



**WALES
CYMRU**

**REVIEW OF THE OVERSIGHT AND
REGULATION OF POST-COMPULSORY
EDUCATION AND TRAINING IN
WALES**

**Stakeholder engagement meeting
4th November 2015**

The University and College Union (UCU Wales) represents 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 union in the world: a force for educators and education that should not be ignored.

UCU 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.

We welcome the opportunity to engage in the review and offer the following in response to the briefing note provided by Professor Hazelkorn.

NB: The responses contained in this document are provided by UCU Wales and may vary from colleagues in other parts of the UK

Briefing Note

Review of the Regulation and Oversight of Post-Compulsory Education and Training in Wales, with special reference to the future role and function of the Higher Education Funding Council for Wales (HEFCW)

Terms of Reference

1. To review, analyse and document the current arrangements for the oversight of post-compulsory education and training in Wales, including:
 - Funding of education and training;
 - governance;
 - quality assurance / standards of education and training; and
 - management of risk.
2. To advise on the effectiveness of current arrangements for the oversight of post-compulsory education and training in Wales judged by reference to other UK nations, relevant international comparators and research evidence.
3. To make recommendations for the future oversight of post-compulsory education and training in Wales with particular reference to the role of the Higher Education Funding Council for Wales.
4. To indicate whether there may be a need for legislation and new or reformed institutional arrangements to take forward future arrangements proposed in the light of this evaluation.

Questions and discussion will follow the ToR and focus on the following broad thematic areas. Specific issues for different organisations and sectors (HE and FE), as well as further issues, will arise during the discussion.

Observations on future trends and landscape of Welsh HE and FE, including:

- societal and labour market supply and demand,
- institutional diversity and competitiveness, including public and private/for profit providers;
- implications of new funding arrangements;
- future-proofing education and research requirements, etc.

UCU Wales Response:

Although one of the main purposes of education is to gain employment, it is not the only one. There needs a balance between societal and labour market demands. The current trend is to base provision mainly on Labour Market intelligence. This has proved to be detrimental to the provision of courses not considered vital to the economy and in particular the demise of adult education for those already in employment. We would argue that this is contrary to the wish to future proof education, by restricting the diversity of skills and knowledge needed to support a vibrant and creative society.

UCU does not support the use of private, for profit providers in education. We are clear that it is not appropriate for public money to be diverted into the private sector, nor should education and research be dictated by corporate demand. Educational institutions in Wales, receiving public money should continue to have charitable status to ensure that money is reinvested and anchored in Wales for future generations.

We should seek to reduce competitiveness between institutions. Whilst we would encourage the diversity that allows centres of excellence at HE level, Further Education institutions should not be competing for student numbers; they should focus on quality provision to meet the needs of local communities. Every community should have access to high quality post compulsory education.

Future proofing will require the protection of adult education to ensure that the aging working population have opportunities for personal growth and to develop new skills, which contribute to and enhance both society and the economy.

In terms of Initial Teacher Training and Education, we agree that ITET in Wales needs to change. If, as concluded by Professor Furlong, this change is needed "so that the teaching profession itself is to make its proper contribution to the raising of standards in our schools, in the way that has been set out in the Donaldson Review", the teaching profession, in particular those that deliver ITET, should be primary stakeholders in the development of the new system.

So far there has been little meaningful involvement of UCU and other teaching unions in this process. It is clear to us, by the formation of the task and finish group that Professor Furlong is leading, that the decision making process is already taking place.

As representatives of a major stakeholder group in the delivery of ITET, we regard it as fundamentally important that there is professional input in the early planning stages to ensure that the focus remains on the principles of teaching and learning and the best way to embed them in Donaldson's recommendations. Without this input from the profession, there is a serious risk that any new system will not be fit for purpose, will be subject to rapid changes and will not be 'future-proof'.

Observations on current governance/regulatory framework and arrangements, including:

- education and training, research, funding, duty-of-care to students, widening access, staff (academic and administration, and quality assurance);
- relationship between HE and FE including apprenticeship;
- differences if any between public and private providers;
- recent changes in regulatory environment and framework, esp. vis-à-vis new funding arrangements;
- responsibilities with regard to, inter alia, setting policy and identifying targets; strategic planning and future development;

UCU Wales Response:

UCU welcomes the decision of the Welsh Government to commit to the monitoring of pay for senior managers in both HE and FE. The past year has seen some uncomfortable decisions for our members regarding their pay award, in the light of significant pay increases for some senior managers, which has been made more difficult by the current lack of transparency surrounding the decisions of remunerations panels. Now, more than ever, it is particularly important to ensure that every penny in the HE and FE sector is spent wisely, for the benefit of all. It is currently unclear how the salaries of many leadership positions in further and higher education are decided; as a result, there is a democratic deficit in our education institutions. Introducing a requirement for detailed minutes of remuneration committees to be published, and vice-chancellor and executive salary packages to be fully disclosed would allow leaders to be held fully accountable for their actions.

A working party, which includes a joint trade union representative, is just completing work on the new code of Governance for FE. If institutions adopt the best practice laid down within the code, UCU believe that will see a significant improvement in the efficacy and efficiency of governance function in the FE sector in Wales. However there must be an external body which reviews governance activity, provides a portal to share good practice and we believe that should be one of the function of the new funding body

We believe the new body should be responsible for commissioning this work on behalf of the sector in Wales.

