
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.

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

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.

This response is not confidential.

Response

Introduction

Overall, we welcome Medr's aim to be a proportionate and risk-based regulator. The regulatory framework helpfully clarifies expectations as well as clearly identifying how Medr will deal with non-compliance and promote improvement. We are pleased to see that Medr have worked hard to respond to the feedback from the earlier consultation.

Overall, we feel there is a strong learner focus throughout. Medr may want to consider how it might strengthen the focus on education professionals' involvement in aspects across the regulatory framework.

In order to bring further clarity, Medr should:

- Clarify and strengthen references to the nature, place and use of self-evaluation across different aspects to ensure consistent. Medr also needs to ensure that messages about Estyn's expectations around self-evaluation are clear – we do not expect providers to produce anything specifically for us or for inspection. We expect that providers will be regularly evaluating their work and using this evidence to work with staff and learners to plan for improvement. We will use any reports and action plans that result from these processes as evidence for our inspections.
- Guidance, including exemplification, could be more equitably focused on all types of providers, as relevant
- Medr should be cautious about the potential overall workload implications for providers and should consider reviewing the proportionality of this in places i.e. annual returns etc

Consultation questions

Annex A – Statement of Intervention Powers

This is relevant to:

All tertiary education and training providers in Wales

Our proposed Intervention Powers apply to all tertiary education and training providers in Wales as it sets out the range of our intervention powers and how these may be used to address issues of non-compliance with Conditions of Registration and Conditions of funding.

Do you have any further comments on the Statement of Intervention Powers?

We welcome the comprehensive nature the Statement of Intervention Powers, including its casting as a stand-alone document. The Statement is particularly helpful in setting out clearly the basis for the specified intervention powers that apply to different types of tertiary education and training providers. Importantly, it recognises that provider types are not always mutually exclusive. This provides essential clarity, particularly for FE institutions who are more likely to fall under more than one ‘provider type’.

We also welcome the clarification of how engagement and intervention that may be required in relation to school sixth forms and Adult and Community Learning will be conducted with local authorities. Section 1.3 is especially useful in this regard in providing important clarification that in the case of school sixth forms engagement will normally be with the relevant local authority, not the school, meaning that any references to governing bodies relate to the equivalent structures of the local authorities rather than those of schools. Given the scope for confusion around this situation it would be helpful to reinforce this point periodically within all key documentation.

The Statement is also helpful in confirming that in addition to relevant interventions by Medr, Sections 69 and 70 of TERA 2022 provide for intervention by Welsh Ministers to address compliance issues in the further education sector. It would be useful in indicate the likely timescale for the publication of the separate Statement of Intervention by Welsh Ministers in relation to this.

On a minor note, paragraph 3.1 identifies that figure 2 sets out all the statutory interventions in ascending order. It is not clear too see all the statutory interventions within Figure 2 and in fact there are a number of flow charts across the guidance that fully unpack the escalation of interventions.

The statement of intervention leads you to deregistration as the final intervention. Are all funded tertiary providers listed at the start of the document on a register? Will removal of funding be the final intervention in some cases? Medr may want to consider whether this potential outcome is clear enough within the document. The diagram about the spectrum of interventions at section 8 in the regulatory framework document is very helpful in providing an overview and may be helpfully replicated in the statement of interventions if that is likely to be used and promoted as a stand alone document.

In a number of cases, references are made across to the quality framework. There is a clear link between the two in terms of ongoing improvement in quality once non-compliance has been identified. We welcome the fact that the statement of interventions identifies that evidence from inspection and quality reviews will be used to inform decisions. It may be helpful to consider providing more reassurance for providers, for example under the section about reviews, that where possible and appropriate Medr would rely on, rather than duplicate, existing review mechanisms, and especially where Estyn or QAA have identified concerns and placed a provider in follow up as part of an inspection or quality review. This would reinforce that stated aims to be a proportionate and risk-based regulator.

Annex B – Regulatory Framework

This is relevant to:

Higher education (including franchised / sub-contractual);

Higher education courses specified by Welsh Ministers in regulation;

Further education;

Apprenticeships; and

Adult community learning.

Regulatory Approach

It is our intention to be a proportionate and risk-based regulator to achieve the aims set out in our Strategic Plan. In relation to our proposed Regulatory Approach:

Do you have any further comments on the Regulatory Approach, in the context of the full set of regulatory documentation?

We welcome Medr's stated intention to be a proportionate and risk-based regulator. The full set of regulatory documentation is comprehensive and appropriately structured. The high-level focus helps facilitate cross-sector applicability. In particular, the strong

emphasis on the centrality of learner needs and working collaboratively with educational providers and stakeholders to achieve shared outcomes and drive continuous improvement fits well with our strategic approach and vision. We also welcome and share the stated commitment to minimising burden as stated in Medr's guiding principles for establishing and delivering its regulatory requirements.

The full set of regulatory documentation usefully provides important background information to the Regulatory Approach, including its strategic context, aims, regulatory philosophy and principles as well as clarifying Medr's expectations. Overall, the documentation provides clear details of Medr's overall regulatory approach as well as setting out its expectations and requirements.

We note the strong and continuous emphasis on self-evaluation. It would be helpful if all components of providers' self-evaluation that Medr considers to be mandatory were listed in a single place, so that providers can easily find what is expected of them by Medr. For example, p104 of Annex B lists requirements for self-evaluation in relation to equality of opportunity. Where similar examples are listed elsewhere, it would be helpful to bring these together in one place.

The quality of a providers self-evaluation processes will determine how effectively they understand the extent to which they are meeting the needs of learners and plan appropriate improvements. Careful consideration should be given to the proportionality of mandatory components of self-evaluation to avoid over-burdening providers, such as adult and community learning where providers may be small organisations with limited management capacity. To avoid duplication, clear examples to illustrate proportionality for different providers and the extent to which learner outcomes will be considered in relation to how well the provider understands and meets learners' needs would be beneficial.

In section 5.12.1 the document states that 'In many instances, this will draw upon existing self-evaluation processes – for example those undertaken for Estyn or QAA. We may require providers to share aspects of their own self-evaluation in the context of Annual Assurance Returns'. Reference is made to not duplicating existing self-evaluation processes, this is sensible and appropriate. However, the language suggests that providers undertake self-evaluation specifically for the purposes of Estyn or QAA. This is not consistent with our messaging in that we do not specify how or in what form providers should undertake self-evaluation - nor should it be for the purposes of Estyn or QAA, more for the purposes of driving continuous improvement within their own organisation. In addition, Annex B p75 refers to 'Estyn self-evaluation process' which is unhelpful as we do not require or promote a particular self-evaluation process. We discourage providers from undertaking self-evaluation processes and producing documents specifically for us. When we inspect a provider, we take into account their own view of the extent to which they are meeting the needs of learners, through whatever self-evaluation process they use. We also take into account their plans for improvement and consider the link between these plans

and the findings of their self-evaluation. Our inspection sometimes identify a weakness in how well providers then evaluate the impact of the improvement actions they plan. Medr may want to consider how to reinforce the need to do this across the regulatory framework.

The proposed regulatory approach provides the opportunity to develop systems-wide frameworks to collate and evaluate a range of data on learners with additional learning needs (ALN). Importantly, frameworks should also include consideration of outcomes for learners whose learning needs do not fall under the auspices of the ALNET (Wales) Act, which provides a legal definition of ALN taking into account need, types of support provision, age and where a learner is being educated or trained. Medr may also want to consider whether how those with wider protected characteristics are supported is embedded enough across the regulatory framework.

We have identified wide variation in how responsibilities for learners with additional learning needs are interpreted, how support is planned, and how outcomes are monitored. To support providers' understanding, terminology in the regulatory requirements relating to meeting learners' needs should align with the ALNET (Wales) Act the statutory guidance within the ALN Code. There is some work being done to help clarify these currently which Medr may want to liaise with Welsh Government to consider.

Risk assessments should include systematic consideration of the experience and outcomes of vulnerable or under-represented learner groups, including those with additional learning needs.

Monitoring Arrangements

Our Regulatory Approach has informed the way that we intend to monitor compliance with the Conditions of Registration / Funding, which is explained in our proposed monitoring arrangements.

Do you have any further comments on the Monitoring Arrangements, in the context of the full set of regulatory documentation?

We welcome the clear statement of shared understanding that effective monitoring must go beyond data collection or enforcement. The principles underpinning the approach to monitoring appear well-structured, comprehensive and coherent. We support the clear commitment to proportionality, risk-based judgement, clarity and transparency, no surprises and early engagement, institutional autonomy and support for continuous improvement.

We recognise and value that the development of a blended model of monitoring, combining assurance-led activities and engagement activities is a product of extensive consultation and co-development along with welcoming the commitment to further collaborative evolution of the model. Agreeing the format of Annual Assurance Returns

along with continued engagement and the development of supporting evidence requirements will be crucial to the success of monitoring arrangements. The Reportable Events process and the use of data to monitor performance and identify potential areas of concern will clearly require openness and transparency from all parties.

We recognise the value and need for all parties involved in overall regulation of the tertiary sector to work closely together to ensure clarity and transparency, avoid duplication and minimise burden. We note several references to Estyn throughout the full documentation and are keen to continue to work closely with Medr and QAA to ensure that all stakeholders are aware of and understand the distinctive key roles and areas of focus of each body as well as any key areas of overlap and sharing of information.

The new Monitoring Arrangements increase expectations around governance, assurance and reporting. There is a risk that this may increase administrative workloads, especially in smaller providers around Annual Assurance Returns and evidence submission.

We would also like to draw attention to the following:

In table 6 Estyn/QAA review is not checked as being a method of ongoing condition monitoring for several areas that we do look at as part of our inspection/review processes including financial sustainability; governance and management; regards to advice and guidance; information, assistance and access; and complaints procedures.

Re: 8.3.1 the language used here seems to suggest that the head of the organisation will be a Principal/Vice Chancellor, we note that an increasing number of FE colleges split the roles of CEO and Principal so suggest amending accordingly. Also, within the apprenticeship sector there may be an MD/CEO to consider in the case of Independent Training Providers (ITPs).

Re: 10 Calendar of monitoring – LLWR data is not checked for apprenticeships or adult & community learning, but it is checked for FE. This information is equally as important across all three sectors.

It is important to note the limitations we have already flagged about how well we can currently provide evidence for sixth forms.

It is pleasing to see recognition of non-quantitative methods of evaluating learners' outcomes, such as RARPA (Annex C, para 64).

Please note that Para 49 says that Estyn inspects ITE provision. This is correct, however it does not inspect PCET ITE provision currently. We would welcome being able to carry out this work in the future to build on the periodic thematic reviews we have done.

To identify and address inequities, monitoring should include meaningful analysis of outcomes for learners with identified needs including those with ALN. Estyn's inspection and thematic evidence shows that outcomes for ALN learners vary considerably across FE and other post-16 settings, particularly in attendance, retention, programme completion and progression. Monitoring arrangements should therefore require providers to consider,

analyse and act upon disaggregated data on ALN learners as part of risk assessment. Without this, significant inequities may remain hidden.

Shortages of learning support staff, or inconsistent access to student services and wider health services can materially affect learners' progress. Providers should be asked to evidence how they monitor and mitigate risks relating to specialist staff and support capacity.

Reportable Events Process

Our proposed Reportable Events Process sets out our expectations for those serious incidents and notifiable events that need to be reported to Medr and how and when these must be reported by providers.

Do you have any further comments on the Reportable Events Process, in the context of the full set of regulatory documentation?

The Supplementary Detail: Reportable Events section of Annex B sets out clearly the purpose, scope and role of reportable events. The framework is comprehensive and compatible with early identification, notification and mitigation of risks.

The Tables 1 & 2 also set out clear lists of serious incidents and notable events respectively, providing important clarity to help providers identify and categorise which incidents and events fall into each category along with key actions, timescales and information requirements as well as Medr response arrangements.

These details should help provide essential guidance to senior leaders and governing bodies on the circumstances in which they are required to report serious incidents and notable events to Medr. Although the information provides essential clarity on the types of incidents and events there is scope for variability in interpretation given the ambiguity over thresholds such as 'significant disruption', 'events likely to' and 'high-risk activity' which may in turn lead to inconsistent reporting. There is also potential overlap with other regulators which may require reporting to other bodies/agencies such as Estyn/QAA, Welsh Government, auditors, awarding organisations or police. This suggests that strong coordination and effective communication will be essential between relevant bodies.

Providers may struggle to judge when issues such as repeated failure to make reasonable adjustments, declining staff capacity, rising withdrawal or non-completion rates for learners with identified learning needs, or persistent delays in adhering to statutory timelines and institutional policies should be escalated. Explicit guidance would promote greater consistency across FE, HE and work-based learning.

It is helpful that there is a focus on safeguarding in the list of reportable events. The Wales Safeguarding Procedures are currently being reviewed. Medr may want to consider

whether there needs to be any strengthening of the requirement to notify Medr if there is a safeguarding allegation against a member of staff in the Medr funded setting.

Financial Sustainability

Our proposed Condition of Registration / Funding in relation to Financial Sustainability has drawn on existing regulation and financial assurance arrangements in respect of higher education and further education providers, whilst taking into account the current and potential future environment for tertiary education in Wales.

Do you have any further comments on the Financial Sustainability Condition, in the context of the full set of regulatory documentation?

The document section relating to the Financial Sustainability Condition provides important clarity of definition of 'financially sustainable', what is required of providers, and how compliance will be monitored. Useful clarification is also provided on issues such as short/medium/long timescales, specific obligations, circumstances requiring prior Medr approval, monitoring and evidence requirements, governance and financial management expectations and initial registration requirements.

The framework's descriptions regarding what constitutes financial sustainability should prove useful in helping ensure providers remain solvent in both the immediate and longer term. The document is comprehensive and sets out a balanced approach to flexibility and control (for example, permitting short-term deficits for strategic investment), risk-based and proportionate monitoring, transparency and accountability as well as threshold-based controls over borrowing and financial commitments.

By helping ensure long term financial viability of providers across the tertiary sector the Condition should help protect learners, public funds and maintain overall stability of the sector. Its success requires effective implementation through continued provision of clear guidance, careful management of administrative burdens, proportionate judgement and robust but fair enforcement and mechanisms to cope with exceptional circumstances such as fluctuations in operating environments.

There have been recent instances where local authority providers have decided that they are unable to provide ACL provision within the scope of the Community Learning Grant. In this case, the 'provider' (i.e. the local authority) was still viable, but their provision was not. It might be helpful to clarify that in a provider such as a local authority which may offer a range of tertiary provision, elements of provision may be considered inviable, while the provider as whole may still be viable.

The outcome of the process for grant funding of apprenticeships will also be important, particularly whether funding will be awarded on an annual basis or over a longer period, of say 3 years. This will have an impact on provider ability to forecast financial

sustainability over longer periods, particularly ITPs for whom apprenticeship funding is their sole/primary source of income.

Evidence demonstrates that nearly all FE providers report that the time taken to fulfil their obligations under the ALNET (Wales) Act (2018) has exceeded expectations and is putting pressure on staff workloads. We also know that colleges are experiencing unprecedented numbers of learners arriving at college having not achieved CQFW level 1 qualifications. As a result, expectations placed on providers in relation to financial sustainability must be cognisant of the costs to providers of meeting an increasing breadth of learner need. The proportion of schools expected to slip into a deficit budget is also a concern, especially where they are struggling to sustain sixth form provision.

Governance and Management (Including Financial Management)

Our proposed Condition of Registration / Funding in relation to Governance and Management (Including Financial Management) sets out our expectations in respect of the governance and management of providers, including how they manage their finances.

Do you have any further comments on the Governance and Management (Including Financial Management) Condition, in the context of the full set of regulatory documentation?

The Governance and Management (including Financial Management) condition of registration establishes a clear and coherent set of governance responsibilities that all tertiary providers must demonstrate. We welcome the emphasis placed on integrated governance arrangements that link financial management, quality assurance, risk management and institutional strategy. This approach aligns with well-established principles of good governance across education sectors in Wales and provides a strong foundation for ensuring provider accountability and institutional stability.

The framework's expectation that governance arrangements extend across whole-group structures, including subsidiaries, parent bodies and any entity under significant influence is an important safeguard. This requirement supports greater transparency around financial flows and management delegation and ensures that risks arising from corporate structures cannot be obscured. The proposed annual assurance return, signed off by a provider's governing body, reinforces the principle of high-level accountability.

The overarching commitment to a risk-based and proportionate regulatory approach is particularly welcome as it has the potential to reduce unnecessary burden where governance and management arrangements are secure, while enabling closer engagement where material risks are present.

We identify areas where further clarity would strengthen the framework and support consistent implementation. The framework does not define what constitutes effective governance. Without clearer indicators of board competence, independence, engagement with learner voice or expectations regarding committee structures, assessments may become too subjective or vary between providers. Greater specificity, or alignment with recognised governance codes, would help shape consistent expectations. In addition, the administrative demands outlined in this section, particularly consolidated group reporting, internal control statements and detailed risk documentation, may present a disproportionate challenge for smaller or newer providers. Clearer guidance on how proportionality will operate in practice would be beneficial.

We also note that the criteria for assessing group structures and related entities would benefit from further explanation, particularly regarding the interpretation of ‘significant influence’ and the extent of Medr’s oversight in complex organisational arrangements. Also, the framework relies heavily on provider self-reporting and internal assurance. While this aligns with sector norms, there may be value in specifying circumstances in which additional external assurance, thematic reviews or strengthened verification processes would be appropriate.

Our inspection and thematic review work evidence that the effectiveness of providers in meeting learners’ needs varies widely across tertiary providers, and that weaknesses often arise where governing bodies do not receive regular, disaggregated information on learners’ progress, attendance, retention and well-being. Accordingly, the condition would benefit from explicitly requiring governing bodies to scrutinise the relationships between identified learner needs and outcomes.

Overall, the governance and management requirements provide a strong and well-structured foundation for promoting accountability, transparency and sound institutional oversight. Clarification in the areas highlighted above would help ensure consistent application, strengthen regulatory certainty and improve the framework’s capacity to protect learners’ interests and the wider tertiary education system

Quality

Our proposed Condition of Registration / Funding in relation to Quality draws upon the Draft Quality Framework and embraces both baseline compliance and promotes continuous improvement.

Do you have any further comments on the Quality Condition, in the context of the full set of regulatory documentation?

We welcome the inclusion of a clear commitment to monitoring quality of education provision, underpinned by the draft quality assurance mechanisms referenced the Condition of Registration/Funding in relation to Quality. As the new regulatory regime brings all tertiary education and training providers under a common oversight structure, the emphasis on a quality framework alongside governance, financial sustainability and

provider responsibilities is essential to protect learners and public interest. We support Medr's ambition to use a proportionate, risk-based approach to monitoring, combining conditions of registration and funding with quality assurance in a way that recognises the diversity of provision across higher education, further education, school sixth forms, apprenticeships and adult and community learning.

We consider that the framework would be strengthened by greater clarity on how quality will be assessed in practice, including the criteria for evaluation, frequency of reviews and how self-evaluation, external review and learner views will be balanced.

The emphasis on learner experience, evidence-based self-evaluation and continuous improvement is positive and provides a strong basis for quality assurance. However, to ensure consistent provision for all learners, explicit reference should be made to the quality of teaching and learning.

Providers should be expected to articulate and analyse outcomes for different learner groups, without this, important inequities may remain invisible. Expectations should clarify how they align with statutory responsibilities including the use of Individual Development Plans (IDPs) and person-centred planning.

