



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

2 May 2013

Dear Madam/Sir

Consultation on the Further and Higher Education (Governance and Information) (Wales) Bill

As part of its Stage 1 consideration, the Children and Young People Committee is calling for evidence on the general principles of the Further and Higher Education (Governance and Information) (Wales) Bill. To assist with its consideration, the Committee would welcome your views on this subject.

What is a Bill?

A Bill is a proposed law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an 'Act of the Assembly'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

What does this Bill seek to achieve?

The Welsh Government policy that lies behind the Bill is set out in the Explanatory Memorandum that accompanies the Bill. The following is a

summary of some of the main objectives that are explained in detail in the Explanatory Memorandum.

The Further and Higher Education (Governance and Information) (Wales) Bill seeks to enhance the autonomy and decision making abilities of Further Education Institutions by removing and modifying existing legislative controls on them. This will enable the Welsh Government to seek the reversal of the ONS classification of Further Education Institutions (FEIs) as part of Central Government for the purpose of the National Accounts and so that they are again categorised as “Non-profit Institutions Serving Households” (NPISH)

The Bill also gives effect to the Welsh Government policy to allow data relevant to student grants and loans to be shared by Her Majesty’s Revenue & Customs (HMRC) with the Welsh Ministers and anyone to whom the Welsh Ministers delegate or transfer functions. The data sharing gateway is an integral part of a project to modernise the Student Finance Wales delivery service to simplify and create efficiencies in that service.

The Bill and the Explanatory Memorandum can be found on the Assembly’s website at the following address:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=6429>

What is the committee’s role?

The role of the committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) Whether there is a need for the Bill;
- ii) the key provisions set out in the Bill and whether they are appropriate to deliver its stated purposes;
- iii) the financial implications arising from the Bill;
- iv) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- v) whether there are any unintended consequences arising from the Bill;
- vi) the views of stakeholders; and

- vii) the level of detail on the face of the Bill compared to any powers contained in subordinate legislation.

Invitation to contribute to the inquiry

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions listed in Annexe 1.

If you wish to submit evidence, please send an electronic copy of your submission to CYPCommittee@wales.gov.uk and entitle the e-mail "Consultation – Further and Higher Education (Governance and Information) (Wales) Bill."

Alternatively, you can write to:

Olga Lewis, Deputy Clerk
Legislation Office
National Assembly for Wales
Cardiff Bay, CF99 1NA.

Submissions should arrive by 31 May 2013. It may not be possible to take into account responses received after this date.

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings. If you do not want your response or name published, it is important that you clearly specify this in your submission;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee. (For your information, the Committee is likely to be taking oral evidence on the mornings of Thursday 23 May, Wednesday 5 June, Thursday 13 June and, possibly, Wednesday 19 June.)

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation and hold oral evidence sessions on the above dates.

For your information, the Committee has invited submissions from a wide range of organisations, a list of which is available on request. However, the Committee would be grateful if you could forward a copy of this letter to any individuals or organisations that you believe might wish to contribute to the inquiry. A copy of this letter has also been placed on the National Assembly's website with an open invitation to submit views.

Disclosure of Information

It is normal practice for the National Assembly to publish evidence provided to a Committee. Consequently your response may appear in a report or in supplementary evidence to a report. The National Assembly will not publish information that it considers to be personal data.

In the event of a request for information submitted under UK legislation, it may be necessary to disclose the information that you provide. This may include information which has previously been removed by the National Assembly for publication purposes.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, it is up to you to stipulate which parts should not be published and to provide a reasoned argument to support this. The National Assembly will take this into account when publishing information or responding to requests for information.

If you have any queries, please contact Steve George, Committee Clerk on 029 2089 8242 or Olga Lewis, Deputy Clerk on 029 2089 8154.

Yours sincerely



Ann Jones AM
Chair

Consultation Questions

General

1. The Explanatory Memorandum prepared by the Welsh Government describes the Bill's main purposes in the following terms:

"The ... Bill seeks to enhance the autonomy and decision making abilities of Further Education Institutions by removing and modifying existing legislative controls on them.

The Bill also gives effect to the Welsh Government policy to allow data relevant to student grants and loans to be shared by Her Majesty's Revenue & Customs (HMRC) with the Welsh Ministers and anyone to whom the Welsh Ministers delegate or transfer functions. The data sharing gateway is an integral part of a project to modernise the Student Finance Wales delivery service to simplify and create efficiencies in that service."

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

2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.
3. Are the sections of the Bill as drafted appropriate to bring about the purposes described above? If not, what changes need to be made to the Bill?
4. How will the Bill change what organisations do currently and what impact will such changes have, if any?
5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?
6. Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

Powers to make subordinate legislation

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)?

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

Financial Implications

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

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Other comments

9. Are there any other comments you wish to make about specific sections of the Bill?