

# **Response to White Paper: Further and Higher Education (Wales) Bill**

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## Introduction

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1. This paper has been drawn up by ColegauCymru in response to the Welsh Government's White Paper on the Further and Higher Education (Wales) Bill.
2. ColegauCymru represents the 19<sup>1</sup> further education (FE) colleges and institutions in Wales<sup>2</sup>. In 2010/11, there were 186,000 students attending college and 240,000 enrolments.<sup>3</sup> Colleges in 2009/10 (the last year Welsh Government (WG) figures are available) had a turnover of £431m with WG investment including work-based learning of £343m (almost 79% of the total).
3. FE colleges have a crucial role to play in delivering the skills that Wales needs and make a significant contribution to the economy of Wales. ColegauCymru believes that the changes set out in the White Paper will be of considerable benefit to colleges, their learners and their communities as Wales faces tough financial and economic challenges.

### White Paper on FH/HE: Some introductory remarks

4. In respect to the sections on FE reform, ColegauCymru welcomes the intention of the Welsh Government (WG) to remove certain restrictions and controls on colleges to enable the Office for National Statistics (ONS) to restore to colleges their status as 'not for profit institutions serving households' (NPISH) which existed prior to the ONS announcement in October 2010. As a result, the public accountability of colleges will be increased as responsibility for their actions and decisions will clearly lie with their governing bodies.
5. Following the comments on colleges in the Humphreys Review<sup>4</sup>, FE colleges might also be described as social enterprises in that they are publicly funded commercial organisations run on business lines and existing to provide social benefits to their local communities.
6. ColegauCymru welcomes the recognition of the maturity of the FE sector in Wales and that colleges are best placed to determine the needs of their learners and communities. This echoes the statement in the Education Minister's Priorities Letter that colleges "*make a significant contribution towards our economy and society and have responded well to the needs of individuals and employers in Wales*".<sup>5</sup>

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<sup>1</sup> The 19 include Coleg Harlech/WEA N; WEA South; YMCA Community College; and Merthyr Tydfil College, University of Glamorgan

<sup>2</sup> In this paper the term 'FE college' or 'College' is used to cover FE colleges and FE institutions.

<sup>3</sup> Further Education, Work-Based Learning and Community Learning in Wales 2010/11 and December 2011 (early figures) First Release SDR 51/2012 Welsh Government, March 2012

<sup>4</sup> Independent Review of the Governance Arrangements of Further Education Institutions in Wales (the Humphreys Report), Welsh Government, March 2011.

<sup>5</sup> *Priorities for the Further Education Sector: 2012/13-2013/14*. Letter from Leighton Andrews AM, Minister for Education and Skills sent to principals 29 May 2012.

7. We endorse the emphasis in the White Paper on collaboration and cooperation in Wales. Colleges already work closely together. Indeed the very existence of ColegauCymru and its extensive networks and tradition of sharing of good practice over many years provide solid evidence of how colleges have embraced partnership. Relationships with HE institutions have improved considerably and colleges already have in place, or are working hard to develop, partnerships with local schools.
8. The FE sector has made much progress since 1993 when FE colleges became incorporated<sup>6</sup> and when tight regulation was developed for colleges which had been newly granted independence from local authorities.<sup>7</sup>
9. Colleges recognise that they are recipients of taxpayers' money, operating within the policy context of an elected devolved administration. They are keen to deliver the skills agenda set out by the WG. This will require continued constructive working relationships between the WG and colleges working through ColegauCymru to ensure that colleges can continue to implement government initiatives and share good practice.
10. The Education Minister regularly sets out the WG priorities for FE colleges. This year's priorities letter, sent in May 2012<sup>8</sup>, outlined four key areas for the sector over the two years 2012/13 and 2013/14 - learner progression and support; raising standards and attainment; employer engagement and enterprise; developing Welsh-medium provision. These priorities, frequently reinforced in speeches to conferences and at meetings with ColegauCymru representatives, provide a clear and helpful policy framework within which colleges operate and within which they can respond to the unique needs of their learners and local communities. ColegauCymru supports the continuation of such communication.
11. ColegauCymru welcomes the key role envisaged for it in the White Paper in *'leading the sector and ensuring a sense of shared responsibility across all colleges'*. This acknowledgement of ColegauCymru's role is especially pleasing as it endorses the views of the Thomas Review when it stated that ColegauCymru *'has become a collectively energetic and valued organisation showing exemplary commitment to improving education and training in Wales'*.<sup>9</sup> The ColegauCymru Board embraces this challenge and will wish to work closely

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<sup>6</sup> The designated FE institutions –Coleg Harlech/WEAN; WEA South; and YMCA Community College have a different legal status from that of FE colleges which are run by FE corporations. St David's Catholic College now has incorporated status but has a different instrument and articles from those of FE corporations. Merthyr Tydfil College, University of Glamorgan, is a company limited by guarantee, wholly owned by the University of Glamorgan.