A recent independent review into the Health Professional Education Investment in Wales argued for a single body to cover funding, commissioning and equity of education and training provision. UCU believe that the arguments and rational contained within the paper apply equally to post compulsory education. We need such a body to engage at a strategic level with these new developments and with sufficient statutory powers to ensure value for money across the post compulsory sector.

Our experience of dealing with the senior officers of HEFCW has been really positive and we have a good working relationship, based on trust. It is the case that UCU and consequently staff in institutions are able to access senior authority figures in HE in Wales without the trauma of pursuing very public whistleblowing cases. A benefit to the student the sector and the public purse. The level and quality of engagement with HEFCW, compared to Welsh Government is significant and provides us with assurances that we have a trusted route to raise legitimate concerns about the governance of our HE institutions in Wales. We would like the same circumstances to apply to all post compulsory education bodies in Wales.

Observations on the role of the Higher Education Funding Council for Wales including:

- matters of autonomy and relationships between HEFCW, HEIs and Ministry;
- ToR, and (balance of) responsibilities with respect to development and oversight of the HE sector in Wales;
- strategic and operational aspects of the organisations' relationships;
- arrangements for communications, reporting and liaison with other organisations, including Service Level Agreements between HEFCW, QAA and ESTYN;
- student consumer protection;
- regulatory environment for staff (academic or support)
- membership and appointment process;

UCU Wales Response:

UCU are content to see the current remit expanded to take account of post compulsory education. We do not have a particular view as to whether the new body has one or two councils covering F&HE or an FE and HE council, the key for us is that the body is independent of government and operates to a remit provided by government. It is our understanding that within the Government of Wales Act that additional powers could be given to HEFCW without primary legislation.

In addressing service level agreements, for example with Estyn , thought needs to be given to how we ensure that the FE sector is looked after, given that Estyn insist that all their inspectors have QTS and therefore cannot engage in spreading best practice across FE as most QTS inspectors will have their background in the School Sector.

The current appointments process for HEFCW council should be carried over into the new body.

Observations on the relations between Welsh higher education, including HEFCW and existing English legal structures, including HEFCE

- what works?
- legislative issues and possible reforms
- implications of change

UCU Wales Response:

UCU believe that first and foremost the needs of Wales must be met. Too often decision made in England result in poor outcomes for Wales. Wales needs a new funding and planning body that is independent of government and has a remit to protect for the future the post compulsory education system.

The body can make the necessary structural arrangements to ensure it can function effectively with other nations and internationally.

Observations on 'good practice' internationally

- what works where and why?

UCU Wales doesn't feel able to address this questions

Observations on possible recommendations

UCU agrees that there is a need for the alignment of the arrangements for the oversight of activity in the post 16 education sector. From our point of view the Welsh Government and its officials repeatedly fail to protect this sector or seem to realise the significance of the variety of opportunity and advancement that it offers. When it comes to education, the priority is firmly with schools and those under the age of 20. This lack of understanding has manifested itself on numerous occasions, for example;

- *The lack of engagement in the proposed curriculum changes, indicating the lack of understanding of the role of the FE sector plays in the delivery of vocational education.*
- *The lack of planning for the involvement of FE sector staff in the implementation of the New Deal, which we are told is for the whole of the Education Workforce.*
- *The lack of engagement in the planning of the new ITET system to support the new curriculum, with which HEI's will need to understand in order to deliver, but more importantly will be able to provide professional expertise, to ensure that the new design works.*
- *The lack of support for the inclusion of UCU in the membership of the ESTYN advisory group, formed to develop the new framework for FE inspections, for similar reasons to those above.*
- *The mandatory registration and fee payment to belong to the Education Workforce Council. A body that will in future be expected to oversee professional development through the New Deal and provide accreditation for ITET, likely to be funded by an increase in the fees that our FE members will have no choice but to pay and yet they have no representation on the Council and will not be included in the New Deal or the delivery of ITET.*
- *The continued funding cuts to the FE sector, whilst those to the compulsory sector increase.*

From our perspective the issue is more than just a lack of engagement, it is the decisions that are made because of the lack of engagement with experienced

and practising classroom professionals, which undermines Welsh Government Education policy.

For the above reasons UCU would like to see the recommendation to re-establish a Funding Council for Wales, in which a council for FE and HE is re-established. Whether this takes the form of a single council or separate FE and HE councils, it must be an independent body with one Chief Executive. We believe that this would be the best mechanism to support the development of healthy and vibrant FE and HE sectors in Wales. Both sectors receive significant amounts of public money and should be held accountable for that expenditure by an independent Funding Council for Wales.

UCU contend that both the FE and HE sector in Wales has suffered as a consequence of the regulatory changes which have taken place in Wales and we should like to see new regulations which will provide a regulatory framework to protect the future of both sectors and remove it from the vagaries of political party politics.

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 - legislative issues and possible reforms
 - implications of change
- Observations on 'good practice' internationally
 - what works where and why?
- Observations on possible recommendations

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