
Ymateb i Ymgynghoriad / Consultation Response

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Dyddiad / Date:	05.02.24
Pwnc / Subject:	Register of tertiary education providers: initial regulations

Background information about Estyn

Estyn is the Office of His Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000¹ and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary, secondary, special and all age schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

This response is not confidential.

Response

We agree with the principles and proposals noted in the consultation relating to creating the registration system for tertiary education providers.

In relation to quality assessment, which is the area Estyn has a particular interest in responding, we agree with the principle of making regulations requiring higher education to be quality assessed in a similar period as the regulations for the inspection of further education and training/other parts of the post-16 sectors. This principle will create alignment across the tertiary education sector.

As the registration system for higher education will be operational from 2027-2028, it would be helpful for Estyn and the Commission to consider a mid-cycle review in 2026-2027 of the inspection arrangements for further education and training to account for possible amendment or changes to quality assessment arrangements for the registered providers from 2027-2028 onwards. This could provide better alignment of arrangements and enable synergies between inspection and quality enhancement reviews for registered providers. Making regulations to align the interval periods for different parts of post-16 would support this process.

The registration system provides an opportunity for changes to the way that Estyn currently inspects providers. There are a few further education colleges that are regulated institutions for higher education and also receive Welsh Government funding and contracts for their provision of further education, apprenticeships and as partners in adult community learning partnerships. The Commission and Estyn may agree/decide to consult on different quality assurance and inspection arrangements for registered institutions than the current inspection arrangements for other providers in post-16 sectors. This may have resource implications depending on the resourcing needed for future quality assurance and inspection arrangements.

Consultation questions

Question 1 – We have provisionally entitled the registration categories as “Higher Education Core” and “Higher Education Alternative”. Do you agree with these titles, or do you have alternative suggestions?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with these suggested titles and consider that it would be helpful, as noted, for the Commission to set out the benefits and obligations related to registration in each of the categories.

Question 2 – Do you agree with the suggested information that must be contained within a provider’s entry in the register? Is there any proposed content that should be added or removed from the regulations?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The information suggested should be in the public domain and should not cause an administrative burden to complete for entry in the register.

Question 3 – Do you agree with the inclusion of the two proposed further initial conditions in the regulations?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 4 – Are there any other further initial conditions that you think should be included in the regulations?

Yes	<input type="checkbox"/>	No	✓	Unsure	<input type="checkbox"/>
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Supporting comments

Question 5 – Do you agree with the further mandatory ongoing conditions proposed for inclusion in the regulations?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 6 – Are there any other mandatory ongoing conditions that you think should be included in the regulations?

Yes	<input type="checkbox"/>	No	✓	Unsure	<input type="checkbox"/>
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Supporting comments

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Question 7 – Do you agree with the arrangements proposed for decision reviews?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 8 – Are there any matters other than those listed that the Commission should be enabled to enforce in the event that a provider is de-registered?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comments

This appears clear and comprehensive and we are unable to think of any other matters related to this.

Question 9

Do you agree with the principle of making regulations requiring that higher education must be quality assessed at least every six years to align with the statutory requirements for other parts of the post 16 sector and HEFCW’s current practice set out in its quality assessment framework?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with the principle of making regulations requiring higher education to be quality assessed in a similar period as the regulations for the inspection of further education and training/other parts of the post-16 sectors, to align across the tertiary education sector. The interval period for inspecting providers in further education and training, and for schools, including sixth forms, will be six years (2024-2030).

As the registration system for higher education will be operational from 2027-2028, it would be helpful to consider a mid-cycle review in 2026-2027 of the inspection arrangements for further education and training to account for possibly amendment or changes to quality assessment arrangements for the registered providers from 2027-2028 onwards. This could provide better alignment of arrangements and enable synergies between inspection and quality enhancement reviews for registered providers. Making regulations to align the interval periods for different parts of post-16 would support this process.

Question 10 – Do you anticipate any resource implications for your organisation arising from the regulations or registration system?

Yes	✓	No	☐	Unsure	✓
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Supporting comments

The registration system provides an opportunity for changes to the way that Estyn currently inspects providers. There are a few further education colleges that are regulated institutions for higher education and also receive Welsh Government funding and contracts for their provision of further education, apprenticeships and as partners in adult community learning partnerships. The Commission and Estyn may agree/decide to consult on different quality assurance and inspection arrangements for registered institutions than the current inspection arrangements for other providers in post-16 sectors. This may have resource implications depending on the resourcing needed for future quality assurance and inspection arrangements.

Question 11 –Do you have any evidence which we could use to help us assess the costs and benefits of implementing the proposed registration system?

Yes	☐	No	✓	Unsure	☐
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Supporting comments

Question 12 – Apart from HE providers and the Commission, are any other stakeholders likely to face costs arising from the registration system, either directly or indirectly? If yes please provide details of the stakeholders in the supporting comments.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comments

Question 13 – Do you think any of the proposals in this consultation could impact (positively or negatively) on any persons with protected characteristics covered by the general equality duty that is set out in the Equality Act 2010? If so, how could positive impacts be increased, or negative impacts be mitigated?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comments

Question 14 - Is there scope for any of the proposals in this consultation to promote equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comment

Question 15 – Are there likely to be any negative impacts arising from the regulations on particular groups of people or particular places? If so, how could positive impacts be increased, or negative impacts be mitigated?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comments

Question 16 – We would like to know your views on the effects that establishing the register of tertiary education providers would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

Question 17 – Please also explain how you believe the proposed approach to regulations for establishing the register of tertiary education providers could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

Question 18– We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: