



Dros ddysgwyr, dros Gymru
For learners, for Wales

Ymateb i Ymgynghoriad / Consultation Response

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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:

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

- 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.

This response is not confidential.

Response

Introduction

Estyn welcomes the opportunity to reply to this consultation. We consider the documentation to give a clear picture overall of the planned regulation in relation to the tertiary sector which is very diverse in the age span of learners and the levels and purposes for which post-16 learners engage in education.

We welcome the fact that Medr proposes to work with providers and others to develop the ways in which the regulations are enacted over time. We welcome the fact that Medr sets out clear expectations for itself and the tertiary sector and that it will work to build trust within and across the sectors in the tertiary phase through open dialogue and transparency.

We have raised a number of points for your consideration. They are:

- The suggested use of destinations as a criteria to assess a provider – it is currently easier to gather this data in some sectors rather than others. Therefore, we suggest this will need to be discussed with providers in the tertiary sector to see how such data can be reliably acquired.
- The use of data outcomes to inform compliance – while quantitative data is readily available as the outcome to many courses, in some sectors, such as adult learning in the community, outcomes may be better expressed in qualitative terms. This will need to be given careful consideration so as not to disadvantage providers who cater for learners making their first tentative steps back into learning, for example.
- Medr may wish to consider reinforcing the concept of evidence-based by referring to the need for the evidence to be reliable and valid.
- We would suggest adding the quality of leadership and management to the list of criteria for assessing the quality of education as leaders and managers are central to creating the circumstances in which learners can flourish. We recognise that governance and management are separate regulatory conditions but think a focus within quality will also be important.
- We note that there is reference to using quantitative data sets as a criterion but suggest that outcomes reflected in the data sets should be considered in terms of trends when making any judgements in relation to compliance.

- We suggest Medr may want to consider adding notional timeframes to the levels of intervention. This help to ensure a provider's focus and for matters of non-compliance to be managed in a timely way.
- As stated in the documentation, Medr reserves the right to decide whether or not it will publish non-compliance. We suggest that Medr is consistent in its practice of publishing non-compliance so that it enables there to be public confidence in its actions and it fulfils its aspiration of transparency and openness.
- Medr expresses the aspiration for providers to collaborate more fully in the future to share effective practice and innovation. Medr may wish to consider adding information to the documentation as to how it sees its role in facilitating this aim.

Estyn's inspection, thematic and link inspector work will provide a valuable evidence base to support Medr in its ongoing monitoring across a number of the regulatory/funding conditions, not just what is currently defined as 'quality'. For example, our evidence will also support monitoring of:

- The effectiveness of governance and management (including financial management)
- The effectiveness of arrangements for supporting and promoting the welfare of students and staff
- Learner protection plans
- The Learner Engagement Code
- Information provided to prospective students
- Welsh medium education

It may be helpful to set out the way that Medr will work with Estyn and the designated quality body (QAA) early on in the overall regulatory approach to reassure tertiary providers that the work will closely dovetail and support the overall regulatory approach, therefore being proportionate as stated. Although inspections and quality reviews are referenced in a few places in the overall regulatory approaches, providers may not be clear that this means working closely with Estyn and the designated quality body to gather evidence and promote improvement.

Consultation questions

Annex A: Regulatory Approach and Intervention Powers

Q 1: To what extent do you agree that our Regulatory Approach will support our ability to fulfil the aims of our Strategic plan?

Agree

We welcome the explicit statement within Medr's regulatory approach that Medr will undertake its regulatory duties in a way which aligns to its aim of achieving its vision of enabling a tertiary education and research system which is centred around the needs of learners, society and economy with excellence, equality and engagement at its heart. The

statement provides clear direction and guidance on the principles underpinning the regulatory system.

The Annex A document provides clear and useful details of both the strategic context and Medr's specific strategic aims. The document is particularly helpful in stating each strategic aim clearly along with setting out the details of why (the regulatory objective) and how (the regulatory approach) Medr will discharge its regulatory duties in respect of each of the five strategic aims.

