Submission to the Children, Young People and Education Committee's

Inquiry into the General Principles of the Tertiary Education and Research (Wales) Bill

Introduction

The National Training Federation for Wales (NTfW) welcomes the opportunity to contribute to this hugely important inquiry.

The NTfW is a 'not for profit' and 'non-partisan' membership organisation of over 70 organisations involved in the delivery of apprenticeships and employability skills programmes in Wales. We are a pan-Wales representative body for a network of quality assured work-based learning providers, who are contracted by the Welsh Government to deliver their apprenticeship and employability programmes. All Independent Training Providers who are commissioned by the Welsh Government to deliver work-based learning programmes in Wales are members of the NTfW, as are their sub-contracted partners. As such, the NTfW is seen as an authoritative organisation on apprenticeships and employability skills programmes in Wales.

Aim

The aim of this Submission Paper is to provide evidence to the Children, Young People and Education Committee ahead of a planned meeting which will take place at the Senedd on Thursday 9th December 2021.

Summary of NTfW's response to the recent 'Technical' Consultation

In principle, the NTfW cautiously supports the establishment of a new body to provide over-sight of the PCET sector in Wales. However, there is still much detail to work through if the new body is fully able to undertake its functions effectively. Given the very wide ranging nature of this [technical] consultation, we feel it important to draw together some key points here, which we feel need to be considered moving forward, but may be lost in the body of the text below:

- The 'Commission' must truly be an 'arm's length body' if it is to succeed in undertaking its functions. The NTfW believes that the existing powers held by Welsh Ministers must be transferred (without condition) to the new body, and that it (the body) should be accountable to the National Assembly for Wales;
- It should be for the new body to determine the detail on how it is to deliver its function, and that any future legislation must avoid being too prescriptive;
- All forms of PCET learning (and learning providers) must be treated equitably from the outset;
- Any future consultation and/or legislative processes must take a longer-term view, and avoid naming existing policies, plans and organisation;
- The next stage of the consultation and/or legislative process must include a fully detailed cost benefit analysis for setting up a new organisation. The NTfW's main concern with this process to-date, is the fact that we still do not have (or have begun to discuss) an over-arching strategy or vision for the PCET sector in Wales, and that we are far too focused on organising a body to oversee its implementation once agreed – form should follow function.

What follows, are some of the key observations that fall out of the initial review of the Bill as laid.

Part 1: Strategic framework for tertiary education and research

The Commission's Strategic Duties

The NTfW welcomes that the '9 Strategic Duties' of the Commission are to be enshrined in law.

However, given the 'Promoting life-long learning' and 'Promoting equality of opportunity' duties, it is disappointing to note, that Welsh Government funded employability programmes, such as the newly commissioned Jobs Growth Wales + programme are not within the remit of the Commission. It is felt by the NTfW and its members, that individuals who undertake such programmes, are of greater need of the aim of the Commission, that is 'a system with the learner at the centre.' Clearly, learners who are in such need, would benefit greatly from the oversight and assurance of quality that the Commission would ensure. In all of our dialogue to-date about the establishment of the Commission, and the resultant PCET reforms, no rationale for this decision has been forthcoming. This would be welcomed.

In the strategic duty of 'Promoting continuous improvement in tertiary education and research' reference is made to "members of the tertiary education workforce" being "teachers". It should be noted, that with the advent of professional registration of the 'wider-education workforce' with the education Workforce Council (EWC) the term "teachers" is a very narrow definition of the whole workforce, which also includes 'FE lecturers' and 'Work-based learning practitioners' amongst others.

Strategic Plan for the Commission

It is welcomed that the Commission will need to consult with "persons as it considers appropriate" before submitting its Strategic Plan to Welsh Ministers' for approval. However, it is concerning that Welsh Ministers can "approve the plan with modifications" by only consulting with the Commission – it is felt that this could undermine the autonomous nature of such an 'arm's length body'.

Academic Freedom and Freedom of Speech

Given that the establishment of the Commission, and the resultant PCET reform, intends to bring together the whole of post-16 provision, the NTfW is concerned that academic freedom and freedom of speech is only noted for higher education provision. Surely, approaches like this, only serve to bring one element of post-16 provision against another?