While confirmation from a provider that they have a strategy to support professional learning and development is welcome, this could be strengthened with a requirement for providers to demonstrate how professional learning impacts learner outcomes.

In relation to compliance requirements, we have identified a series of questions regarding their application to apprenticeships. *To comply with this condition, providers are required to:*

1. *achieve satisfactory external quality assessment outcomes* – What does this mean in the context of Estyn inspection? Not in follow-up?
2. *have acceptable performance data* – how will Medr define what is acceptable performance data? Will this be set out as minimum thresholds, or be benchmarked against the sector? We have set out in our response to the apprenticeships consultation what we class as key data indicators in an apprenticeship provider context

RE: “learner voice – confirmation that they use the outcomes of learner surveys as part of their quality assurance and continuous improvement processes” – The learner engagement code does not specify currently how providers should engage with learners, rather focussing on the impact of the providers methods. Does this sentence therefore refer to national learner surveys (in development)? And if so, will there be a mandatory requirement for all providers to engage with them?

Re: “There is an expectation that feedback from learners and providers will inform this review.” – What about Estyn/QAA?

RE: Annual assurance return: as part of Medr's Annual Assurance Return, providers will be expected to self-declare that they have met the requirements of the condition, with

associated evidence. – Will the annual assurance return will be a separate document to the required evidence around self-evaluation and continuous improvement? If so, it feels like there would be a lot of duplication between the two with opportunities to combine perhaps?

RE: Outcomes of external quality assessments: this includes Estyn inspections and QAA reviews. The outcomes of developmental / thematic / geographical reviews will also inform the monitoring – Will we then be looking to use the outcomes of thematic reviews to inform monitoring at a provider level? Does this also mean link visits? If so, this could change the dynamic considerably of these types of activity

Staff and Learner Welfare

Our proposed initial and ongoing Condition of Registration / Funding in relation to Staff and Learner Welfare sets out requirements for providers to have in place effective arrangements to support and promote learner and staff welfare.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does this condition provide sufficient clarity regarding requirements?

No. It would be helpful to further strengthen the requirement to work with staff and learners to develop the effective arrangements to promote and support their welfare. This could be added either in the overall condition or within the more detailed conditions.

Welsh Language

Our proposed ongoing Condition and Registration / Funding in relation to the Welsh Language sets out requirements and expectations for relevant providers to take all reasonable steps to encourage greater use of the Welsh language and increasing demand for and participation in tertiary education and research delivered through the medium of Welsh and Welsh as a subject.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does this condition provide sufficient clarity regarding requirements?

Yes. However, It would be helpful to consider any links that need to be made the Welsh in Education Strategic Plans that local authorities develop. Is there also an opportunity to encourage collaboration with the National Centre for Learning Welsh in support of the delivery of their Welsh Language Strategies?

Learner Protection Plans

Our Proposed Condition of Registration / Funding in relation to the Learner Protection Plans aims to fulfil our duties as set out in Section 126 of the Tertiary Education and Research (Wales) Act 2022 for Medr to issue guidance on the preparation and revision of learner protection plans.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does this condition provide sufficient clarity regarding requirements?

Yes

Learner Engagement Code

Our proposed Condition of Registration / Funding in relation to the Learner Engagement Code is in line with the duties set out in the Tertiary Education and Research (Wales) Act 2022 for Medr to prepare and publish a Learner Engagement Code about the involvement of learners in their providers decision making. The requirements of this condition are set out in the Learner Engagement Code (Annex D) and align with Medr's strategic aim to focus tertiary education around the needs of the learner.

Could this condition be applied consistently across all tertiary providers?

Yes. However, much of the exemplification provided in Annex D relates to HE or FE, with very few examples from sixth forms, work-based learning or adult learning in the community. The guidance through exemplification could be improved by covering the various types of providers more equitably.

Are the requirements of the condition proportionate?

Partially

The first seven principles for learner engagement could potentially be rationalised into a smaller list which would be more manageable for providers to work with as there is some overlap between the themes. The last two seem superfluous. Learner engagement work would inherently be 'resourced' if the first seven principles are being met. Having 'evaluated' as a principle here isn't necessary as self-evaluation is a wider expectation for all providers for all aspects of their work. However, it is important that providers evaluate the effectiveness and impact of learner engagement work.

Does this condition provide sufficient clarity regarding requirements?

Yes

Equality of Opportunity

Our proposed ongoing Condition of Registration / Funding in relation to Equality of Opportunity sets out requirements for providers to deliver measurable outcomes that improve access, retention, attainment, and progression for learners from under-represented groups, and to support inclusive participation in research and innovation.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Partially – see comments in next section

Does this condition provide sufficient clarity regarding requirements?

Yes

Equality of Opportunity

To what extent do you agree that the Equality of Opportunity condition and supplementary detail provide sufficient clarity regarding provider expectations and requirements?

Agree

To what extent do you agree that the Equality of Opportunity condition will advance meaningful improvements in equality of opportunity for learners across the tertiary education sector?

Agree

Please provide comments to support your response, including any examples of potential impact, limitations or unintended consequences:

In Annex B, paragraph 23 of the Supplementary Detail: Equality of Opportunity includes a range of self-evaluation requirements which are unnecessarily prescriptive and may be disproportionate to the scale of providers.

The intent of the equality of opportunity condition and its requirement that providers should deliver measurable improvements in access, retention, attainment and progression for under-represented learners is welcome. However, the condition would be strengthened by making learners with additional learning needs explicitly visible within expectations and guidance.

Estyn's inspection and thematic work shows that ALN learners in FE and work-based learning experience variable quality of support, inconsistent access to suitable pathways, and gaps in retention and progression. These issues will not be reliably captured unless the condition requires providers to disaggregate and analyse outcomes for learners with a breadth of learning needs alongside other groups covered in the Annex.

Complaints Procedures

Our proposed Condition of Registration / Funding in relation to Complaints Procedures has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 for Medr to ensure tertiary education providers have in place complaints procedures and take reasonable steps to make learners aware of them.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does the condition provide sufficient clarity regarding requirements?

Yes. Medr may want to consider whether it could strengthen the need to try and ensure that providers ensure some level of independence from the events of people being complained about in the investigation of complaints. Medr may also want to consider whether they feel the guidance sufficiently addresses the recommendations from our 2015 report on learner complaints procedure in FE colleges - [Thematic survey report](#). One of the recommendations was the ensure that any national learner surveys included a question about whether learners felt confident knowing how to make a complaint or raise a concern. The proposed national learner surveys should be considered a vehicle to provide assurance to Medr on the efficacy of complaints handling.

Regard to Advice and Guidance

Our proposed Condition of Registration / Funding in relation to Regard to Advice and Guidance requires providers to give due regard to any advice or guidance issued by Medr.