<sup>7</sup> The development of the FE sector since 1993 is outlined in *The Structure of Education Services in Wales (the Thomas Review)*, Chapter 5 Further Education paras 6-21), Welsh Government, March 2011

<sup>8</sup> *Priorities for the Further Education Sector* op.cit. May 2012

<sup>9</sup> *The Structure of Education Services in Wales (the Thomas Review)* March 2011, op. cit. Chapter 5 para 16

with the Welsh Government in drawing up a code of governance and a code of practice covering the relationship between FE colleges and the WG.

12. ColegauCymru recognises that the final decision on whether to classify FE colleges as NPISH or as central government public sector entities lies with the ONS, not the Welsh Government. There is a risk that, were the proposed Bill changed materially, it may predispose the ONS to deny the classification sought. Thus it is important that the Bill goes through in its entirety to ensure the changes are able to be put into place.
13. In respect to the section on higher education (HE), ColegauCymru supports the widening of access in line with *For Our Future* but has reservations about support for students attending private providers unless these providers can demonstrate that they are subject to the same strict rules as higher education institutions.
14. ColegauCymru supports the proposal that would enable HE provision to be funded directly by Welsh Ministers where it is strategically appropriate. Some concerns are expressed by ColegauCymru about a possible increase in legal and regulatory checks. It is argued that it would not be proportionate or reasonable to add a further dimension of formal legal and regulatory checks specifically to public service HE providers such as FEIs. This runs counter to the statements in the FE section of the White Paper.

## Section 1: Further Education (FE)

### Q1: What other changes could be implemented to increase colleges' autonomy?

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15. The White Paper strikes an appropriate balance between giving colleges greater responsibility to manage themselves and the recognition of the need for colleges to work within the broad policy areas set out by Government.
16. The regulation of colleges should be proportionate to the level of risk. The regulatory burdens on colleges have reduced somewhat over the years as duplication has been minimised. It is still the case however that relatively small sums of public funding require disproportionate amounts of audit and any further moves towards a risk based regulatory system would be welcome.
17. We do not wish to suggest further changes to increase colleges' autonomy.

### Q2: What do you consider to be the advantages of the proposed changes to the Further and Higher Education Act 1992 (FHEA)?

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18. The White Paper identifies the four key areas the WG is proposing to amend:
- greater autonomy for colleges on their Instrument and Articles of Government
  - the ability of a college to dissolve itself
  - greater freedom for colleges to borrow funds
  - intervention by the WG

#### Instrument and Articles of Government

19. Governing bodies will be able to appoint governors that suit their local circumstances. There will be a requirement to appoint staff and students to governing bodies and it is assumed that the principal/chief executive will also be a governor. This increased flexibility reflects the operation of a mature sector and is welcomed by ColegauCymru.
20. Governing bodies will wish to consider the overall balance of membership to ensure that governors from under-represented groups have an opportunity to serve. This might usefully be done by each governing bodies setting targets.
21. College governing bodies are prepared to appoint membership bodies on the broad principles recommended in the Humphreys Review. The composition and responsibilities of this body will be left to individual colleges to reflect local circumstances. Several colleges are already actively considering ways of setting up membership bodies.

22. ColegauCymru notes that the ONS classification is determined by where control lies rather than by ownership or whether or not the college is publicly financed. In Wales, there are currently 14 FE corporations whose legal status derives from the Further and Higher Education Act 1992. Four FE institutions are designated institutions with charitable status, whose instrument and articles of government differ from those of FE corporations. One FE college is a company wholly owned by a university. The White Paper is directed at the 14 FE corporations but will have implications for the governing bodies of the other FE institutions. The principles underpinning good governance, however, are similar whatever the legal status of colleges. All governing bodies seek to raise standards, widen access, provide value for money and operate openly and transparently. All are in receipt of taxpayers' money and recognise their accountability for the way public money is spent.
23. ColegauCymru welcomes the proposal that it should work closely with the Welsh Government in drawing up a Code of Governance for the sector incorporating the Nolan principles and best practice. This code could cover matters such as the balance of membership noted in paras 19-20 above.

