**Higher Education (Wales) Act 2015 – Question and Answers**

<table>
<thead>
<tr>
<th>General queries</th>
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<tr>
<td>What is the purpose of the 2015 Act?</td>
<td>To establish a new regulatory system for higher education institutions and other providers of higher education in Wales with a fee and access plan approved by HEFCW. The Act gives HEFCW new regulatory powers for fee limits, quality of education and financial management.</td>
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<td>What powers will HEFCW have to ensure that higher education providers deliver Welsh Government priorities?</td>
<td>HEFCW can deliver a wide range of Welsh Government priorities through funding higher education providers in Wales. In addition, HEFCW has regulatory tools which can help deliver Welsh Government priorities for fair access, quality of education and financial sustainability.</td>
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<td>How does the 2015 Act affect Quality Assurance in Wales?</td>
<td>The 2015 Act sets out new powers for HEFCW regarding the quality assessment of education provided in Wales by or on behalf of a regulated institution. Education is provided on behalf of a regulated institution if that education forms part of a course principally provided in Wales (franchise provision).</td>
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<td>Will fee plans still be required?</td>
<td>Institutions that wish for their courses to be automatically designated for student support will be required to submit a fee and access plan for HEFCW approval. Fee and access plans will account for the total fees that a regulated institution can charge for its undergraduate and PGCE courses. Fee plans submitted under the 2004 Act allowed institutions to charge above the basic fee limit of £4,000.</td>
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<td>What will a fee and access plan require?</td>
<td>On application for each fee and access plan an institution has to demonstrate that it is an institution that provides higher education in Wales and is a charity. It will also have to provide information relation to its financial viability, the arrangements for the organisation and management of the institution’s financial affairs and the quality of education provided by, or on behalf of, the institution.</td>
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<td>Will regulated institutions still be</td>
<td>Regulated institutions will be required to invest a</td>
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<td>required to account for a percentage of their fee income on equality of opportunity and the promotion of higher education?</td>
<td>minimum proportion of fee income on equality of opportunity and the promotion of higher education. Regulated institutions that previously had fee plans will be required to use current levels of investment as a baseline for future investment. For other applicants, HEFCW expects an investment of between 14-17% of total fee income, to be agreed with HEFCW in the light of their fee and access plan commitments.</td>
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<td>How can an institution apply to receive public funding?</td>
<td>When the new regulatory system is fully operational, the current definitions of 'publicly-funded' and non-publicly funded' institutions will no longer be applicable. As a consequence of this change those publicly funded institutions which have not previously needed to apply to HEFCW for approval of a fee plan under the 2004 Act regime will need to consider whether they wish to make an application for approval under the new regulatory system.</td>
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<td>What is the difference between automatic designation and specific designation?</td>
<td>Institutions that wish for their full-time undergraduate and PGCE courses to be designated for student support must apply to HEFCW for a fee and access plan. Acceptance of a fee and access plan will lead to the automatic designation of all those courses. Institutions that wish for some of their courses to be designated for student support must apply to Welsh Government for specific (or course by course') designation of their courses.</td>
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<td>What is the maximum tuition fee that can be charged by higher education providers in Wales?</td>
<td>Regulated institutions can charge up to a maximum of £9,000. All fee levels agreed to in a fee and access plan must be adhered to.</td>
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<td>HEFCW working with interested parties</td>
<td>HEFCW have consulted widely on its documents related to our new regulatory functions. HEFCW held workshops on 15 July 2015 and 2 November 2015 with currently regulated institutions on its intentions to develop procedures for the new regulatory functions, with a formal consultation event on 22 February 2016.</td>