Do you have any further comments on the Regard to Advice and Guidance Condition, in the context of the full set of regulatory documentation?

This condition seems appropriate. We welcome the principle that Medr will provide supplementary advice and guidance to providers where appropriate and believe this will allow it to be able to influence improvements in priority areas in an agile but proportionate way.

Medr may want to consider providing greater clarity about what exactly their expectations are about what 'give due regard' means.

Information, Assistance and Access

Our proposed Condition of Registration / Funding in relation to Information, Assistance and Access has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 for the governing body (or equivalent) of the provider to provide Medr, or a person authorised by Medr, with such information, assistance and access to the provider's facilities, systems and equipment as Medr may reasonably require.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does this condition provide sufficient clarity regarding requirements?

Yes

Validation Arrangements

Our proposed Condition of Registration in relation to Validation Arrangements has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 to assure themselves of the quality and effectiveness of any validation arrangements in place. "Validation arrangements" means arrangements between an applicant (or registered) tertiary education provider and another education provider under which the applicant tertiary education provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf.

Could this condition be applied consistently across all tertiary providers?

Yes

Are the requirements of the condition proportionate?

Yes

Does this condition provide sufficient clarity regarding requirements?

Yes

Validation Arrangements

To what extent do you agree that the Validation Arrangements condition (which under the Act is defined as applying to validation arrangements only) could be usefully extended into broader advice or guidance for tertiary partnerships, including sub-contractual arrangements?

Agree

Please provide comments to support your response, including any examples of potential impact, limitations or unintended consequences:

Charitable Status

Our proposed Condition of Registration in relation to Charitable Status requires all registered higher education providers in the Higher Education Core Category to be charities.

Do you have any further comments on the Charitable Status Condition, in the context of the full set of regulatory documentation?

Estyn welcomes the inclusion of the Charitable Status Condition which emphasises the importance of transparency, accountability and compliance for providers that are registered charities. The requirement for governing bodies to understand and discharge their charitable duties, including acting solely in the interests of the charity, managing resources responsibly and ensuring that charitable purposes are met is a necessary safeguard within a diverse tertiary system. The expectation that providers maintain clear separation between charitable and non-charitable activities and demonstrate appropriate

oversight of subsidiaries and trading operations, aligns with good governance practice and supports the effective stewardship of public funds.

To strengthen the clarity and effectiveness of this condition, Estyn suggests that further detail would be helpful regarding how Medr will assess compliance in practice, particularly in cases where providers operate within complex group structures or hold multiple charitable and non-charitable entities. Clearer guidance on evidential expectations, for example, with respect to trustee competence, conflict of interest management, internal delegation arrangements and reporting duties would support consistent regulatory judgement. With such refinements, this Condition would provide a strong and proportionate mechanism for ensuring that charitable providers meet their legal obligations and uphold high standards of governance and public accountability.

Information Provided to Prospective Students

Our proposed Condition of Registration in relation to regard to Information Provided to Prospective Students requires the information provided to prospective students to comply with consumer law including any guidance from the Competition and Markets Authority.

Do you have any further comments on the Information Provided to Prospective Students Condition, in the context of the full set of regulatory documentation?

Estyn welcomes the inclusion of a specific Condition requiring providers to have regard to the quality, accuracy and clarity of information made available to prospective students. Ensuring that learners can make well-informed decisions about courses, entry requirements, financial commitments, support entitlements and progression opportunities is essential to promoting equity, widening participation and supporting learner success. The emphasis placed on transparent, accessible and reliable pre-contractual information aligns well with Estyn's inspection findings, which indicate that high-quality information provision contributes positively to learner confidence, retention and engagement. The requirement that providers explain material changes to courses or delivery, and avoid presenting misleading or incomplete information, is a further strength of the proposed framework.

To strengthen this condition, Estyn considers that greater clarity would be helpful regarding how Medr intends to assess the sufficiency and accuracy of information provided by providers. In addition, it may be beneficial for Medr to outline how it will evaluate providers' processes for reviewing, updating and assuring public-facing information, and how learner feedback or complaints will inform regulatory judgement. With these refinements, the condition would provide a strong and proportionate means of ensuring that prospective students receive the accurate and comprehensive information required to make well informed choices about their learning pathway.

Learners with ALN and their families often struggle to find clear, detailed information on the availability of support, the nature of Independent Living Skills (ILS) or foundation

pathways, transition arrangements from school, and the extent of Welsh-medium ALN provision. Without this, learners cannot make fully informed decisions. The condition should require providers to provide information in accessible formats using plain language, visual formats, bilingual versions, and assistive-technology compatible materials. Signposting to where prospective learners can seek advice, ask questions, or obtain additional detail would ensure that the condition supports informed decision-making, reduces risk of miscommunication, and aligns with Medr’s wider objectives.

Similarly to ALN, learners or prospective learners in ALC may have poor literacy or digital skills or may not have functional English or Welsh skills. ALC providers will need to take this into account with the information they provide. We reinforce the intention of Point 4 (Annex B, p 123)

We welcome the principle that all information should be equally accessible in Welsh and adhere to the Welsh Language Standards.

Fee Limits

Our proposed Condition of Registration in relation to Fee Limits requires registered providers in the Higher Education Core Category to have a fee limit statement approved by Medr and to ensure that regulated course fees do not exceed the relevant fee limit.

Do you have any further comments on the Fee Limits Condition, in the context of the full set of regulatory documentation?

Notification of Changes which affect the Accuracy of Information

Our proposed Condition of Registration in relation to Notification of Changes Which Affect the Accuracy of Information aims to satisfy the requirement for mandatory ongoing Conditions of Registration relating to the accuracy of information contained in a provider’s entry in the Register, as well as the notification of changes to a provider’s tertiary status in Wales.

Do you have any further comments on the Notification of Changes Which Affect the Accuracy of Information Condition, in the context of the full set of regulatory documentation?

Estyn welcomes the inclusion of the “Changes Which Affect the Accuracy of Information” Condition, which establishes a structured expectation for providers to identify, manage and report material changes that could alter the accuracy of published or previously supplied information. This condition is an important safeguard for learners and prospective learners, as it ensures that decisions about courses, progression and financial commitments are based on reliable and up-to-date information. The requirement for governing bodies to maintain oversight of change-management processes, and for

providers to consider the impact of changes on learner rights, contractual terms, and regulatory compliance, aligns well with established principles of transparency, fairness and learner protection across the education system. We welcome the framing of this condition as a mechanism that helps maintain trust and confidence in the Welsh tertiary sector.