### **Dissolution**

24. The ONS sees the ability of an institution to dissolve itself as central to its determination as to whether or not the college is classified as being in the public sector.
25. This power is likely to be used if a college is seeking to merge with another college or institution. The White Paper points out that there will be safeguards to protect the WG's investment including the requirement for transparency and appropriate consultation. ColegauCymru supports the introduction of such safeguards.

### **Borrowing**

26. ColegauCymru welcomes the removal of the requirement that colleges seek Welsh Ministers' authority to enter into any borrowing. Colleges are well managed and well governed and have clear and transparent financial regulations developed over many years to ensure prudent decisions are taken.
27. The WG will still carry out regular financial health monitoring to ensure the financial health of the FE sector is maintained.

## **Intervention**

28. ColegauCymru notes that Welsh Ministers would retain their powers to intervene if a college's affairs are being mismanaged, the governing body is failing to discharge its duties or acting unreasonably, or the college is performing poorly.
29. Such powers have not been used since they were introduced in 2008 and we believe that their implementation will never be necessary. Tax payers need to know that public investment made in FE colleges is secure and that the FE sector is providing value for money; the retention of these powers provides that assurance.

## **Some general points**

30. As a result of their increased autonomy, colleges will be able to respond more effectively to local business and communities. As the White Paper points out, colleges are best placed to determine the needs of their learners and communities. Colleges recruit most of their students locally. Around 95% of learners attending colleges come from Wales. Colleges are essentially local institutions. They understand their local communities and work closely with local businesses. In its evidence to the Webb Review of FE in 2007 ColegauCymru pointed out that colleges every year make contact with around 25,000 businesses, a figure that is likely to have increased in the past five years.
31. Colleges have demonstrated their responsiveness to steers given by the WG. For example, the WG gave a strong policy steer on Transformation and FE responded positively. The number of colleges has reduced from 25 to 19 with at least three further mergers currently being planned. Some mergers have been Type A (in which both colleges dissolve and a new corporation is formed) and others Type B (where one college in effect takes over the assets and liabilities of another, often to speed up the process). Some proposals involve the merging of FE colleges with universities and in others college have merged with local private training companies.
32. Another example has been the consistent drive to raise standards. Colleges have worked closely together to share good practice and eliminate poor practice in order to raise standards. Estyn's Chief Inspector has regularly commented positively on the performance of FE colleges in her annual reports. The Department for Education and Skills (DfES) annual Learner Outcomes Reports for 2010/11 showed that 90% of students completed their courses in FE colleges and of these 90% achieved their qualifications – making an overall success rate of 81%. This can be compared with a 40% successful completion in 2000/01. Colleges are not complacent at this remarkable progress, however, and are continually seeking to raise their game.
33. Other examples include the negotiations with the joint trade unions which led to the introduction of pay parity between FE lecturers and school teachers in 2005/06 following additional funding from the Welsh Government. The current

negotiations over a common contract for FE staff have been taking place for over two years.

34. In all these examples, colleges have responded positively and constructively to a strong central steer from the WG. This close relationship between colleges and the Government will continue under the new arrangements. Colleges recognise fully the unique political and economic context existing in Wales.
35. Another way of answering Q2 is to consider the impact on the FE sector if colleges were classified as 'central government public sector entities'.
36. As the White Paper points out, the financial year would change, audit requirements would increase and accounts would need to be prepared differently. All college income and expenditure - not just the WG grant - would be included in WG budgets. In addition, any colleges' surpluses would become Welsh Government funds so colleges could not retain money to invest in capital or restructuring projects. As a result of UK Government accountancy regulations, the total amount of capital funding to colleges would be considerably reduced.
37. These changes would reduce the flexibility of colleges and their ability to be entrepreneurial and attract external funding. By surpluses belonging to the Welsh Government rather than the college, governing bodies would lose their incentive to generate income and be encouraged to spend any likely surpluses before the year end.
38. In 2009/10, colleges generated around £100m in addition to their WG funding. At today's prices, around £1bn has been generated by colleges over the last decade. This additional funding contributes towards widening access, supporting disadvantaged students, raising standards, improving facilities and updating equipment. Crucially it ensures the financial viability of colleges. All these would be at risk if colleges lost their flexibility.
39. It may be argued that, were the Welsh Government to take on more responsibility over budgets by giving more protection to colleges over their budgets, poorly performing colleges might benefit considerably. Thus, perversely, poor performance could be rewarded – surely not the Government's intention. The proposed NPISH classification ensures that there is no hiding place for poor performance. Colleges' responsibilities and accountability will be more transparent.