Q 2: To what extent do you agree that our Regulatory Approach will support our intention to be a proportionate and risk-based regulator?

Strongly Agree

We welcome Medr's clear and explicit statement of commitment and intent to undertake regulation in a manner that is transparent, proportionate, consistent and risk-based. We also welcome the deep alignment with Medr's values of Learning, Collaboration, Inclusion and Excellence. This regulatory approach will be particularly helpful in avoiding or minimising the risk of over burdening providers which often results from 'one size fits all' standard approaches to regulation.

Q 3: To what extent do you agree with the philosophy, principles and expectations set out in our Regulatory Approach?

Strongly Agree

We welcome the clear and appropriate guiding principles that underpin Medr's stated regulatory philosophy, both in terms of its adopted overall proportionate and risk-based approach as well as the deliberate blending of clear rules-based regulation with its aspirational expectations for continuous improvement across tertiary education in Wales. Such an integrated approach to the post-compulsory tertiary sector is both innovative and uncommon when compared with approaches in other countries. In light of this, we consider the strong emphasis on working closely with learners and providers on the design of the regulatory framework to be both appropriate and reassuring. Testing how the regulatory approach and systems will work across a variety of scenarios should be useful in helping avoid or minimise any unintended consequences of such new approaches.

The clear statement of regulatory requirements and taking intervention and enforcement actions where non-compliance or poor performance is both appropriate and necessary if regulatory approaches are to be effective. We also recognise and welcome the clear intention and commitment to work with learners, providers and government to evaluate

the effects of the new regulatory approach so it can improve over time to the overall benefit of Wales.

We particularly welcome Medr's stated intention to blend and utilise several aspects of regulatory styles in order to enable oversight to be scaled to reflect varying levels of risk and performance. This should be mutually beneficial to providers and Medr and help establish and sustain reciprocal trust between them whilst allowing Medr to concentrate and focus regulatory effort and intervention where it is most needed and can be most impactful for the benefit of learners and other key stakeholders.

An emphasis on goals-based regulatory approaches including a strong commitment to self-regulation and institutional responsibility is also welcomed as being consistent with empowering providers to adopt proactive approaches to managing risks as well as helping ensure accountability to learners and stakeholders. These approaches are also viewed as being supported by and consistent with the clear and explicit links to Medr's core values of learning, collaboration, inclusion and excellence along with the useful exposition of the ten regulatory principles which will provide the framework for how Medr will establish and deliver its regulatory requirements.

The section on expectations helpfully explains Medr's seven key expectations of providers. However, it focuses heavily on what Medr expects. To better reflect the collaborative tone of the document, it could also clarify what providers can expect from Medr

Whilst welcoming a clear emphasis on measurable outcomes and transparency, we would also emphasise the need to ensure that full consideration is taken of both quantitative and wider qualitative indicators of outcomes and impact. This is particularly important when considering and evaluating data on learning outcome indicators in order to avoid over emphasis on qualification outcomes without also considering distance travelled by individual learners and wider personal, social and economic benefits which may arise from participation and engagement in learning.

We welcome the emphasis on learners and learning throughout and this underlines the importance of having a consistent national approach to learner feedback questionnaires across all tertiary providers to support this emphasis.

Q 4: Could the Regulatory Approach, as set out, be applied consistently across all tertiary providers?

Partially

Whilst recognising that the regulatory approaches outlined in the consultation documents are written and intended to be applied at a high-level across the tertiary sector as a whole we feel that it is important to recognise and emphasise that the more detailed arrangements will and should be developed to suit the specific contexts of individual sub-sectors where it is appropriate and beneficial to do so. For example, the context and

autonomy of designated higher education institutions with degree awarding powers is very different from the delivery context in further education colleges, apprenticeship providers and adult learning partnerships. Whilst the overarching principles of regulation may be applied consistently it likely that the detailed regulatory mechanisms and interventions will be most effective when they are shaped by key differences in contextual differences. Particularly careful consideration and importance should be given to retaining a strong and overriding focus on learners and learning across the sector.