Estyn considers that the condition would be strengthened by greater clarity regarding what constitutes a 'material change' and how providers should determine when a change triggers reporting obligations. Given the diversity of provider types and course structures, clearer guidance or illustrative examples would support consistent interpretation and reduce uncertainty. It would also be helpful for the framework to set out expectations for the timeliness and quality of communication with learners, particularly where changes may affect learning outcomes, delivery mode, assessment arrangements or financial commitments. Furthermore, the framework could usefully provide more detail on how Medr will assess providers' change-management processes, including how learner feedback, complaints and concerns will be used to inform regulatory judgement. With these refinements, the condition would offer a proportionate and effective mechanism for ensuring that information provided to learners remains accurate, reliable and responsive to changes in provision or institutional circumstances.

Our evidence shows that learners with ALN are disproportionately affected by unexpected changes in provision, staffing, campus arrangements or delivery models. Inaccurate or out-of-date information, particularly relating to specialist support, course accessibility or Welsh-medium ALN pathways can significantly undermine learners' ability to make appropriate choices and maintain continuity of learning.

The condition would benefit from explicitly requiring providers to notify Medr when changes affect availability or capacity of learner support, delivery models. Providers should also ensure that any updated information is communicated clearly and accessibly to learners, using appropriate formats.

**Do you have any additional comments regarding the Conditions of Registration?
Please indicate which Conditions you are referring to in your response:**

The emphasis on quality, welfare, learner protection and equality is broadly welcome. However, the conditions would be strengthened by more explicit recognition of the needs of learners with ALN and other learning needs who we know experience variable provision across the sector.

Several conditions including quality, staff and learner welfare, equality of opportunity, learner protection plans, information for prospective learners and notification of changes would benefit from clearer expectations around accessibility, reasonable adjustments, and the continuity of specialist support. Providers should be required to monitor learners' needs and their retention, attainment and progression. Information should be required to

be in accessible formats, and governance arrangements should ensure scrutiny of outcomes for learners with identified learning needs.

Explicit reference to learners' needs across the conditions would improve consistency, strengthen learner protection, and ensure equitable experiences across all tertiary providers.

Annex C: Quality Framework

This is relevant to:

All funded and / or registered tertiary education and training providers in Wales.

The Quality Framework provides guidance and information on policy and practice concerning the quality of tertiary education, and will help providers to demonstrate that they meet the condition.

Do you have any further comments on the Quality Framework, in the context of the full set of regulatory documentation?

We welcome draft of the national Quality Framework for the tertiary education sector and the consideration that has clearly been given to the feedback from the earlier consultation. The Framework's overall structure which emphasises continuous improvement, provider accountability, learner-centred provision and coordinated regulatory alignment is consistent with key principles Estyn recognise as being central to promoting high standards and striving for equity across education and training in Wales.

The various pillars of the Framework, including learner engagement, learner voice, governing-body engagement, self-evaluation, externality, continuous improvement and professional learning provide a useful basis for assessing quality. What is included broadly aligns well with Estyn's approach to quality across sectors.

However, there are notable omissions from the framework. Critically, the framework does not refer to the quality of teaching and learning – the most important factor within a provider's control that influences learners' outcomes. The 'quality of teaching' is referred to once in the 'scope of quality' in paragraph 19, but is not then teased out in what follows. We think that the quality of teaching and learning could feature prominently under the 'self evaluation' and 'externality' pillars in particular. We expect providers to have a clear view of the quality of teaching and learning across its provisions and its impact on the standards that learners achieve. We believe that observing teaching and learning and providing an external summary of this is a very important and valuable part of our inspection process and is an important tool for driving improvement and sharing best practice across the sectors.

The additional information around the pillars learner engagement and learner voice are particularly important. We would encourage close collaboration across the sector to help co-construct more detailed information and implementation plans, including the functionality of planned learner surveys to minimise burden as well as avoiding duplication and survey fatigue.

The intention to align the Framework with existing regulatory requirements (e.g. Welsh language standards, Additional Learning Needs legislation, existing external quality assurance mechanisms) should help reduce burden on providers while maintaining robust standards. This coordinated approach is crucial in this complex regulatory and funding environment to avoid conflicting requirements and/or unnecessary duplication.

The effectiveness of the Framework will depend largely on how well ‘reasonable needs’ are interpreted in and across diverse contexts, whether external quality assurance is sufficiently robust, whether learner voice and engagement are meaningfully embedded and whether professional learning, the quality of teaching and learning and the quality of leadership are prioritised across the sector.

It would be helpful to consider the development and publication of more detailed guidance or exemplars that help providers interpret ‘reasonable needs’, especially in contexts where learners have additional learning needs, are from underrepresented groups or accessing non-traditional provision (including part-time and adult & community learning).

The Framework should emphasise strongly the importance of building capacity among teaching and support staff, ensuring access to continuing professional learning, and embedding pedagogical quality as a core objective. Medr may wish to strengthen the emphasis on how the Quality Framework can encourage and support professional learning and good practice sharing across the tertiary sector, particularly in those areas/parts where provision has previously been weak or fragmented.

We would also encourage Medr to refine and further develop the Framework by providing more detailed guidance, clear expectations for external scrutiny and support mechanisms for providers, especially those working with non-traditional learners or via subcontracting/partnership arrangements.

Evidence drawn from our inspection and thematic reports shows that high-quality provision learners with a breadth of learning needs depends on accessible and inclusive teaching, clear identification processes, well-coordinated support, and robust monitoring of learner outcomes. These elements are implied in the framework but not clearly stated. As a result, providers may interpret expectations inconsistently, and important quality issues for may remain invisible within self-evaluation.

We recognise and agree with the importance of the Welsh language and Welsh Language Standards as an integral component of the framework and that the Welsh language and bilingualism are embedded in each of the pillars

While provider autonomy and self-evaluation are valuable, without adequate independent external scrutiny there is a risk that quality may vary significantly across the tertiary sector. We stress the importance of ensuring that external evaluation mechanisms (e.g. Estyn/QAA periodic inspection or review) are sufficiently resourced and systematic, especially given the diversity of the tertiary sector and range of delivery modes. Currently, some sectors are scrutinised more thoroughly than others, giving providers more detailed external evaluations. In particular, school sixth forms are under-evaluated in the current system as resources for school inspections are focused on pupils of compulsory school age. We have provided Medr with options that would allow us to provide more thorough evaluations of sixth forms as part of school inspections, subject to additional resources being available.

When supporting implementation of the framework, Estyn is well placed to collaborate with Medr and sector stakeholders by sharing inspection evidence and good practice to support implementation of a coherent, transparent and equitable quality regime across tertiary education in Wales.

