

**Y Pwyllgor Plant a Phobl Ifanc
Children and Young People Committee**

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Leighton Andrews AM
Minister for Education and Skills
Welsh Government
Tŷ Hywel
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20 June 2013

Dear Minister

The Further and Higher Education (Governance and Information) (Wales) Bill

Thank you for attending the Children and Young People Committee's meeting yesterday to answer Members' questions about the above Bill.

You agreed to share with the Committee information on the changes that you will be making to grant conditions for Further Education Corporations (FECs) to ensure that they address concerns from the Office for National Statistics' (ONS) that legislative controls are not replaced with non-legislative controls.

You also agreed to reflect on the proposed abolition of the power to regulate higher education courses in the further education sector (Section 7 of the Bill). Our understanding is that this power only applies to Wales and that it may not be a prerequisite for ONS reclassification of FECs. Although your official, Mr Clark, explained that this power has never been used in Wales, Members asked whether now was an appropriate time to seek its abolition, given wider changes that are in prospect in the sector.

Members also asked whether you had considered approaching the Treasury to agree an uplift to the capital delegated expenditure limit (DEL) for the Welsh Government to the level of planned spend by FECs, which was suggested as an option in the Bill's Explanatory Memorandum. In the memorandum you estimated that this approach was only likely to have a 10%

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chance of being successful as a long-term option. (Although you also indicated that it had a much greater chance of being successful as a short term measure.) However, Members were somewhat surprised that you have apparently decided against even approaching the Treasury on this point. The Committee will be writing to the Scottish Education Minister to seek further clarification on the approach being adopted in Scotland but it was also somewhat surprising that you had decided not to establish whether a joint approach from the Welsh and Scottish Governments (and possibly Northern Ireland Ministers) could be made and whether this might have a greater chance of success than approaching the Treasury alone. I would be grateful for your comments on these matters.

Changes made by the Charities Act 2006 (now contained in the Charities Act 2011) require that exempt charities (such as FECs) are regulated by a Principal Regulator or lose their exempt status and register with the Charity Commission. Simon Thomas asked you about the Welsh Government's proposal that the Welsh Ministers should be prescribed as Principal Regulator for FECs in Wales. Is this likely to have any effect on the ONS reclassification? Could you let us have further information on what practical difference it will mean if the Welsh Government becomes the Principal Regulator?

I am copying this letter to Jocelyn Davies as the Finance Committee also has an interest in some of the matters raised by the Bill. I am also copying it to the Minister for Finance, Jane Hutt, so that she can consider whether she needs to respond in relation to the question about the capital DEL.

Yours sincerely



Ann Jones AM
Chair