If no or partially, please provide details of how it could be applied consistently.

Continued strong focus on overarching principles and high-level specification of overall philosophy, principles and expectations rather than commonly prescribed approaches to performance indicators and intervention strategies applied across all sub-sectors is suggested.

Q 5: Is the Regulatory Approach sufficiently reflected throughout the different Conditions of Registration and Conditions of Funding that are set out in this consultation?

Yes

The consultation document usefully sets out the key different conditions of registration and conditions of funding in tabular form. The table also provides useful clarity on which conditions of registration are initial conditions and which are ongoing conditions in relation to higher education providers. The table also enables readers to clearly identify those conditions of funding which apply to other tertiary education and training providers and how these replicate many of the ongoing conditions of registration applicable to higher education providers.

We particularly welcome the clarity regarding how school sixth forms will be regulated via local authorities, as well as clarification that Medr has powers to intervene or alert Welsh ministers, who also have powers to intervene in further education institutions. The guidance identifies that school sixth forms will be dealt with slightly differently due the existing regulatory framework. It identifies that any engagement by Medr would solely be with a local authority. It may be helpful to reference the relevant [statutory schools causing concern guidance](#). There may also be a need to liaise with Welsh Government in relation to a school sixth form which is causing concern and where Medr does not feel that the local authority is taking appropriate steps – should this be referenced?

Q 6: If you have any other comments related to our regulatory approach, please note here:

Additional clarification would also be useful on how any detailed regulatory arrangements would be applied to those institutions which have active provision across several sectors or types of provision. This includes further education colleges that lead and deliver higher education courses, apprenticeship provision, and/or act as leads in adult community learning partnerships.

Q 7: To what extent do you agree that the interventions align to the Act's intentions?

Agree

We consider that the specified intervention powers outlined in the consultation align appropriately with the Tertiary Education and Research Wales Act 2022 intentions. It is particularly useful that these intervention powers have been set out clearly in separate sections in relation to registered providers, external providers, funded further education and training providers, funded school sixth forms and other tertiary provision in Wales. It is also helpful that each of the registration and ongoing conditions are set out clearly along with the timescale for these to come into effect.

We particularly welcome the strong and clear emphasis within the section on registered providers on the need for information to evidence a provider's financial sustainability, the adequacy of its governance and management along with the quality of its provision. We note also that the means through which the monitoring of compliance with ongoing registration conditions, and the monitoring of the quality of tertiary provision will be undertaken are exemplified within the consultation document.

The guidance also clarifies the arrangements for monitoring external or 'franchised' provision will be monitored for compliance. The documents provides clarity on how Medr will monitor compliance with funding conditions within funded further education and training providers. Additional clarity on sixth forms in maintained schools in Wales and the statutory requirement for these to comply with the Learner Engagement Code provides necessary clarity and should help avoid ambiguity and potential confusion.

Q 8: To what extent do you agree that the Statement of Intervention aligns with our Regulatory Approach?

Strongly Agree

The detailed statement of intervention provides a clear and appropriate updated statement of the circumstances in which different types of intervention will be considered and actioned. The considerations that will be taken into account are set out clearly as part of this statement. These considerations including seriousness, persistence, provider

actions taken, the context, risks posed and the implications for Medr's statutory duties and appropriately set out and reasonable. The intention of responding to issues on a case-by-case basis aligns very well with Medr's overall regulatory approach and will enable Medr to consider these factors flexibly along with other relevant factors including the weight attached to each of these factors.

The visual representation of the considerations of potential interventions provide clarity to what are clearly potentially complex scenarios and decision-making considerations. The spectrums of regulatory interventions are also effective in providing useful guidance and information relating to decision making considerations. Appropriate links to specific aspects of legislation are also appropriately provided within the document. The referencing of the types of provider to which the intervention powers apply are also clearly set out.

It was considered to be beyond the scope of this response to provide detailed responses to all aspects of the intervention scenarios as this would require detailed legal advice. However, the presentation of the processes appears to be set out clearly in terms of logical stages and appropriate timescales and illustrated usefully using a series of flow charts.

