



Llywodraeth Cymru
Welsh Government

David Blaney
Higher Education Funding Council for
Wales
Tŷ Afon,
Bedwas Road, Bedwas,
Caerphilly CF83 8WT

23 February 2021

Dear David,

Thank you for your letter dated 4 December and the accompanying detailed response to the draft Bill consultation. I am grateful to you and your staff for your valuable, wide ranging comments as well as for prioritising this feedback during such a pressurised time.

I know my team have found the written feedback and the ongoing dialogue with your staff both constructive and useful and I trust they will continue to engage throughout this process. I will not attempt to address your detailed comments here. As you are aware the Minister for Education plans to publish a summary of consultation responses shortly alongside a written statement. There will be no government response as such at this point. That response is expected to be in the form of a revised Bill, subject to the views of the incoming government.

However, in terms of your particular concerns regarding para 7.45 of the Explanatory Memorandum, I should like to clarify that it was not intended to be read as a direct criticism of the Council or of your performance in the role as accounting officer. For that reason, and to provide clarification for the reader, I propose to amend the section in the current published document, rather than wait for an updated version to accompany any revised legislation.

Where the EM currently reads:

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Deputy Director of PCET Reform/Programme Director for CTER
Skills, Higher Education and Lifelong Learning
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

" Levers to influence

HEFCW levers are regarded as insufficient to influence universities. In recent years, changes in funding arrangements for HE have reduced HEFCW's ability to encourage HEIs to deliver Welsh Government priorities because more funding is now paid directly to institutions, in the form of tuition fees. The new regulatory system set up under the Higher Education (Wales) Act 2015 has helped to mitigate the situation, at least with widening access, quality and financial sustainability. *Despite this, there have been real challenges for the Welsh Government in forging an effective partnership with HEFCW and the HE sector in driving forward its priorities and ensuring accountability for the funding it provides. "*

I will revise the last italicised sentence to say:

However, there remains a need to strengthen the regulatory oversight provided by the 2015 Act and accountability derived from the 1992 Further and Higher Education Act - as highlighted in the Senedd Children, Young People and Education Committee's post-legislative scrutiny of the 2015 Act.

I hope you regard this as more reflective of the actual position.

You raise concerns about the level of constraints to which the Commission will be subject. We recognise that the new body will operate at arm's length from the Welsh Government and are fully aware of the approach that has been developed in conjunction with the Public Bodies Unit in the context of *Delivering Together*. We need to find a balance between effective oversight and management, as set out in the legislation, and enabling the Commission to carry out its functions effectively. I hope that we can continue to work positively with HEFCW as we move towards this.

Yours sincerely



Zenny Saunders
Deputy Director of PCET Reform/Programme Director for CTER

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