

Constitutional and Legislative Affairs Committee Inquiry into Making Laws in the Fourth Assembly ML1 – Higher Education Wales

Please find below email sent on behalf of Amanda Wilkinson, Director Higher Education Wales.

Committee Inquiry: Making Laws in the Fourth Assembly

Please find a brief response from Higher Education Wales as the body responsible for representing the interests of universities in Wales including the Open University in Wales.

HEW currently anticipates that the Welsh Government will introduce a Higher Education (Wales) Bill, proposing major regulatory reforms in May 2014. In reviewing future legislative arrangements, the Committee may wish to take into account the following observations in relation to our involvement with the legislative process prior to the formal introduction of the Bill:

- HEW responded to the Welsh Government's Technical consultation on the HE (Wales) Bill which closed on 29 July 2013. The responses which were submitted to the Welsh Government were published on 2 April 2014. The introduction of the HE (Wales) Bill is currently expected in May 2014. In our view, the late publication of the responses has adversely affected the ability of the university sector and other stakeholders to share their views publicly and prepare for the introduction of the Bill. The Committee could consider whether there is merit in introducing guidelines to ensure future publication in a timely manner.
- Although a detailed 'technical' consultation, the consultation on the HE (Wales) Bill did not include a draft Bill, and as highlighted in the HEW response, there were many areas of the proposals which lacked sufficient clarity to comment on meaningfully. Our view is that a Bill of this importance and complexity should not be introduced without prior consultation on a draft Bill.
- In its response to the consultation, HEW raised the need for further consultation and engagement with the Welsh Government on the development of the Bill and exploration of alternative approaches following the close of the consultation in July 2013. This has not been forthcoming and we would similarly welcome further consideration on how to strengthen future consultation processes prior to the formal introduction of proposed legislation.

In our view further consideration of process issues in relation to each of the above would serve to strengthen the legislative process, and avoid unnecessary consideration of issues by the National Assembly for Wales which could have been addressed more effectively at a pre-legislative stage.