While this clarity and detail is helpful to support consistent application and understanding, the overall guidance is long and complex. Medr may want to consider how it summarises the essence of the approach, for example on one side of A4, to be able to communicate clearly to the broad range of stakeholders with an interest, including learners.

Q 9: Would supplementary guidance for the statement be helpful?

Yes

Please note the areas where supplementary guidance would be helpful.

It would be useful to provide supplementary guidance or toolkits tailored to the needs of key stakeholders, for example tailored to meet the needs of members of the governing bodies.

Annex B – Regulatory Framework

Monitoring Arrangements

Q 1: In the Statement, we have provided two potential models for our approach to engagement with those providers that we monitor – do you have any comments in relation to this?

Both potential models are potentially useful and appropriate in helping strike a balance between targeted compliance monitoring and broader strategic engagement. The statement on Medr's approach to monitoring sets out clearly the key issues which need to be considered as part of the decision-making process including Medr's regulatory principles, its statutory duties and their commitment to developing a proportionate, risk-based system of oversight in support of achieving regulatory compliance and building a tertiary education sector which has continuous improvement as part of its DNA.

We welcome the desire and intention to adopt a 'no surprises' approach to monitoring and this reflects and fits well with Estyn's long standing commitment to such an approach as part of its inspection arrangements. We also support strongly the central component being the stated emphasis on self-reporting including via the reportable events process. Likewise, we share Medr's commitment to minimising unnecessary burden. We agree that monitoring activity should consider the two stated key dimensions of risk when determining the nature and frequency of monitoring, namely the risk appetite associated with specific conditions along with the risk associated with the provider. The importance of timely, valid and reliable evidence will be key to ensuring the success of such arrangements as will the transparency of decision making rationale.

It is likely that these needs and intentions will be best served by tailored use of each of these models to the significance and specific circumstances relating to particular aspects of each condition. It may also be appropriate to evolve the approaches to individual conditions and circumstance over a period of time as these arrangements become more embedded and effective as part of a transparent earned trusted autonomy approach.

Q 2: Do you have any other comments regarding the proposed approach to monitoring compliance with Conditions of Registration / Funding?

The proposed approach of introducing a core Annual Assurance Return appears reasonable and appropriate in covering key areas of compliance and risk including compliance with Conditions of Registration / Funding. The emphasis on robust and evidence-based internal assessment of compliance against all conditions of registration and funding is entirely appropriate and critical to achieving and maintaining compliance.

Financial Sustainability

Q 3: Could the condition in respect of Financial Sustainability be applied consistently across all tertiary providers?

The overall consideration and condition of financial sustainability should be applied consistently across all tertiary providers as a fundamental starting point. However, appropriate consideration should be given to the impact of unexpected and external events or circumstances when deciding on the nature and timing appropriate intervention.

Q 4: Are the requirements of the condition proportionate?

We consider the requirements of this condition to be reasonable and proportionate.

Q 5: Does this condition provide sufficient clarity regarding requirements?

We consider the requirements relating to this condition to be set out in sufficient clarity and appropriate detail.

Governance and Management (Including Financial Management)

Q 6: Could the condition in respect of Governance and Management be applied consistently across all tertiary providers?

Given the nature and extent of the involvement of public funds we consider that it is important to apply the condition in respect of Government and Management consistently across all tertiary providers as a common starting point. Any variation in approach must be justified clearly and transparently in order to ensure public accountability and protect the public interest.

Estyn's inspection evidence can support Medr in supporting compliance and improvement in this aspect.

Q 7: Are the requirements of the condition proportionate?

We consider the detailed requirements of the condition to be proportionate and justified.

Q 8: Does this condition provide sufficient clarity regarding requirements?

We consider that the requirements and supplemental guidance on individual elements regarding this condition are set out in appropriate detail and provide sufficient clarity.

Quality

Q 9: Could the condition in respect of Quality be applied consistently across all tertiary providers?

