

National Assembly for Wales

Children, Young People and Education Committee

HEB 12

Higher Education (Wales) Bill – Stage 1

Evidence from : UNISON Cymru

1. Is there a need for a Bill for these purposes? Please explain your answer.

UNISON Cymru Wales supports the impetus behind this Bill however many of the details such as the power to direct universities to comply with their fee plans are yet to be sorted. We believe that time for action is now.

More than ever, it is extremely important that we maintain a strong focus on fair access to higher education and that we preserve and protect the institutional autonomy and academic freedom of universities for years to come.

2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.

A key part of this HE Bill is that HEFCW's approval of a fee and access plan is partly dependent upon a HE Institution having charitable status. Almost all universities in the UK are designated charities, including private institutions such as the University of Buckingham in Buckinghamshire.

The private provision of higher education has been on the rise in recent years. UNISON is concerned that, if this trend continues, there may be attempts by private institutions to deliver education in Wales.

Funding should not be diverted away from public institutions by HEFCW, the council should instead focus upon strengthening Wales' internationally renowned institutions and not encourage further expansion of higher education into the private sector, especially when there is no evidence that UNISON is aware of that suggests these private institutions provide the same kind of high standards as their public counterparts.

UNISON welcomes the inclusion within this Bill of steps to ensure HE Institutions are promoting Higher Education and equality of opportunity to potential students in Wales. This is especially vital following the trebling of tuition fees in 2012.

We however feel it is vital that the current stipulations are expanded to ensure this promotion of opportunity translates into the recruitment of students. This is why we would recommend that the 'further provisions' that the Bill states 'may' be suggested by HEFCW to an institution in 6(2) should be made compulsory, not just a possibility. Also, the measures under 6(3) should include specific steps as to how equality of opportunity will be achieved, such as the more bursaries and scholarships for those from a low socio-economic background.

Making this section clearer will ensure that the promotion of equality of opportunity is consistently high throughout Wales' HE Sector.

3. Are the sections of the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.

Although HE Institutions are private bodies which are somewhat independent of the Welsh Government and should maintain a degree of autonomy, especially academically, it must be remembered that a large portion of their income is derived from public funds. After the 2012 increase of student fees, the Welsh Government's contribution to HE funding became even greater due to the introduction of the tuition fee grant.

As it is the HEFCW which distributes these funds, UNISON believes it is highly appropriate that it and the Welsh Government should hold some powers over HE Institutions to ensure this investment is used to benefit the students, staff and the wider Welsh community and that Welsh Government priorities are met.

UNISON welcomes sound assessments of quality and the promotion of higher education and equality of opportunity, as we have stated in the previous question. However, UNISON is concerned that HEFCW does not currently have the resources to manage this responsibility and; there is no mention within the Bill of whether HEFCW as an organisation will expand in terms of the number of staff along with the expansion of its remit. It appears the Welsh Government may share this concern as the Bill makes provision for an external body to provide this service on behalf of HEFCW (17(1)).

UNISON however is against outsourcing assessments of HE Institutions to external private companies. HEFCW is best suited to assess if an institution is fulfilling the educational agenda set by the Welsh Government so we would therefore recommend that provisions are made before the enactment of this Bill to ensure HEFCW can itself fulfil all the duties conferred upon it by the Higher Education Wales Bill.

4. How will the Bill change what organisations do currently and what impact will such changes have if any?

UNISON believes this Bill has missed a vital opportunity to address equality issues within Welsh HE Institutions. Public service employers have a duty in respect of the Public Sector Equality Duties. UNISON believes that HEFCW should have powers to assess Universities compliance with the Equality Duties and take appropriate action where they are not being met. Further, HEFCW should have powers to monitor Universities adherence to broader Welsh Government policy, for example in respect of tackling poverty, to report on these matters and make recommendations.

It must be remembered however that the powers which this Bill does confer upon HEFCW are far beyond those which it currently holds and the Welsh Government must be wary of some of these. UNISON is concerned particularly by the potential for Section 20 of the Bill, which outlines 'other measures in respect of inadequate quality' to be abused by profit-based motives rather than those of academic quality. Section 20 states that 'HEFCW may give advice or assistance to the governing body of the institution with a view to' 'improving the quality of education' (1, a). The Welsh Government must ensure this assessment is based upon educational provisions and teaching standards rather than making decisions on particular courses based upon what is strategically appropriate and profitable.

UNISON fears too much interference from HEFCW may lead to humanities and arts subjects losing out because they are not deemed as financially profitable as STEM subjects. This will be a great loss to many students and academics. Decisions of this nature are best suited to the expertise of academic professionals rather than a bureaucratic financial body. Quality assessments are vital to the improvement of the HE Sector. They must be held accountable and respect the public nature of their funding, assessments however, must be conducted by experts of this field.

The impact for students (including those students who do not pay higher fees) and wider education stakeholders, and potential cross-border issues arising from the Bill;

The focus of the Welsh Government's reforms to Higher Education must be wholly focused upon benefitting students in Wales. UNISON believes Higher Education does not only directly benefit individuals who study at this level, but also the wider Welsh society. This is why UNISON must stress the importance of HEFCW being accountable to these students.

This Bill not only strengthens HEFCW's existing monitoring and enforcement functions in relation to Higher Education Institutions, but also confers additional functions onto the council. UNISON is concerned that the responsibility of these new functions will result in HEFCW and the governing bodies of Higher Education institutions becoming constricted by the bureaucratic process; their accountability to the Welsh Government will strengthen whilst they move further away from the students and their needs.

To ensure this does not occur, UNISON would recommend that individual institution's student charters undergo regular reviews which involve student representatives to ensure the development of Welsh Higher Education improves the student experience.

This Bill allows HEFCW to withdraw its approval from a HE provider in respect of an approval plan. Although the Bill also states that 'transitional protection should be made available for students who have commenced their studies' with such a provider, UNISON is concerned about the impact this could still have upon a student's studies. Exactly how students are 'protect[ed]' in this eventuality needs to be clarified.

We suggest that, in regards to universities specifically, the process by which a decision is made by HEFCW be undertaken during the academic year. This would mean, should approval be denied, steps can be taken during the long summer period students are not studying so studies are not disrupted.

UNISON is also concerned by provisions in the Bill which may allow data relevant to student grants and loans to be shared by HMRC with the Welsh Ministers and to anyone whom the Welsh Ministers and to anyone whom the Welsh Ministers delegate or transfer functions. We believe the financial information of students should remain private.

We would also like to point out that, although current HEFCW guidance regarding Student Union funding has been somewhat useful, the required level of investment into Students Unions has not been met. In order for improvements to be made which have a real and lasting effect within Higher Education, the Bill should address this issue. The funding will then need to be regularly reviewed and updated so best practise will always be obtained.

5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

UNISON Cymru Wales are not concerned with the potential barriers to implementing the provisions of the Bill but instead has concerns over the impact on students and staff. The Bill does fully take into account the impact on the student and the staff and therefore more should be done to tackle these issues.

6. Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

7. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e statutory instruments, including regulations, orders and directions?)

As noted above, UNISON is concerned by provisions in the Bill which may allow data relevant to student grants and loans to be shared by HMRC with the Welsh Ministers and to anyone whom the Welsh Ministers and to anyone whom the Welsh Ministers delegate or transfer functions. We believe the financial information of students should remain private.

8. What are your views on the financial implications of the Bill?

UNISON Cymru Wales welcomes further consultation with this process.