Annex D – Learner Engagement Code

This is relevant to:

All tertiary education and training providers in Wales

Section 129 of the Tertiary Education and Research (Wales) Act 2022 places a duty on Medr to prepare a Learner Engagement Code about the involvement of learners in the making of relevant decisions by their provider.

Learner Engagement Code

To what extent do you agree that the Learner Engagement Code sufficiently reflects the breadth of the tertiary education sector including the different contexts and requirements?

Agree

To what extent do you agree that the proposed principles for learner engagement address the key aspects of learner engagement?

Agree

To what extent do you agree the approach to monitoring is clear and proportionate?

Agree

To what extent do you agree providers would be able to meet the proposed evidence requirements without undue burden?

Disagree

Please provide comments to support your responses:

The principles for learner engagement are useful, although there is potential to rationalise them into a smaller number of principles as there is overlap within principles 1-7. The last two principles may not need to be included. Re: 'resourced', it's a given to comply with the other principles that a provider would be allocating resource to learner engagement. Re: 'evaluated', self-evaluation is a wider principle for all providers that applies to all aspects of their work, including learner engagement. Having fewer principles will simplify any related compliance and monitoring activity.

There is appropriate recognition that engagement must adapt to learners with different contexts (e.g. remote, workplace-based). The Code's principles are suitable in allowing providers to respond to this.

Whilst the Code focuses entirely on learner engagement, in apprenticeships the learning experience is strongly shaped by the employer-provider-learner tri-partite relationship. Without employer buy-in, this may limit apprentices' ability to influence decisions. For example, engagement about their workload, workplace mentoring, or assessment methods may require the employer's participation. In our recently completed cycle of core inspections in apprenticeships, one area for improvement that has consistently appeared has been the extent to which employers are involved within the apprentices learning journey. It would be useful to consider the influence and impact an employer will have on learner engagement code for apprentices, particularly those that are predominantly or fully work-based.

The requirement for subcontracted provision to comply with the Code is important given the complexity of apprenticeship delivery models. This may become even more important depending on how the next contract/commissioning round looks from September 2027.

Traditional structures (learner councils or student unions) are harder to implement in dispersed, community or employer-based cohorts. Many apprentice learners will never be on-campus or meet peers. Guidance/examples to explicitly address online and workplace-friendly engagement methods (e.g., digital forums, peer networks, mobile surveys) would be useful as early as possible.

Apprentices may be reluctant to provide honest feedback if it risks tension with their employers. This requires careful safeguarding of learner voice, and associated actions that follow, to be sensitive and confidential where appropriate.

The learner engagement code does not specify currently how providers should engage with learners, rather focussing on the impact of the providers methods. Does this sentence therefore refer to national learner surveys (in development)? And if so, will there be a mandatory requirement for all providers to engage with them?

Many of the points made in relation to apprenticeships are also applicable to ACL. Not least that learners are frequently dispersed, will not have a common campus that they regularly attend and will be adults with many competing pressures on their time. Some will also have poor literacy and or digital skills and so may not be able to engage in typical ways. On balance, if the engagement code is viewed in that context, it is appropriate in ACL.

In terms of learners with ALN, the intent and principles of the learner engagement code are welcomed. However, in their current form, the principles will not sufficiently ensure that the views of learners with diverse learning needs will be heard, represented or acted upon across the tertiary sector. Learners with ALN form a substantial proportion of FE learners, including many who rely on supported communication, specialist teaching, or structured routines. Estyn's inspection and thematic evidence show that without explicit design, learner engagement systems risk systematically excluding these learners.

Traditional approaches rarely capture the voices of learners with communication difficulties, neurodiverse learners, those on ILS pathways, or those who experience anxiety, sensory needs or varied literacy levels. Providers would benefit from examples demonstrating inclusive engagement—e.g. ILS focus groups, visual feedback tools, accessible digital engagement, or facilitated learner voice sessions. By strengthening the Code in these ways, Medr can ensure that it not only sets a positive direction for learner engagement generally but also builds a system where learners who often face the greatest barriers can participate fully and influence decision-making at every level.

The principle of involving learners in a provider's decision making, particularly regarding provision, may be challenging, particularly where a provider's 'failure' to offer certain courses, could be taken to suggest that they have failed. It should be recognised, that there may be a variety of valid reasons or circumstances underlying the decision to offer some programmes but why others are unavailable. Therefore, it would be helpful if documentation was more nuanced to take account of such issues.

In terms of Welsh language, the code appropriately recognises the need for learners to be able to influence and evaluate Welsh-medium and bilingual provision in their providers, and to be able to do so meaningfully through the medium of Welsh.

What additional information or resources could support providers to meet the requirements of the Code?

The exemplification in the code is broadly useful. However, the examples are dominated by further and higher education providers. We recommend a more inclusive approach to exemplification that reflects more equitably the full range of tertiary providers that are required to comply with the code.

In relation to Adult and Community Learning, it would be useful to exemplify and/or recognise the many ways that ACL learners may engage, without necessarily taking part in surveys etc.

It should also be noted that providers in FE, WBL, ACL and school sectors usually carry out direct lesson observations and learning walks as part of their self-evaluation and improvement processes. These give learners a first-hand opportunity to have their voice heard, and providers an opportunity to evaluate at that one-to-one level how they can improve learning experiences and take into account learners' views in their self-evaluation and improvement planning.

There appears to be an assumption in the code that listening to learners is usually a discrete process (e.g. through councils, unions, focus groups, surveys or representation in staff meetings) but where appropriate it should also take account of teaching and learning observations as a means of gathering dynamic learner feedback and acting on it.

In terms of Apprenticeships, guidance/examples to explicitly address online and workplace-friendly engagement methods (e.g., digital forums, peer networks, mobile surveys) would be useful as early as possible.

In terms of ALN, it would be useful to provide practical guidance on accessible and inclusive engagement; models of effective learner voice practice; tools of monitoring representation; fully accessible learner-facing materials; guidance on ensuring the voice of learners with ALN and wider learning needs can be received and used by governors; alignment with wider legislation and frameworks, e.g. ALNET (Wales) Act, Equality Act and Welsh language duties.

To ensure Welsh-speaking members of staff are available to help facilitate learner engagement process and to utilise Welsh language champions and where relevant Coleg Cymraeg Cenedlaethol Student Ambassadors. Sufficient resources need to be allocated for translation and an over-reliance on AI to translate should be avoided without rigorous systems to proofread materials.

If you have any further comments related to the Learner Engagement Code, please note here:

The Welsh language offer should be proactive and not merely rely on ‘demand’ from learners.

The Welsh Language

This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on the Welsh language.