The condition in respect of Quality is written at an appropriately high level to allow it to be applied consistently across all tertiary providers. However, it is important to recognise that the nature of detailed arrangements may not always be served by adopting a common approach to implementation. For example, self-evaluation and external review or inspection arrangements may be needed to vary depending on the context and autonomy as well as specific funding arrangements that are applicable to individual sub-sectors of the overall tertiary sector.

Q 10: Are the requirements of the condition proportionate?

The requirements of the condition are set out in an appropriately high level of detail to be proportionate. We particularly welcome the strong emphasis on continuous improvement and the importance of ongoing professional learning in supporting this.

Q 11: Does this condition provide sufficient clarity regarding requirements?

We consider this condition provides sufficient clarity regarding requirements.

Regard to Advice and Guidance

Q 12: Could the condition in respect of Regard to Advice and Guidance be applied consistently across all tertiary providers?

No – we consider the current formulation of this condition as being applicable to all institutions registered with Medr in the Higher Education Core and Alternative categories to be appropriate at this stage. However, Medr will need to consider how it will influence other tertiary providers through advice and guidance – will this be through the terms and conditions of funding?

Q 13: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate.

Q 14: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Information Provided to Prospective Students

Q 15: Could the condition in respect of information Provided to Prospective Students be applied consistently across all tertiary providers?

No – we consider the current formulation of this condition as being applicable to all institutions registered with Medr in the Higher Education Core and Alternative categories to be appropriate at this stage. However, Med will need to consider how prospective students can access information about other tertiary education provision as well. We recognise this is more complex, but several of our thematic and inspection reports have highlighted shortcomings in the advice and guidance provided to students about their future education or employment options. We have also highlighted shortcomings in how ALC partnerships promote the range of their provision to prospective learners.

Q 16: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate.

Q 17: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Fee Limits

Q 18: Could the conditions in respect of Fee Limits be applied consistently across all tertiary providers?

No – we consider the current formulation of this condition as being applicable to all institutions registered with Medr in the Higher Education Core category to be appropriate at this stage.

Q 19: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate.

Q 20: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Notification of Changes Which Affect the Accuracy of Information

Q 21: Could the condition in respect of Notification of Changes Which Affect the Accuracy of information be applied consistently across all tertiary providers?

No – we consider the current formulation of this condition as being applicable to those providers in either the Higher Education Core and Alternative categories to be appropriate at this stage.

Q 22: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate.

Q 23: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Charitable Status

Q 24: Could the condition in respect of Charitable Status be applied consistently across all tertiary providers?

No – we consider the current formulation of this condition as being applicable to all institutions registered with Medr in the Higher Education Core category to be appropriate at this stage.

Q 25: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate.

Q 26: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Reportable Events Process

Q 27: Could the condition in respect of the Reportable Events Process be applied consistently across all tertiary providers?

Yes – we consider the current formulation of this condition as being applicable to all funded providers and registered providers and all conditions of registration and funding to be appropriate

Q 28: Are the requirements of the condition proportionate?

Yes - the requirements of the condition appear proportionate and appropriately reflect the potential severity and risk impact of this condition.

Q 29: Does this condition provide sufficient clarity regarding requirements?

Sufficient clarity appears to be provided for this condition.

Q 30: Do you have any additional comments regarding the Conditions of Registration?

We have no additional comments at this stage of the consultation.

Annex C – Quality Framework

Section A: Introduction, background and scope

Q 1: To what extent do you agree that the drafting clearly sets out the statutory basis for the Framework and what it is intended to achieve?

Strongly agree

We strongly agree that the introduction, background and scope set out clearly, and in a logical sequence, the statutory basis for the Framework and what Medr intends to achieve.

Q 2: Is the scope of the definition of quality appropriate?

No

In the main, we agree that the scope of the definition of quality is appropriate. The documentation provides a clear rationale of how Medr has arrived at its definition of quality and how the definition is linked to its own strategic plan and Welsh Government priorities for the tertiary sector. The documentation is also clear about recognising that

the nature of the different sectors within post-16 mean that there may currently be different approaches to evaluating quality. We believe that the definition of quality with the learner and their experience at the centre of the thinking is key to developing continuous improvement.

