

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Craffu ar ôl deddfu ar Ddeddf Addysg Uwch (Cymru) 2015 | Post-legislative scrutiny of the Higher Education (Wales) Act 2015

HEA 03

Ymateb gan: Estyn

Response from: Estyn

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's 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 2000 and the Education Act 2005. In exercising its functions, Estyn 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 education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has 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.

Introduction

Estyn welcomes the opportunity to contribute to the [Children, Young People and Education Committee's](#) post-legislative scrutiny of the Higher Education (Wales) Act 2015.

Our response has focused on learning for the PCETR Bill. In summary, Estyn believes that consideration needs to be given to ensuring:

- the vision and purpose for the PCETR Bill is very clear, including the consequences of not reforming
- the scale of the proposed legislation is manageable
- stakeholder engagement is maintained through the legislative process
- appropriate transition arrangements are in place
- that the Bill gives appropriate consideration to promoting equality of opportunity and takes account of reforms happening within compulsory education

Committee Inquiry Questions

Estyn's role and powers in relation to Higher Education is currently limited to the initial and ongoing professional training of teachers and youth and community work practitioners. There is the opportunity within the Learning and Skills Act 2000 for Estyn's remit to be extended to cover initial and ongoing professional training for other post-16 education practitioners.

As such, our response does not focus on how well the Act has been implemented, but seeks to provide the Committee with helpful evidence in relation to questions six and seven.

6. Are there any lessons to be learned from the Act and how it is working in practice that may be relevant to the proposed Post-compulsory Education, Training and Research (PCETR) Bill?
7. Are there any lessons to be learned from how this Act was prepared in 2014/15 (formulated, consulted on, drafted etc)?

There was a very clear overall rationale for the Higher Education (Wales) Act 2015 i.e. due to the changes to funding, the existing mechanism of using recurrent grant terms and conditions to regulate the HE sector was no longer fit for purpose. Although, the overall vision of a more consistent and coherent approach to strategic planning is clear for the PCETR reforms, it was not clear enough in the technical consultation what the rationale for the particular proposed approach was and what the consequences of not reforming were. Equally, there was feedback in the consultation responses about the lack of overall vision for PCET. It will be essential that there is very clear communication about vision and purpose through the explanatory memorandum. This compelling case for change is key to engaging support from stakeholders for the reforms.

The Welsh Government may wish to consider the scale of the proposed legislation. The HE Act had substantial supporting information for a relatively straight forward piece of legislation. The feedback to the technical consultation identified that the scale of what was proposed for the PCETR Bill was too broad. It is essential to take the reform process a step at a time with a focus on enabling legislation with the powers to set out detail in supporting regulations.

The Welsh Government conducted some helpful stakeholder engagement prior to the technical consultation. However, there has been limited communication with stakeholders about the legislative timescales going forward or opportunities to help shape the draft Bill.

Ongoing stakeholder engagement and communication will be essential to support the successful enactment and implementation of the Bill.

The HE Act was accompanied by appropriate transition arrangements to enable smooth change between old and new arrangements. It is important that an appropriate period of transition is in place.

The proposed (PCETR) Bill will impact on a range of education sectors. It is important that there is sufficient opportunity for the Committee to consider any direct or indirect impact on smaller post-16 sectors beyond HE and FE, such as secondary and special schools with sixth forms, adult community learning, youth and community work, Welsh for Adults, independent specialist colleges, careers and prison education.

The HE act enshrines the requirement for regulated institutions, through their fee and access plans, to promote equality of opportunity. Our thematic report on the impact of the [Learning and Skills Measure on vulnerable learners](#) found some evidence of a narrowing of the key stage 4 curriculum, and a reduction in level 1 courses post-16 both of which impact adversely on vulnerable learners. It is important that there is an explicit requirement for the new body to promote and protect equality of opportunity.

It is important to consider how the Post-compulsory Education, Training and Research (PCETR) Bill will help to maintain the synergy between pre- and post-compulsory education to ensure that there are no unintended consequences on the range of appropriate learning pathways for young people. In order to successfully achieve this, there will need to be some requirement to consider the range of learning opportunities in local areas and how these meet the needs of young people and employers, as well as ensuring greater strategic planning nationally. The legislative process will need to consider how the 14-19 Learning and Skills (Wales) Measure in relation to 14-19 Learning Pathways will be impacted and any consequences should it be repealed or amended. The new curriculum pre-16 aims to broaden learning experiences and prepare learners better to be enterprising, creative contributors ready to play a full part in life and work.

The PCETR Bill needs to enable post-16 providers to complement and build on the skills and dispositions that learners developed pre-16, to ensure successful progression at key transition points across the full range of pathways.