### **Q3: What do you consider to be the disadvantages of the proposed changes to the FHEA?**

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40. ColegauCymru sees no disadvantages in the proposed changes to the FHEA. There is a very low risk that a college might seek to abuse its autonomy by operating in a way that is at odds with the policies of the WG. However, all colleges are keen to continue to work closely together to meet the policies set down by the WG as they have been doing so (see examples in paras 31-34 above). ColegauCymru would be keen to draw up a compact with the WG in which, after robust discussion, agreement is made on the delivery of core WG policies with ColegauCymru working closely with the sector to ensure their delivery. Of course, ultimately WG has control over the allocation of substantial amounts of funds – a very powerful influence over the behaviour of governors and senior managers, and the WG retains powers of intervention (paras 28-19 above).

### **Q4: Are there any unforeseen consequences?**

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41. One unintended consequence is that FE colleges might be excluded from involvement in the development of policy development affecting public services in Wales. While it is acknowledged that colleges will be classified as NPISH, they will continue to be in receipt of public funds.

42. Colleges are currently represented on various public bodies, often with universities, which have NPISH status. These include the Workforce Partnership Council, 21st Century Schools, and Welsh Government bodies covering procurement and asset management. Through these, ColegauCymru has been able to make an active contribution towards policy development. ColegauCymru would wish to retain membership of these and other relevant bodies.

## Section 2: Higher Education (HE)

**Q5: 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?**

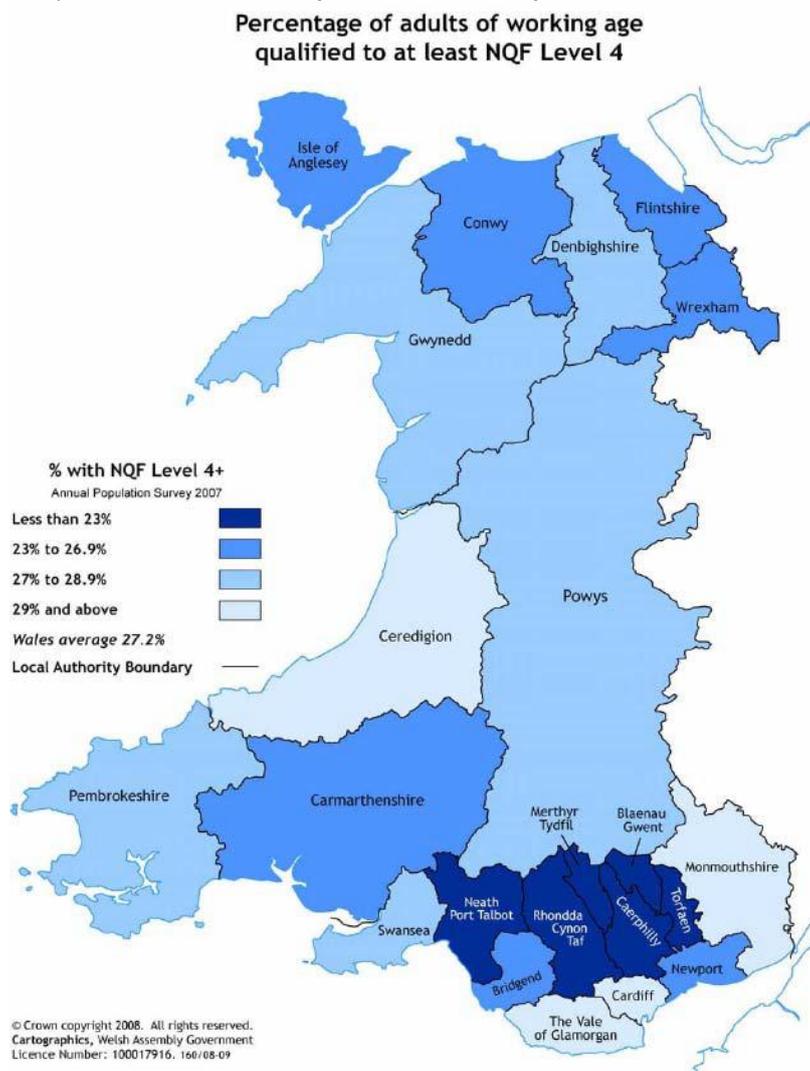
**Q6: What are the advantages and disadvantages of maintaining such support?**