As part of a quality evaluation, Medr refers to considering learners' progression to employment or further study' as an indicator of quality. We would suggest that Medr will need at a later stage to consider with stakeholders how the stakeholders might provide reliable and valid information to Medr as this indicator is very difficult to track in terms of individual students currently.

We agree that the pillars for assessing quality are appropriate and feel that the inclusion of the quality and type of professional learning and development is a suitable and necessary inclusion.

If no, what further clarification is needed?

In paragraph 16 of Annex C, the scope includes 'the quality of support for learning to enable learners to: succeed irrespective of background or protected characteristic'. It would be useful to explicitly refer to additional learning needs and neurodivergence here too, as these are not usually understood as part of a learner's background and often neither is regarded or treated as a disability, which would be the closest relevant protected characteristic. Including ALN and neurodivergence specifically will ensure that the large proportion of neurodivergent learners and learners with ALN are required to be considered in quality considerations and evaluations. We suggest the scope be revised to read: 'the quality of support for learning to enable learners to: succeed irrespective of background, protected characteristic, additional learning need or neurodivergence'. We recognise that additional learning need has a legal definition in relation to the ALNET (Wales) Act, and use it here with that definition but recognising that the legislation wouldn't necessarily be applicable across all tertiary education provision.

Section B: Principles

Q 3: To what extent do you agree that the proposed principles are appropriate?

Agree

We agree that the proposed principles are appropriate to Medr's aims.

The principle that there should be consistency of learners' outcomes is one that we would all hope providers can achieve. While it is noted that the quality processes and support will differ dependent on the sector, it does not identify that the nature of the learners in sectors is different – for example, in adult learning in the community learners attend a wide range of courses for different purposes: some may attend to improve their literacy, numeracy or digital skills, others might be taking their first tentative steps to develop their

confidence both at a personal and education level, while other older learners may attend classes to keep their brains and bodies active as well as improve their understanding of a subject. Therefore, while other sectors might have data which is related to success in qualifications, we would suggest that what constitutes success in a sector such as adult learning in the community will need to be given careful consideration.

While we agree with the principle that evaluations in a provider's self-assessment should be evidence-based, we would suggest that providers are asked to demonstrate the reliability and validity of that evidence.

We agree with the principle that Medr adopts a co-ordinated approach with other regulators. We believe that this will contribute to the openness and transparency to which Medr aspires, and to building and maintaining of trust across the tertiary sector as there will not be just one view of provider's performance.

Section C: Criteria for assessing the quality of education

Q 4: Which proposed features of the quality framework would have the most impact / add the most value in sustaining and improving quality over time?

We agree that the seven criteria for assessing the quality of education are important and appropriate. However, we would strongly encourage Medr to consider adding to the criteria 'the effectiveness of leadership and management'. Our evidence from inspection and thematic reviews across the range of providers in the tertiary sector, confirms that quality of the leadership and management who have the day-to-day responsibility for the provision and learners' experience is key a provider's effectiveness. To achieve the aspirations and aims for tertiary education as set out by the Welsh Government and Medr, tertiary education needs leaders who have a clear vision related to the latter, coupled with the ability to develop clear strategic direction. There needs to be middle leaders who understand the vision and strategic direction and who can realise these effectively at an operational level. We recognise that there is a separate regulatory condition linked to management and governance but feel adding an element within the quality area would further strengthen this.

Section D: Roles and responsibilities of Medr and providers regarding the quality of tertiary education

Q 5: To what extent do you agree with the proposed approach, which identifies roles and responsibilities across each pillar?

Agree

We agree with the approach of setting out the roles and responsibilities of stakeholders in relation to the pillars. This provides clarity and builds trust in the system

Q 6: What approach to external quality assessment adds the most value in terms of maintaining quality and driving improvement?

