

**Ymateb gan: Undeb Prifsgol a Choleg Cymru**  
**Response from: University & College Union**

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 is a politically autonomous but integral part of UCU, the largest post-school education union in the world. It was formed on the 1st June 2006 by the amalgamation of two strong partners – the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE) – who shared a long history of defending and advancing educators’ employment and professional interests. In providing our response we have followed the questions set out by the committee in our submission.

1. We welcome the opportunity to respond to the consultation on the Scrutiny of the Higher Education (Wales) Act 2015. The original description of the HE (Wales) Bill 2014 stated that “It will provide a revised framework for HE in Wales regulatory framework by providing the Higher Education Funding Council (HEFCW) with the necessary functions to assure the quality of higher education provision, enforce tuition fee controls and fee plan requirements” in institutions which are designated for student support.

UCU remain concerned that the legislative framework does not provide HEFCW with the necessary tools to ensure quality and oversight of financial probity within the HE sector in Wales. In our view HEFCW, or indeed the new post 16 body, needs to be supported with a regulatory framework which allows those tasked with such oversight to intervene in the early stages where a problem is detected. The complexity of the regulation in our view prohibits such early intervention, which from our perspective results in quite disastrous consequences for staff working in the sector, and as a result for the quality of education and research. We would submit that you consider the consequences of the failures of governance since 2015 across the HE sector in Wales (see for example Aberystwyth, Bangor, Swansea). Good governance underpins the ability

of institutions to serve the needs of students, local communities and wider society. It is also essential to the creation of an academic community in which the professionalism of staff is respected.

Further, the requirement placed upon HEFCW to be responsible for the quality of the total provision of an HE provider, including when the registered provider is an FE Institution, is problematic. This is because it means that the quality of provision in these FE Institutions will be inspected by two different bodies with statutory powers to do so- QAA and Estyn. The QAA, whom HEFCW contract to do the quality work on their behalf have significantly differing methods and approaches to Estyn- which is ostensibly a schools focused body and, in our view, adds little value to FE quality and the student experience in Wales. They inspect provision and, in our view, do very little to improve the practice of delivering learning in the education sector. FE lecturers tend to have a dual professional role - that of teaching and that of their professional expertise which is why they are employed to lecture. This fact is crucial to the future development of the workforce in Wales, but is overlooked by most policy developments and those public sector bodies who are tasked with ensuring quality in the current FE sector.

UCU have been lobbying for change for some time to get this fact recognized properly in relation to the qualifications needed to teach in FE and the need to update professional practice by keeping up to date with the sector from which staff entered teaching. High quality teaching and learning stems from investment in staff who have the status of highly trusted professionals. To date we have had little impact on this whole debate, but we do intend to pursue it until such time as the Government recognise these factors and address them with the same vigor that they are demonstrating in the changes needed to deliver the new curriculum in the schools sector.

This issue will need to be addressed before drafting the White Paper for the new post 16 sector- are we going to maintain two differing systems of quality in the one sector? We sincerely hope not. We submitted our views on quality to the Weingarten review and those can be found [here](#).

There are a number of omissions in the Act: there is no regulation as we understand it covering (i)part time HE provision or fee levels (ii)postgraduate provision (iii)courses in Wales franchised from English institutions (iv)international provision delivered overseas (remember the debacle that was the University of Wales under the then VC, Professor

Marc Clement). Finally, the Act doesn't cover those students who decide for whatever reasons to study at an institution in England.

2. UCU are not required to act in relation to the HE Act. As we have tried to illustrate, it is the consequences of the actions of employers- the HE sector institutions - and the regulatory levers which are available to HEFCW which create the problems we as a professional body need to deal with. This causes significant issues for staff and students, especially in relation to the failure of institutional governance and the inability of HEFCW to respond flexibly, as a consequence of complex specifications within the Act which we believe need to be looked at in detail by your committee.

An example for the committee to consider: Since devolution there has been significant re-structuring in Wales of both HE and FE institutions. The reconfiguration and collaboration agenda – a key education policy of successive governments for many years- was a reasonably successful way to bring institutions together, to create economies of scale and to encourage and foster collaboration to improve the experience of learners and ensure a breadth and depth to the curriculum on offer to learners across all parts of Wales. The recent Reed review of research in Wales also pointed to the need to encourage and foster collaboration more widely to ensure Wales can continue to develop its research profile in the UK and internationally. Yet the HE Act requires that HEFCW use Fee and Access plans which are developed at an institutional level, bear no relation to past government policy on re-configuration and collaboration, and effectively set up institutions in both the FE and HE sector to compete with one another for students. It fails to require institutions to collaborate to provide strategies which address the governments' broader education policy agenda, for example Widening Access.

If the new commission is going to be able to function effectively it must remain at 'arm's length' from the Government and it must not be hide bound by a regulatory framework which actively undermines government policy in many areas. Policy and regulation must start to cohere.

3. UCU have nothing to offer in relation to this question.

4. UCU have grave concerns about the statement on value for money. We do not believe that the fees raised by the tuition fee regime are spent appropriately by institutions or that spending decisions are always in the best interests of learners and the staff who deliver post 16 education in

Wales. At the heart of our concern is that this Act and a wholesale failure of HE governance will not protect the sector for future generations.

5. UCU do not have the resources to list the many failures of this Act and the consequences of the interventions of HEFCW, but we are more than happy to give evidence to the committee in one of your sessions should you wish to discuss our views further.

6. UCU are of the view that lessons must be learnt before the White Paper is drafted for the new Commission. Our response to the technical consultation can be found [here](#)

7. We would like to see much more genuine engagement with key stakeholders before the White Paper is drafted. If the government fails to do this once they have a version of the White Paper that they are happy to share, confidentially if necessary, then we run the significant risk of another failure to match regulation with policy as it affects post 16 education. The current structures within government still, in our view, operate in silos and their policy leads need to work much more collaboratively with the sector, including the trade unions which represent and work within the post 16 education sector.