



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Tertiary Education and Research (Wales) Act 2022
(Commencement No. 5 and Transitory and Transitional
Provisions) Order 2025

DATE 3 April 2025

BY Vikki Howells MS, Minister for Further and Higher Education

I am pleased to inform Members that I have made the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025 ('the Order'), along with the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2025, following the agreement of the latter in plenary this week.

Following on from Medr becoming operational last summer, these instruments deliver the next phase of Medr's functions, as provided for in the Tertiary Education and Research (Wales) Act 2022 ('the 2022 Act'), and also ensures the necessary amendments are reflected in the statute book.

The Order brings into force, on 5 April 2025, a range of duties on Medr which will help deliver a number of key reforms, these relate to:

- the development of a learner engagement code, setting out how providers are to engage learners in the making of decisions and ensure the views of learners are reflected in those decisions. Providers funded by, or registered with, Medr will be required to comply with the Code and Medr will monitor compliance with the Code and report on its effectiveness.
- the development of guidance to support providers of tertiary education in the preparation of learner protection plans. Medr will be able to require certain providers to submit learner protection plans to it, for approval by Medr. These plans will set out the arrangements being made by providers to protect the interests of students who are on courses that cease to be provided or who wish to transfer to another course.
- the preparation of a statement setting out how it intends to exercise its funding functions, with a specific focus on ensuring transparency in relation to its funding decisions.

The Order also brings into force amendments to the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act') in respect of the reorganisation of school sixth forms. These amendments remove the Welsh Ministers' powers to make proposals to restructure local authority maintained school sixth form education and gives Medr powers in relation to the restructuring of sixth form education.

The amended 2013 Act provides Medr with a legislative framework that enables it to take a strategic approach, offering a wider perspective to school sixth-form provision and ensuring it can support choice, progression and avoid unnecessary duplication. These amendments do not, however, remove protections or safeguards – for example in respect of Welsh language provision – these remain as requirements within that Act and also within the statutory school organisation code

A core aspect of the 2022 Act is the establishment, by Medr, of a register of tertiary education providers, which will provide the legal mechanism for the regulatory oversight of registered providers in Wales in receipt of public funds. The Order brings into force all provisions within TERA that are necessary to enable Medr to progress with the establishment of the register, including its development of its full regulatory regime and the acceptance and processing of applications to the register.

To support its regulatory oversight, Medr is provided with a range of intervention functions relating to monitoring the compliance of registered providers with the registration conditions and assessing the quality of the tertiary education being provided. The 2022 Act requires Medr to prepare a statement setting out how it will exercise each of its intervention functions, and this duty will come into force on 5 April 2025.

Looking ahead, I will be issuing a consultation on the 8th of this month setting out our proposed approach to the remaining subordinate legislation necessary to complete the legislative framework that will underpin the register. This comprises of two statutory instruments, the first of which will prescribe the tuition fee limits, with the second specifying both 'qualifying persons' and 'qualifying courses' for the purposes of the fee limits

The consultation will also set out the proposed approach to the designation of higher education courses for Welsh Government student support following the establishment of the register.