Our experience is that impartial inspection using a common inspection framework provides a consistent approach in terms of the areas to be evaluated and with reference to the context in which the provision is made, contributes significantly to maintaining and driving improvement. Inspection within a regular cycle provides the learner, the taxpayer and Medr with an evidence-based and holistic picture of the provider, the provision and learning experiences, using key questions which look at in detail at the quality of and the impact of teaching, the wellbeing of learners, safeguarding and leadership and management on learners' experiences and achievements. Outcomes of inspection, such as recommendations and, where necessary, follow-up help the provider to focus on issues for improvement as seen by an external eye. Visits by inspectors linked to the provider help to generate constructive professional dialogue about improvement help to identify issues in a timely manner.

Thematic review is helpful in looking at specific issues in tertiary education and determining how localised or wide-spread they are in practice in Wales. Thematic reviews in particular are a good vehicle for sharing effective practice and innovation in a sector, and more widely across the tertiary sector as a whole. This contributes effectively to the aim to Medr's aim of continuous improvement and innovation within the tertiary sector. They allow Medr to take a more systemic look at an aspect of the quality of education and training and target support for improvement based on the findings. They are helpful in driving forward and checking the impact of work related to key strategic priorities for Medr.

Section E: Processes for assessing the quality of education

Q 7: The Framework sets out a range of data sets in supporting assessments of compliance with the quality Framework. To what extent do you agree that the proposed data sources are appropriate?

Agree

We agree that the data sets proposed will support the assessment of compliance. However, we would suggest that in the case of a borderline issue, Medr should be able to call for additional evidence and likewise providers should be free within a time limit to submit additional evidence which they believe supports their case.

Q 8: Are there any other priorities for consideration in relation to external quality assessment?

Yes

We consider it important that there are clear agreements put in place between external quality assessment bodies and with Medr to avoid duplication and try and ensure as seamless and proportionate approach to external quality assessment and any monitoring of regulatory compliance. For example, Estyn's routine inspection work would already pick up evidence relating to many of the regulatory conditions, not just quality.

We have welcomed the work with Medr and QAA so far to develop shared understanding of how we will work together. We have already developed clear procedures for notifying Medr of inspection outcomes and would hope that over time, Medr will be able to also share a range of evidence that they hold to help inform inspection activity, most importantly where there may be possible non-compliance.

Q 9: The Framework sets out a range of data sets in supporting assessments of quality. To what extent do you agree that the proposed data sources are appropriate?

Agree

We support the use of main data sets and subsidiary types of evidence that Medr may use as set out in the Framework.

We would suggest that Medr considers how providers will gather reliable and valid data for destinations. This is currently easier to do in some sectors of tertiary education than others. Medr may wish to consider putting in place a national system that will facilitate the effective and robust collection of destination data.

We agree that data should be should in the first instance be a trigger for a conversation with providers to facilitate and understanding of their context.

We suggest as well as looking at the data for any particular year, attention is also paid to looking at trends in data which may provide a more holistic picture of the quality of provision and learning. We aim to use 3 years of data to inform our judgements.

Q 10: Are there any other data that should be considered?

Yes

We believe that Medr has set out a list of appropriate data to be considered at this stage. However, we would suggest that this list is kept under review as in practice it may become

apparent that other data sets help to provide a rounded picture and are better collected as part of the process, as opposed to an addition to the process.

Section F: Intervention

Q 11: Does the section provide clarity on how Medr will intervene to address issues relating to quality, standards and continuous improvement?

Yes

We consider that the section on intervention provides clarity on how Medr intends to intervene to address issues relating to quality, standards and continuous improvement in both the written and diagrammatic forms.

We recognise that devising an intervention system in the event of non-compliance is complex given the range of provision within the sector and it is necessary to have different levels of intervention. However, we would suggest that it might also be useful to attach notional time frames to the levels of intervention. For example, where there is minor non-compliance, such as rectifying a procedural matter, the provider might be given between one and three months in which to correct it. Time limits might, for instance, be given in multiples of three months as considered appropriate to the level. Where the provider experiences difficulties, Medr might extend in increments of a month. This methodology would encourage providers to rectify matters in a timely way and make it easier for Medr to monitor.