Part 2: Registration and regulation of tertiary education providers

The Register

One of the greatest concerns shown by NTfW members in previous consultation responses, was that of the classification of 'Independent Training Providers' i.e. non FE and HE institutions on the Register. Further, it was felt that by having a 'tiered system' of registration, this would not have assisted in bringing the different forms of provision, and therefore providers, together in one coherent system. Although the classification has been removed from the Bill as laid, it is clear that Welsh Ministers will need to "specify one or more categories of registration for which the Commission must make provision in the register." Given this change, it is now difficult for the NTfW to make an informed observation of the position.

NTfW's position would be, that all providers of tertiary education should be treated in the same way, providing that all of the conditions of registration are met i.e. quality of provision, effectiveness of management and governance, and financial stability.

Quality Assurance and Improving Quality

The fact that there is potentially going to be one overarching quality assurance framework for the whole of post-16 provision in Wales is to be welcomed. Further, the fact that the Commission must consult with registered tertiary education providers on the quality assurance framework(s) is also welcomed.

However, clarification is needed of the definition of "Members of the tertiary education workforce" (Sect. 48 (8) refers) i.e. the wider-post 16 education workforce includes more than just teachers.

Sect. 55 refers to the duty of the Chief Inspector (Estyn) to inspect and report on "further education and training". It is clear that some of the provision that the Chief Inspector must inspect and report on, may well sit outside of the remit) in funding terms) of the Commission. An area here which NTfW feels warrants clarity, is what remit with the Chief Inspector will have (if any) in respect of "further education and or training funded by a local authority" – specifically, with the advent of 'Joint Corporate Committees' as vehicles for funding, for City and Growth Deals, in a post ESF era.

Part 3: Securing and funding tertiary education and research

Further Education and Training

Description of level of qualification (Sect 91, sub-sect. 5 and 6 refers) – The NTfW would ask, what (if any) role should the Credit and Qualifications Framework for Wales (CQFW) should play here? Also, why is level of qualification for 'eligible persons over 19' restricted to levels 1 – 3 only?

It is difficult for the NTfW to express a full opinion on this chapter – until it is known, what an 'eligible person' would be – which would not be known, until Welsh Ministers publish their regulations.

Requirements on the Commission when securing further education and training

The term 'Facilities' – Clarity is need on the inter-changeable nature of the word "facilities" within the Bill as laid. Sect. 93, sub-sect. (1) i.e. is it meant to make reference to 'physical facilities'?

It is recognised that (and welcomed) that the Commission must make the best use of its resources (taken as financial in this regard) to avoid provision which might give rise to disproportionate expenditure. Given the varying scale of cost associated with the provision of post-16 education and training, it is expected that provision would be prioritised on 'value for money' and the best evidenced outcome for learners.

Financial support for further education or training

The NTfW is unsure as to why "The Commission or the Welsh Ministers may secure the provision of financial resource" – it was expected that the Commission would be the body by which all post-16 provision would have been funded (and therefore regulated and assured). Given that this is a new context – we are also unsure whether this is a positive approach – or otherwise.

Financial support for apprenticeships

The NTfW has taken the view that “a collaborating body” can include a sub-contracted provider of apprenticeships. If this is the case, then this is to be welcomed, as to ensure the Network of apprenticeship providers remain ‘fleet of foot’ in order to meet the needs of employers and the economy.

In approving a ‘collaborating body’ it is hoped that any unnecessary bureaucratic processes can be avoided, and that the Commission “gives its consent” in an efficient way.

Part 4: Apprenticeships

No comment here – as all functions outlined are already in existence.

Part 5: Learner protection, complaints procedures and learner engagement

NTfW, and more importantly its members, have previously welcomed the proposed introduction of Learner Protection Plans, and the publication of a Learner Engagement Code by the Commission.

Part 6: Information, advice and guidance

A key consideration here, is the data and information systems to be introduced across the varying range of tertiary education providers. It is recognised that an effective data and information system will be crucial in bringing together all elements of psot-16 provision, especially if this data will be used to provide information, advice and guidance to potential learners about the different forms of provision.

Part 7: Miscellaneous and general

In providing the observations above, it is clear that the full position will not be known, until such time as welsh Minister’s publish their ‘regulations’. Until such time, the NTfW will need to reserve it’s judgement on the whether or not the Bill (as laid) will achieve the desired aim of bringing together the whole of the PCET sector into one coherent system.