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43. ColegauCymru believes that higher education should not generally be thought of as a commodity or as a service to be commercially traded but is a key lever for delivering social justice and social mobility in Wales in line with the Welsh Government Programme for Government (2012). The elimination of Wales' continuing high levels of educational inequality, including at HE level, should be the prime consideration when the government chooses how to direct its highly limited resources to support students in pursuing HE provision in Wales or the UK.
44. ColegauCymru therefore judges that the maximum level of resources should be directed to HE provision that encourages wider access to HE in Wales in line with *For Our Future* and the HEFCW Measure relating to widening access targets. Public service providers are clearly best placed to deliver this widening access agenda and FE colleges are a crucial part of that matrix in their delivery of higher vocational education. Colleges which deliver high quality HE courses to well over 7,000 students in Wales may be seen as the unsung HE providers within Wales HE system.
45. In relation to this pivotal widening access agenda, ColegauCymru wishes to note that higher vocational education delivered locally by colleges has the potential to open up access to non-traditional cohorts of learners. For example, many potential HE learners are unable to travel long distances to a university because of cost, domestic disruption or care commitments. Ten FE colleges, with their extensive local footprint, also deliver invaluable work on level 3 'Access to HE' courses, helping students progress to level 4 qualifications and above. These courses are often a successful springboard to higher learning for socially and educationally excluded groups.
46. Colleges' ability to widen access is reflected in the recent rapid growth in higher vocational education provided by FE colleges. According to recent research conducted for the Welsh Government by ColegauCymru, the numbers enrolling on HNC/D courses increased by 112% and on Foundation Degrees by 141% from 2007/08 to 2009/10 - compared to the lower increase of 66% in the numbers enrolling in traditional First Degrees. Also, the proportion of FE college students from Wales entering universities with vocational qualifications increased from 20% of the total in 2007/08 to 28% of the total in 2009/10. Even more

importantly, this research showed that there was an increase of 37% in the number of FEI students domiciled in Communities First Areas enrolling on HE courses at Welsh HEIs over the three years 2007/08-2009/10.<sup>10</sup>

47. The challenges facing Wales in widening access and addressing educational inequalities in relation to high level learning are graphically displayed in the map below (taken from the Report of the Independent Review of HE in Wales).<sup>11</sup>



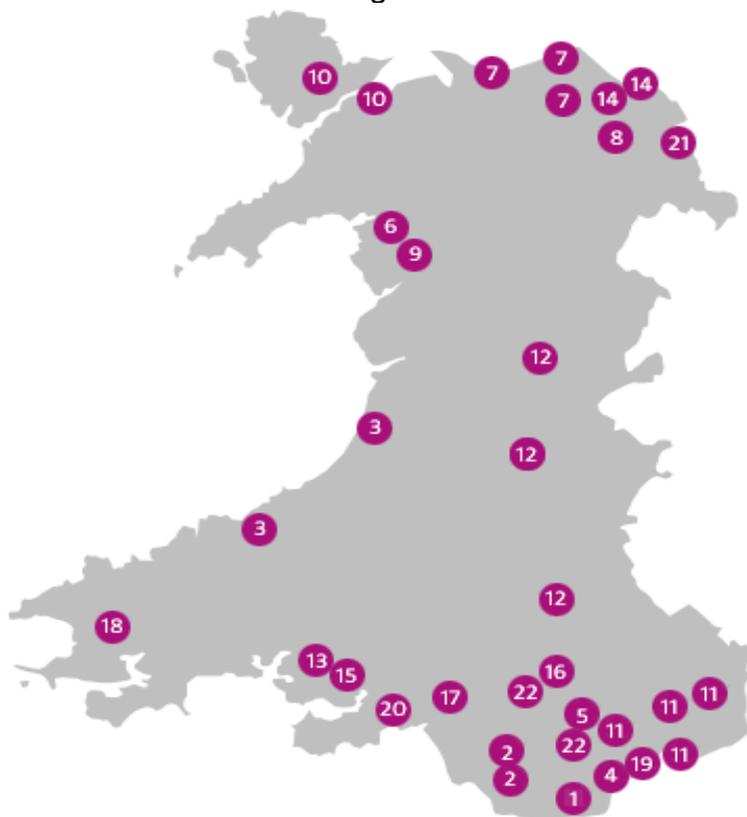
48. The geographical location of FE colleges and their main learning centres allows them scope to address pockets of educational inequality directly (as displayed below). This accessibility is reflected not only in the location of FEIs' learning centres but also in the modes of learning employed and the flexibility of learning patterns available in colleges (for instance in the availability of work based,