Elsewhere in the documentation, it is mentioned that Medr will take a view on whether it publishes that a provider is non-compliant. We would suggest that Medr operates consistent practice in this respect in the interests of its aim of transparency, openness and building trust in the system. It would avoid the circumstances where one provider may feel aggrieved at their non-compliance being published while the non-compliance of another provider is not published. This would also mitigate against the unintended outcome of needing to address complaints which can consume resource and time.

Final Reflections

Q 12: Are there any gaps within the Framework that should be addressed?

Yes

The documentation refers in 'Our Expectations' that Medr expects providers collaborate with stakeholders, learners, employers and the wider community. Elsewhere, Medr wishes to encourage collaboration in such ways that providers enable learners to understand the progression routes open to them and, as providers, to share effective practice and innovation. It would be helpful if Medr were able to say more about how it

envisages encouraging and enabling that to happen within and across the sectors that make up the tertiary sector in Wales.

Q 13: Are there any particular elements within the current drafting that should be emphasised or strengthened?

Yes

Please see notes under Question 11 and 12.

Q 14: If you have any further comments you would like to share regarding the Quality Framework, please note here:

We consider that the Quality Framework provides a detailed overview of requirements and expectations. It shows how the Framework aligns with strategic document and it articulates the six principles and the criteria by which Medr will make its evaluations. Information provided in diagrammatic form provides a useful overview. The Framework sets out clearly the bodies it will work with in terms of assuring quality and the responsibilities of each of those bodies.

Annex 1: Additional guidance for tertiary providers

Q 15: Does this Annex take account of the key other documents and requirements for each part of the sector?

Yes

If no, what further information is required?

Medr may wish to consider adding a note under the Higher Education section to clarify the role of Estyn in inspecting Initial Teacher Education in universities and the role of the Initial Teacher Education Board in accrediting that provision.

The Welsh language

Q 16: The consultation seeks views on the impact of all of the above elements of the proposed regulatory system on the Welsh language.

Could the proposals be changed to increase positive effects, or decrease adverse effects on:

Opportunities for persons to use the Welsh language

Yes

Medr may wish to consider strengthening its references to the opportunities for Welsh within the processes it is setting up. There is a link to Welsh Government documents and indicates it will operate in line with those principles and requirements, but there is no clear articulation as to how Medr will operate in this respect, or the expectations of providers in their role in providing quality education through the medium of Welsh.

Treating the Welsh language no less favourably than the English language?

No

Please see note above.

Impact on the Well-being of Future Generations Act (2015)

Q. 17: This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on the Well-being of Future Generations Act 2015.

Will the proposals contribute to the achievement of the national well-being goals set out in the Well-being of Future Generations Act 2015?

Yes

We consider that the proposals presented will help Wales to achieve the majority of the goals set out in the Well-being of Future Generations Act 2015. The aims and principles set out in the documentation should lead to improvement in tertiary education in Wales, potentially contributing to the aims in the Act of creating a prosperous Wales, a resilient Wales, a more equal Wales and a healthier Wales.

Impact on equality, diversity and inclusion

Q 18: This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on equality, diversity and inclusion.

Do the proposals take account of the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

Partially

The intention of eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 is implicit in section

'Inclusion' of the regulatory principles. However, this is not explicit in the documentation and Medr may wish to consider strengthening this element.

Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;

Partially

As above, this is implicit withing the inclusion section of the regulatory principles, but not explicit. Medr may wish to consider strengthening this element in the documentation.

Foster good relations between persons who share a protected characteristic and persons who do not share it.

Partially

As above.

Reduce the inequalities of outcome which result from socio-economic disadvantage?

Yes

There is generally good reference to widening participation in the inclusion section of the regulatory principles which seeks to ensure that all learners have equal opportunities to benefit from high quality experiences and outcomes. This includes fostering safe and inclusive learning environments, conducting regulation in a way that is sensitive to the diversity of learners and tertiary education across Wales.

Q 19: If you have any further comments you would like to share regarding impact on equality, diversity and inclusion, please note here:

None.