What do you think would be the likely positive or negative effects of our proposals on the Welsh language? We are particularly interested in any potential effects on opportunities to use Welsh and on not treating Welsh less favourably than English.

Although the wording reflects legislation, the condition relevant to the Welsh language states that providers must take all reasonable steps to promote and encourage the greater use of the Welsh language across the provider. The reasonableness test, even in law is, on occasions, unavoidably subjective. The role of Medr and the guidance from the Coleg Cymraeg Cenedlaethol will be vital in ensuring that expectations are sufficiently ambitious. Our recent thematic report on training aimed at Increasing the [use of the Welsh language in the post-16](#) sectors noted that ‘there are strong and supportive relationships between Coleg Cymraeg Cenedlaethol and individual colleges and providers. However, the Coleg does not have sufficiently robust procedures in place to ensure that arrangements for forward planning, quality assurance and monitoring the effect of training are consistent across individual providers and nationally.’

The commitment to develop a National Plan for the Welsh Language in Tertiary Education is to be welcomed. We concur with the need to increase the numbers of young people studying Welsh as a subject post-16. The references to improving the provision and promotion of Welsh-medium education and assessment, increasing participation, enabling seamless pathways for Welsh-medium education are positive. Too often, young people leaving Welsh-medium education at 16 will attend English-medium courses in tertiary institutions and lose their language skills or confidence. The need to increase assessment through the medium of Welsh is an important element in this continuation of Welsh language skills.

We welcome the reference to moving learners along the Welsh language skills continuum and Welsh being a lifelong skill. Attention needs to be focussed on efforts to move staff and learners up the language pyramid/along the language continuum in a strategic manner and as the aforementioned report highlighted there is a need to ‘..provide more challenge and guidance to colleges and apprenticeship providers when evaluating the effect of training on the workforce with purposeful forward planning to move teaching

practices and the offer for students and apprentices up the language pyramid (from B3 to B2 and up). In general, although many institutions feel that they work well with Coleg Cymraeg Cenedlaethol, only a majority feel that they are accountable to the Coleg in terms of outputs. Many would welcome further scrutiny of their work as they plan and measure the effect of training on the linguistic ability and bilingual pedagogy of their staff. Overall, Coleg Cymraeg Cenedlaethol does not scrutinise targets and evidence in sufficient detail and there is not an appropriate culture of challenging and questioning the decisions of colleges and providers.’.

It is essential therefore that any new regulatory system avoids the issues above and is clearly focussed on purposeful strategic aims and establishing a culture of honest self-evaluation and external challenge, across all sectors. We agree that different sectors have different starting points. Our recent report on [Literacy, numeracy and digital skills in adult learning in the community](#) evaluated bilingual and Welsh-medium provision and highlighted the issues facing the Welsh language in basic skills provision including the fact that the Learn Welsh sector under the National Centre for Learning Welsh offers provision targeting literacy skills. Our inspection report [The National Centre for Learning Welsh 2025](#) draws attention to the sector’s effective and increasingly common targeted literacy support to improve employees’ Welsh language skills within professional contexts. We welcome therefore the reference to the fact that provider’s Welsh Language Strategy must be clear how they will work with the Coleg Cymraeg Cenedlaethol and the National Institute for Learning Welsh as the National Centre will be known after becoming a statutory body under the Welsh Language and Education (Wales) Act 2025.

To grow the numbers of apprentices who use and improve their Welsh language skills, the offer to study bilingually or through the medium Welsh should be proactively made by providers and not rely on prospective apprentices requesting it. The ability to work through the medium of Welsh should be recognised and promoted as a worthwhile skill that adds value to apprentices’ employment prospects. It can also provide them with a unique selling point if they decide to become self-employed enabling them to market themselves to customers that wish to choose Welsh-speaking tradespeople where possible.

For Adult and Community Learning, the focus should be about offering provision for those who wish to use their language skills while learning. It is not explicitly about improving their levels of Welsh but using the language in their community as the language of interaction in the class. The focus should not be on assessment.

The role of partnership in ACL provision is also important. Where provision is most effective, it is where partnerships link with local organisations and community groups, such as Menter Iaith, - who are already providing learning opportunities in Welsh in their communities.

It is also worth pointing out that Estyn treat ACL and Welsh for Adults as two separate areas of provision. The latter, of course, does not come under Medr's remit, but the two are often confused. ACL is more about using Welsh as the language of learning and interaction; Welsh for Adults is about learning and improving your Welsh skills. There is, of course, overlap between ACL and Welsh for Adults provision.

Our evidence shows that Welsh-medium provision for learners with ALN is limited and uneven, particularly for ILS and specialist support. A blanket expectation may place pressure on providers without the staffing or specialist capacity to expand Welsh-medium support quickly. The guidance should recognise the specialist staffing challenges unique to Welsh-medium ALN provision and set proportionate expectations across provider types to encourage providers to develop accessible Welsh-medium resources.

Overall, the compliance requirements and appendices appear sound and have the potential to drive behaviour and change in a positive manner.

Are there any other considerations for us to take into account, so that our proposals would not have adverse effects, or would reduce adverse effects on: opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language.

Providing tools for accessible Welsh-medium learner engagement - including easy-read, symbol-supported and digital formats would strengthen participation and help ensure Welsh is not treated less favourably.

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

This consultation seeks views on the impact of all 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?

Agree

Please provide details:

The extent of the contribution will depend on how far implementation makes inclusion and meeting learners' learning needs explicit across conditions, ensures proportionality and promotes effective collaboration between Medr, Estyn, QAA, providers, learners and partners.

The proposals if implemented consistently, evaluated rigorously and regulated clearly though the compliance mechanisms will contribute valuably to the well-being goal: A Wales of vibrant culture and thriving Welsh language.

Medr may want to consider how it threads clear expectations across the regulatory framework around collaboration with other tertiary institutions to share practice or develop share provision

Impact on equality, diversity and inclusion

This consultation seeks views on the impact of all 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?

Yes

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

Yes

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

Yes

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

Partially. This aspect could be strengthened across. We have also identified in particular where expectations in relation to learners with ALN can be strengthened.

If you have any further comments on the impact of the proposed regulations on equality, diversity and inclusion, please note:

Estyn's inspection and thematic review evidence demonstrates that positive learner outcomes are achieved with clear expectations for ALN provision and the meeting of diverse learner needs. The regulations provide the opportunity to ensure accessible

curriculum design and inclusive pedagogies as core expectations recognising the importance of continuity for learners transitioning across phases.

As a result, the proposals have the potential to improve quality, consistency and equity for learners with diverse needs. The extent to which the regulations and expectations are clear and strategic and truly centred around the needs of learners will be crucial to determining their impact on equality, diversity and inclusion.