

# Cylchlythyr | Circular

## Outcomes of the consultation on the gateway quality review, to enable institutions to seek automatic designation

**Date:** 22 December 2017  
**Reference:** W17/40HE  
**To:** Institutions wishing to seek automatic designation  
Heads of higher education institutions in Wales;  
Principals of directly-funded further education colleges in Wales  
Other interested parties  
**Response by:** No response required  
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This circular provides the outcomes of circular W17/24HE which consulted on the use of a gateway review, to enable institutions to seek automatic designation.

This circular outlines the process by which an institution, which is not currently regulated, will meet the quality requirements of a Fee and Access Plan application. This guidance is applicable from the 2017/18 academic year and provides an update, in relation to quality, to our Fee and Access Plan guidance.

If you require this document in an alternative accessible format, please email [info@hefcw.ac.uk](mailto:info@hefcw.ac.uk).



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## Introduction

1. This circular provides the outcomes of circular [W17/24HE](#) which consulted on the use of a gateway review, to enable institutions to seek automatic designation.
2. This circular outlines the process by which an institution, which is not currently regulated, will meet the quality requirements of a Fee and Access Plan application. This guidance is applicable from the 2017/18 academic year and provides an update, in relation to quality, to our [Fee and Access Plan guidance](#).

## Background

3. In April 2016 HEFCW published its consultation on the Quality Assessment Framework for Wales via circular [W16/14HE](#). The circular noted that in England, as part of the revised operating model for quality assessment, there would be a single gateway for entry to the publicly funded higher education (HE) system, and a 'probationary' or 'developmental' period of closer monitoring, engagement and scrutiny for those recent entrants, or for providers requiring this for other reasons. In Wales this would be addressed through arrangements for automatic and specific designation to access student support within the context of the Higher Education (Wales) Act 2015 (the HE Act).
4. Under sections 23 and 24 of the HE Act, HEFCW must consult the governing body of regulated institutions, and any other persons appropriate, before issuing or approving guidance relating to the quality of education, and/or criteria to be used in assessing this.
5. In August 2017, HEFCW published its consultation on the gateway review process via circular [W17/24HE](#). The consultation closed on 6 October 2017.
6. HEFCW's Quality Assessment Committee has advised on the outcomes of this consultation which have been considered and agreed by HEFCW's Council.

## Consultation outcomes

7. We received thirteen responses to the consultation. A small number of respondents chose to respond without specific reference to all of the questions within the consultation; their responses have therefore been included with the other general points raised. A more detailed summary of responses is available at **Annex A**. Respondents are listed at **Annex B**. A brief summary of the response to each question is provided below.

## General comments

8. A number of general comments emerged as part of the consultation:
- The approach would be reasonable and robust given the requirement to ensure new providers are delivering high quality provision;
  - The process would be sufficiently flexible so as to adapt to the changing regulatory context in Wales, including the establishment of a new body with oversight for post-compulsory education and training (PCET);
  - The current review process by the Quality Assurance Agency for Higher Education (QAA) was found to be beneficial, supportive and robust, though care would need to be taken to ensure the review was proportionate to the amount of HE provision offered, particularly in the Further Education setting;
  - Briefing events for the sector would be welcomed;
  - Clarity over the routes to designation would be welcomed in the final guidance;
  - Providers offering courses which had been designated for student support would become members of the Office of the Independent Adjudicator's complaints scheme, which would contribute to an improved student experience within designated providers in Wales;
  - Institutions seeking to access public funding should undergo a process that provided the necessary assurances that the HE provision being delivered met UK standards.

### Q1 Will the proposed process provide sufficient assurance to HEFCW and Welsh Government in terms of the quality of higher education in Wales?

9. All respondents agreed that the proposed process, which would be evidence-based and transparent, would provide sufficient assurance as to the quality of higher education in Wales. The process would also begin to recognise the HE in FE landscape in Wales. There was a clear steer that the process should focus on baseline standards to ensure the HE provision was sustainable, evidenced by a clear track record of high quality provision.

### Q2 Are there any unintended consequences arising from the proposed gateway review process?

10. Respondents highlighted a number of potential consequences which could arise from the process, including the risk that HE franchise provision, due to the nature of partnership arrangements, could be the subject of multiple external reviews. There was a clear view that the review should recognise the different types of partnerships currently in operation within Wales. There was a risk that the process could present a barrier to current

providers wishing to expand their HE provision. There was also a suggestion that the review process could lead to an unwanted expansion of provision, with duplication and saturation in some subject areas, which could pose a risk to some franchise provision in particular.

Q3 Are there any issues you would like to raise regarding the Quality Review Visit handbook, recognising that the method will remain substantively the same as in England and Northern Ireland, but with changes to reflect the different context and statutory position in Wales?

