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## Children, Young People and Education Committee – CTER Headlines

The University and College Union (UCU Wales) represents almost 7,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians, and postgraduates in universities, colleges, adult education and training organisations across Wales.

UCU Wales welcomes the opportunity to offer evidence to the Committee.

## Policy Headlines

- The Commission must support life-long learning. Funding must support a flexible offer across coherent pathways. Addressing damage which will likely continue well into the summer of 2023, the Commission will need to facilitate the movement of learners from employment or business into different stages of tertiary education.
- It is essential that the Bill supports the scaffolding for collaboration. After all collaboration across different areas in the sector will promote the necessary flexibility and mobility for genuine lifelong learning.
- Acknowledging the need for agility, success can only be delivered through a settled strategy which delivers conditions of certainty. Not only will this incentivise collaboration with business but also provide the Commission with room to embed.
- The bill makes express reference to collaboration but is silent on social partnership. Whether at the point of strategy or high-level

planning, social partnership provides the best context in which to respond to rapid and sudden change.

- Quality assurance must support collaborative quality enhancement. Heavy handed external inspection will shut down the space for professional innovation. The delivery of new qualifications and partnerships necessitates highly motivated and professionally curious educators. Similarly, the delivery of excellent R & D in higher education requires a strong right of individual academic freedom.
- We would like the Commission to regulate in the Welsh national interest. Similarly, the effectiveness of institutional governance must be measured by its benefit to staff & learners and contribution to the Welsh public good.

## **Possible Areas for Amendment**

### **Section 1 – Social Partnership and Fair Work**

Social partnership and fair work constitute an established core Welsh Government methods/objective which predate both the TER and Social Partnership & Procurement Bill. Consequently, the Bill should be aligned to include them as overarching principles.

#### **Part 1, S2 (d)**

*(d) is organised coherently to facilitate movement of learners through different stages of tertiary education and into employment or business;*

Lifelong learning and economic development will need the Commission to coherently facilitate movement of learners from employment or business into different stages of tertiary education.

#### **Part 1, S4 (b)**

*b) encourage employers in Wales to participate in the provision of tertiary education*

Whilst UCU Wales welcomes employers' collaboration in terms of planning and development, this requires further clarification.

## **Part 1, S11 (2)**

*(2) The Welsh Ministers may at any time amend the statement published under subsection (1) (including by replacing it entirely).*

The new Commission cannot plan effectively if strategic priorities are subject to sudden or major change. Cross sector collaboration with key stakeholders (particularly business) requires certainty and flexibility. The conditions under which such changes might occur must be clarified or expressed.

## **Part 1 S13 (2)**

*(3) The Welsh Ministers must consult the Commission before they modify its plan under 25 subsection (2)(b)*

As argued, if the Minister amends the strategy without recourse to consultation, this not only provides conditions of uncertainty but potentially bypasses social partnership. Similarly, if the Minister consults around matter which touch upon high level planning, this then begs the question as to what the Commission is for – as it will, in effect, establish her or him as the Commissioner.

## **Part 1 S.15**

*15 Academic freedom of providers of higher education (1) In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the academic freedom of tertiary education providers in Wales that provide higher education (so far as the freedom relates to higher education). 20 (2) In this section, “academic freedom” includes (among other things) the freedom of tertiary education providers— (a) to determine the contents of particular higher education courses and the manner in which they are taught, supervised or assessed, (b) to determine the criteria for admission of students to higher education courses and to apply those criteria in particular cases, and (c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.*

*16 Freedom of speech of academic staff at providers of higher education In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the freedom*

*within the law of academic staff at tertiary education providers in Wales that provide higher education— (a) to question and test received wisdom, and (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the tertiary education providers.*

Citing potential economic damage if the Welsh Government do not include an individual right to academic freedom, UCU Wales recommends that the bill adopt the Irish Republic [definition](#) (Universities Act, 1997);

“A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.”

Whilst the drafters have adopted the formulation, they have done so as a weaker right to freedom of speech. UK government has consistently confused the boundaries between freedom of speech and academic freedom meaning that the former now exists in a vexed context. Moreover, the right to academic freedom entails a far more extensive set of accompanying responsibilities. UCU Wales believes that, since what the Bill describes is in fact an individual right to academic freedom, it should be defined as such. This will avoid the possibility of controversy and complications down the line.

#### **Part 1 S.19 (6)**

*6) Before giving a direction under this section, the Welsh Ministers must consult the Commission*

As above. To what degree will the Commission be required to work in social partnership?

#### **Part 2 S.25 (b)**

*(b) the effectiveness of the governance and management of the applicant tertiary education provider (including its financial management)*

There is continued support for cooperative models in the Wales Programme of Government as well as the obvious points to be made about social partnership and fair work.

We accept that many of the practices (casualisation, excessive workload, de-skilling/professional erosion, non-coherence and cooperation) have their origins in a model of funding and corporate outlook which favours competition over collaboration. Chaired by Grahame Reid, Strength in Diversity sets out how Welsh universities can collaborate, build on existing research excellence in Wales, and make Welsh research and innovation more visible across the UK and internationally. In doing so, Welsh universities can be well-placed to collaborate with partners including public authorities in the delivery of regional investment approaches. The report implicitly makes the point that Wales is too small to entertain models which foster excellence through competition by suggesting that institutions need to pool resources ahead of R&D applications. Moreover, the focus on equity within the current programme of government and statistical milestones discounts a process which is built around winners and losers.

If the Commission to regulate in the Welsh national interest, the effectiveness of institutional governance must be measured by its benefit to staff & learners and contribution to the Welsh public good.

## **Part 2 S.52 to S.67**

Whereas university quality assurance is effectively covered off in 3 sections, colleges, sixth forms, WBL & adult education commands 11. This evidences a substantial imbalance which might find the regulatory requirements for sixth form (by far the smallest element) driving arrangement for the rest of the sector.

UCU Wales believes that we need to find a better synergy which supports professional autonomy whilst creating the space for collaborative professional learning (as occurs in Finland, Singapore, etc). Acknowledging that arrangements for HE are covered elsewhere, UCU feels that the inclusion of 'quality enhancement' as a principle in schedule 1 would go some way towards framing a policy objective.