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<td>How engaged are FE Colleges in this process?</td>
<td>A separate event for Further Education Colleges in Wales was held on 2 December 2015 to discuss the implications of HEFCW’s new regulatory functions on Further Education Colleges. The QAA held a workshop on 19 May 2015 for FE colleges interested in undertaking a quality assessment review in preparation for the submission of fee plans, to which all FEIs were invited. This was in addition to the briefing provided to individual institutions involved. A further workshop is planned on 3 May regarding new quality assessment arrangements. HEFCW officers have reported on matters relating to HEFCW’s new regulatory functions at Colleges Wales/Colegau Cymru’s HE in FE network meetings. For any specific queries relating to fee and access plans please contact <a href="mailto:RegulationAdvice@hefw.ac.uk">RegulationAdvice@hefw.ac.uk</a> and a HEFCW officer will deal with your query.</td>
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<td>Which student representation organisations are HEFCW consulting with?</td>
<td>HEFCW meets with NUS Wales biannually as the representative of the majority of higher education students in Wales and is developing a Memorandum of Understanding with NUS Wales in light of its regulatory functions. HEFCW also consults publically when developing its processes for implementing its regulatory functions, which enables any student organisation to respond.</td>
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<td>Will HEFCW be working with other regulatory bodies?</td>
<td>HEFCW has a memorandum of understanding (MOU) with the Charity Commission. HEFCW is discussing the development of an MOU with the Office of the Independent Adjudicator and is finalising an MOU with Estyn. HEFCW has begun discussions with the Competition and Markets Authority regarding an ongoing working relationship.</td>
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<td>Collaboration and partnerships</td>
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<td>What provision should be included in an institution’s fee and access plan?</td>
<td>HEFCW expects that institutions applying for fee and access plans will submit information regarding the quality arrangements of all the education that it provides and is provided on its behalf (i.e., not just HE provision). This relates to education provided at all levels of the Credit and Qualifications Framework for Wales (CQFW); education provided by all franchise</td>
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<td>partners, subsidiaries and alternative charitable providers; and regardless of location (eg education provided in Wales, the rest of the UK and overseas).</td>
<td>There are examples where partners have differing opinions on the control of the course so need to set out a mechanism for scrutinising this. HEFCW are still working through the implications of this. HEFCW reserves the right to require copies of the relevant agreements.</td>
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<td>Is HEFCW in a position to determine whether a partnership is a validation or a franchise?</td>
<td>We would suggest that within the fee and access plan application the university indicates at relevant points the status of the partnership arrangements. For the purposes of fee and access plan analysis HEFCW will need to understand clearly the status of the arrangements and implications across all sections of the application, including income and investment. Students and other interested parties will also want to understand the status of arrangements related to provision and the university will want to be clear how students would be informed about changes to partnership arrangements. The university should only include student numbers where confirmed partnership arrangements exit at the point of application, but be prepared to submit a variation to the application/plan to HEFCW if/when new partnerships arrangements are confirmed.</td>
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<td>What partnerships should be included in the fee plan templates?</td>
<td>HEFCW’s intention is that all regulatory information shared with HEFCW will be deemed to be commercially sensitive information. The information will not be published and would not be available through a Freedom of Information request. The focus and contents of the fee and access plan is the publicly facing information which will be required to be published. This equates to the previous fee plans.</td>
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<td>Regulatory information for fee and access plans</td>
<td>Fee and access plan applicants should provide full details of their corporate group structure, including details of all group companies or organisations, including subsidiaries, parent/holding companies and associate or joint ventures.</td>
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A longer fee planning horizon would be preferable...e.g. 3 years.

