signature in black ink that reads "Aled Roberts". The signature is written in a cursive style with a large initial 'A' and a distinct 'R'.

Aled Roberts
Welsh Language Commissioner