<sup>10</sup> See *FE-HE Progression Project Report for the Welsh Government*, ColegauCymru (March 2012), at Executive Summary.

<sup>11</sup> Report of the *Independent Review of Higher Education in Wales*, chaired by Professor R. Merfyn Jones, (2009)

evening, weekend and vacation study). This is reinforced with levels of personal and pastoral support to learners that helps them to engage effectively with their programme of study.

49. Location of FEIs' main learning centres in Wales:



50. In respect of private sector HE providers, they do not currently have access to the HEFCW grant. However, given that student loan support will replace HEFCW grant over time, the extension of loan support is a significant *de facto* shift of policy without a clearly stated rationale. ColegauCymru is not aware of any evidence base that suggests that private HE providers perform to the same high standard as public service HE providers in opening up access to higher education in the UK. Consequently, we do not understand the rationale behind giving private sector HE providers access to the pot of public funding that is allocated to higher education support and provision in Wales.

51. ColegauCymru considers that there are more promising areas where public resources could deliver better widening access outcomes than in supporting students to attend profit making providers in Wales or elsewhere in the UK. Indeed, given that the consultation paper (para 4.3) itself refers to the WG not believing in “driving up quality on the basis of competition and customer choice” and not relying on ‘market mechanisms” it would appear incongruous were the WG then to decide to fund private sector provision in HE.

**Q7: 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)?**
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52. The principles of reasonableness and proportionality should govern how these proposed measures should be taken forward. Given our position (see para 50, above) that profit making providers should not be eligible for receipt of government financed HE student support, we believe that there are currently very powerful and effective controls on public service HE providers (FEIs/HEIs) in the quality of their delivery of HE in Wales (see our response to Q10 where these controls are summarised).

53. Were a decision to be made to confirm student financial support to private sector providers then ColegauCymru would expect there to be established a regulatory level playing field which would require from private providers all of the relevant reporting, auditing and policy requirements that are made of public service HE providers such as FEIs or HEIs. Without such a regulatory regime there would be a risk that private providers (headquartered outside of Wales, possibly) could use public funding to cherry pick students onto courses they considered profitable while paying little attention to matters such as widening access, student retention, pastoral care or STEM subjects where delivery costs may be higher. This would be a retrograde step for Wales were it to occur.

**Q8: 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?**

**Q9: 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?**

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54. This proposal for direct funding of strategic projects is an important one and is welcomed by ColegauCymru. This power would simplify the process by which the design and funding of strategic projects were developed, including those that have developed from the Heads of the Valleys Education Partnership and the developments relating to the new learning infrastructure now successfully established in both Ebbw Vale and Merthyr Tydfil. These have been crucial projects for their localities and direct funding would assist future development of this type of strategic level project.

55. The current funding systems makes the funding of courses that span the FE/HE qualifications divide quite complex – some level 4 vocational qualifications for instance are funded by DfES already as they do not fall into the category of qualifications under the Framework for Higher Education managed by the QAA. A greater degree of consistency in the funding of these types of qualifications would therefore be helpful in ensuring that funding is transparently allocated. Direct funding powers may help significantly in this respect.
56. We cannot see any disadvantages to the direct funding powers proposed in the White Paper and would actively seek to work with the Welsh Government on the type of strategic projects envisaged in the White Paper to boost Wales' economic prospects and to advance our performance in relation to widening access to HE for traditionally excluded groups.