For the first few years of the new regulatory system fee and access plans will be in effect for one year. Current legislation would only allow for this period to be for up to two years. This may be amended by regulations.

Does HEFCW need to have the same amount of regulatory information for all institutions?

Where appropriate, and with permission from the Governing Body, HEFCW will use information that has previously been submitted to HEFCW by an institution for other purposes.

Table 6 – seeks information on the budget setting process/management accounts. Are you seeking a short narrative or something more substantial and evidence based?

In relation to table 6, we require a short narrative on the management accounts and budget setting process.

Table 3 – A list of locations of the HE Provision in Wales. Do you expect the legal addresses of the institution and its local partners or a breakdown of campuses and the provision delivered at each?

In relation to table 3, we require information on locations in Wales – both home campus(es) and any franchise partners.

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<th>Fee and Access Plan templates</th>
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<tr>
<td>Do tables E and F in Annex Aii (which refer to all levels) need to include PGRs and PGTs</td>
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<td>The tables need to include all levels, including PGRs, PGTs, as well as FE.</td>
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<th>Under-represented groups</th>
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<td>Can we target under-represented groups in the sector if they are not under-represented in our institutions? And vice versa?</td>
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<td>Institutions will be able to target groups under-represented in higher education rather than just groups under-represented in their institution. Institutions will be required to evidence how they are under-represented.</td>
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<th>Part-time provision in fee and access plans</th>
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<td>Why should we consider part time students within our overall approach to the plan, given that it is focussed on full-time undergraduate provision?</td>
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<td>Welsh Government guidance has been explicit that part-time students should be included within the overall approach to the plan. This was considered in fee plans approved under the 2004 Act in reference to progression routes.</td>
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<td>Fee and access plan measures, targets and activities</td>
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<td><strong>How do you measure the impact of all on institution’s widening access work as learners may go to any HEI subsequently?</strong></td>
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<td>It will be important for institutions to consider mechanisms for the tracking and monitoring of participants in outreach activities in order to report on impact and evidence the use of fee income.</td>
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| **I was hoping you could provide further clarification/examples of the types of measures you might expect to see under “other measures to support Equality of Opportunity for Under Represented groups / the promotion of HE such as fee and access plan effectiveness evaluation?”** |
| The ‘other’ category has been provided for what we expect to be relatively limited provision that does not fit clearly within the other options provided. |

We encourage applicants to describe clearly the provision they include under the ‘other’ category so that HEFCW can understand the extent and nature of the provision and how it will relate to delivering the applicant’s objectives, as well as supporting equality of opportunity/promotion of HE.

| **Can externally funded widening access activities be included in the plan. For example many activities in Science might be funded by the NSA (we will probably still carry the staff costs etc.)?** |
| Any widening access activities which are externally funded could be described in the contents part of the fee and access plan. However, the narrative should be explicit that those activities described are funded through sources other than fee income (such as NSA or the Reaching Wider programme). |

We would not expect any external funding to be costed against activities in table B of the spreadsheet. Similarly, we would expect the targets included in table G to be targets associated with fee income expenditure only. If fee income expenditure was contributing towards targets or activities which were also funded through external/other sources, you could include targets/activities which relate to the fee income, but be clear that fee income contributes towards those targets/activities, and are match/partly funded through other sources of income.

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<td><strong>Would HEFCW take into account other budget or funding implications when considering the proportion of investment in fee and access plan activity?</strong></td>
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<td>The regulatory framework established by the HE (Wales) Act is focussed on tuition fee income.</td>
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<p>| <strong>Will provider be expected to commit as minimum % of fees on bursaries and scholarships</strong> |
| HEFCW doesn’t have a minimum level of investment on bursaries and scholarships, but we might get more guidance from Welsh government in future. |</p>
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<th>Fee and access plan sign off</th>
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<td>What sort of delegated authority is acceptable for governing body sign-off?</td>
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<td>HEFCW requires the governing body to sign off any iteration of a fee and access plan submitted to HEFCW. All procedures for delegated authority are to be determined by the institution applying for a fee and access plan.</td>
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<th>Reaching Wider Partnerships</th>
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<td>How could RW strategies be embedded in Institutions’ Fee and Access plans?</td>
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<td>It will be important for institutions to demonstrate engagement with Reaching Wider partnerships and make a distinction between funding associated with the partnerships and fee income. HEFCW will be exploring the possibility of evolving Reaching Wider into a 'matched funded' arrangement, whereby some of the cost is met by the sector potentially to achieve a 50/50 split. However, this will not apply in 2017/18.</td>
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