11. Respondents raised a number of points regarding the Quality Review Visit handbook:
- Clarification would be welcomed over whether ‘enhanced scrutiny’ would remain as part of the Review method;
  - The requirement for review teams to include three reviewers was welcomed;
  - Should there be a high volume of gateway reviews, HEFCW would need to consider whether it had the capacity and capability to adequately consider the findings of these reviews.

Q4 Do you have any additional comments on the proposed approach?

12. A number of additional points were raised in response to the proposed approach.
- Respondents felt that it was important that the review team should have a clear understanding of the context of HE in FE provision;
  - It was also suggested that HEFCW should continue to align its processes with those in England/Northern Ireland, in order to limit the adaptations required in relation to other quality processes;
  - Respondents considered that clarity would be welcomed on the assurance mechanisms which would be in place during the period between reviews.

Q5 Do the proposals have any positive or negative impacts or unintended consequences in terms of equality and diversity, the Welsh language, sustainability or the Well-being of Future Generations (Wales) Act?

13. The response to this question was mixed. There was a suggestion that the new process could lead to a positive impact on students who engaged with the reviews, but a negative impact on providers who wished to expand their provision sooner than the process would allow. The process could also lead to an increased availability of local provision meeting the needs of the community and employers.

## HEFCW and the Higher Education (Wales) 2015 Act

14. Under the Higher Education (Wales) Act 2015 (the 2015 Act)<sup>1</sup>, HEFCW has statutory duties relating to the approval of Fee and Access Plans. Institutions applying for a Fee and Access plan are required to provide information relating to the quality of their education, the financial viability of the institution, and the arrangements for the organisation and management of their financial affairs.<sup>2</sup> Further information is set out in HEFCW's Fee and Access Plan guidance.<sup>3</sup> Institutions with an approved Fee and Access Plan will become automatically designated for full-time undergraduate/Postgraduate Certificate in Education (PGCE) (QTS – Qualified Teacher Status) student support.
15. Under the 2015 Act, HEFCW is required to assess, or make arrangements to assess, the quality of education provided in Wales by or on behalf of each regulated institution. We have powers in relation to provision that is, or is likely to become, inadequate. The Act defines this as being 'not adequate to meet the reasonable needs of those receiving the education or undertaking the course'.
16. The gateway review process, which is a key element of the [Quality Assessment Framework](#) (QAF), will allow HEFCW to determine whether an institution meets the quality threshold in order to apply for a Fee and Access Plan.
17. In our consultation, we outlined how the gateway review process would provide rigorous and robust confirmation through external review to HEFCW and the Welsh Government as to the quality of the undergraduate provision at the institution undergoing review. The process will also provide assurance to the general public as to the quality of undergraduate provision in Wales. The process will recognise sustainable, high quality HE provision which meets UK HE expectations through the testing (and re-testing) of baseline standards.
18. The gateway review process can be found at **Annex C**.

### Specific Designation

19. Specific Designation is a process of course by course designation, currently undertaken by the Welsh Government. It allows some access to student support on a case by case basis. A list of current specifically designated courses can be found on the Student Finance Wales website<sup>4</sup>,

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<sup>1</sup> [National Assembly for Wales, Higher Education \(Wales\) Act 2015](#)

<sup>2</sup> [National Assembly for Wales, The Higher Education \(Fee and Access Plans\) \(Wales\) Regulations 2015](#)

<sup>3</sup> [HEFCW, 2018/19 Fee and Access Plan Guidance](#)

<sup>4</sup> [www.studentfinancewales.co.uk/practitioners/policy-information/designated-courses.aspx](http://www.studentfinancewales.co.uk/practitioners/policy-information/designated-courses.aspx)

which also provides further information about the process of application for Specific Designation.

20. HEFCW anticipate that, in future, Welsh Government will ask HEFCW to operate the process of specific designation and make recommendations to the Cabinet Secretary regarding applications for specific designation. The gateway review process could be used as a mechanism for determining the quality of provision being assessed during the application for specific designation.
21. Institutions which are not in a position to apply for a Fee and Access Plan and which wish to explore the process of specific designation should contact Welsh Government by email at [HECourseDesignation@gov.wales](mailto:HECourseDesignation@gov.wales).

### **Next Steps**

22. The QAA will update the Quality Review Visit process for Wales to take account of the needs of Wales.
23. The process aligns, where possible, with quality assurance processes in other parts of the UK. However, the establishment of the Office for Students and the proposals for a new regulatory framework in England may require us to re-visit some elements of the QAF in the future.

### **Further information**

24. For further information contact Nicola Hunt (tel 029 2085 9735; email [nicola.hunt@hefcw.ac.uk](mailto:nicola.hunt@hefcw.ac.uk)).
25. Potential applicants should contact [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk) in the first instance.

### **Assessing the impact of our policies**

26. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We have also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales and potential impacts towards the goals set out in the Well-Being of Future Generations (Wales) Act 2015 including our Well-Being Objectives. Contact [equality@hefcw.ac.uk](mailto:equality@hefcw.ac.uk) for more information about impact assessments.