**Q10: 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; and**
  - **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)?**
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57. ColegauCymru believes that reasonableness and proportionality should be the guiding principles when considering this important point. HEFCW currently has a range of tools which it uses to ensure that high standards are met. HEFCW uses its circulars and conditions of grant to insist on many measures that ensure the quality of an institution's provision. This is a system that works well for directly funded providers in Wales and has ensured that the interests of students have been protected. FE colleges and HEIs also have to submit exacting Fee Plans annually to HEFCW if they wish to charge £4,000 or more for a full time first degree, in order to ensure that each such provider has an extensive and impactful range of programmes to support widening access and that promotes higher education generally.
58. The QAA has a robust system of Institutional Review of providers and also thematic reviews of types of provision (including a comprehensive review of Foundation Degree provision in Wales in 2013). In addition to this, Estyn has a rigorous inspection regime of FE colleges that looks into every aspect of how quality processes and checks in the institution work and specifically examines the delivery of learning and teaching in the college at all levels.
59. In this context it would not be proportionate or reasonable to add a further dimension of formal legal and regulatory checks specifically to public service HE

providers such as FEIs. It would be a highly regrettable by-product of extending student support to private providers if FEIs were to be caught in the net of a new regulatory regime essentially designed to cover a future cadre of private providers. This would, in our judgement, potentially result in a three tier system of quality assurance regulation for FEIs (HEFCW in addition to Estyn and QAA) that could paradoxically shift the attention of FE higher education providers away from the learner and towards meeting the requirements of an additional and costly element of bureaucratic compliance.

60. We also question whether HEFCW as it is currently resourced has the staff resource to discharge such new responsibilities effectively, noting also that there is little prospect in the current fiscal environment for the recruitment of additional staff to that body. We wonder, in addition, whether HEFCW's statutory remit, as set out in the Further and Higher Education Act 1992, provides sufficient general powers over HE provision in Wales.

61. In summary, ColegauCymru suggests that there should not be an extension of government student support to private providers. There should not be an expansion of HEFCW's general regulatory powers in relation to the quality of provision as we believe that this is already adequately provided for through current arrangements. If HEFCW does take on a stronger regulatory role it should seek to discharge this role through its partnerships with the QAA and the HEA, which is the basis of the current arrangements.

**Q11: 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?**

**Q12: What other changes could be implemented to make the quality assurance system in Wales more robust?**

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62. The role of the HEA in Wales is important here. ColegauCymru would encourage more effective use to be made of the positive enhancement activities of the HEA in Wales, with both the HE and FE sectors. ColegauCymru itself works on quality enhancement through its own HE Network for FEIs, with active and helpful participation from HEFCW itself and the HEA.

63. We welcome the HEA's renewed focus on the FE sector in the UK and hope that that this will be sustained and properly resourced. HEFCW may also rightly use its existing remit to encourage the spread of good practice in quality enhancement through its existing committee structures and its existing powers to issue guidance and circulars in relation to learning and teaching strategies and so on. The introduction of the new QAA Quality Code will greatly assist in helping providers with their efforts to enhance quality and standards.

**Q13: 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?**

**Q14: Are the common set of functions for student unions included in the HEFCW guidance appropriate?**

**Q15: 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?**

**Q16: Do you agree that all HE institutions and providers offering courses designated for statutory student support should comply with:**

- **fair access arrangements in relation to those courses; and**
  - **OIA student dispute-resolution arrangements (on an institution-wide basis)?**
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64. FE colleges work closely with student unions and with NUS Wales, as well as with Higher Education Wales and HEFCW through the Wales Initiative for Student Engagement (WISE) to make the learner voice a core part of quality enhancement activities – in line with teaching and learning plans and Estyn guidance. HEFCW student union guidance applies to HEIs and good practices exist between FE colleges and their student unions. ColegauCymru works directly with NUS Wales to ensure that the voice of students on an all-Wales level is heard and is fed into national teaching and learning initiatives.

**Q17: How can the fair access arrangements be improved? Do you agree there is a need for legislative change through strengthened powers for HEFCW?**

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65. We believe that there are currently powerful and effective controls on public service HE providers (FEIs/HEIs) in their fair access arrangements. As we have noted, FE colleges play the foremost role among education providers in Wales in delivering wider and more socially just access to higher education.

66. Were a decision to be made to extend student financial support to private providers then ColegauCymru would wish there to be a regulatory level playing field which would require from private providers all of the relevant fair access requirements that HEFCW currently demands from public service HE providers such as FE colleges and HEIs. This ability should be underpinned by legislative powers if necessary.