



promoting adult learning / *hyrwyddo addysg oedolion*

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

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### Introduction

1. The National Institute of Adult Continuing Education (NIACE) is the national organisation for advancing adult learning in England and Wales. We are an independent charity and HRH Princess Royal is our patron. We work with our members, partners and a wide range of stakeholders to create more, different and better learning opportunities for adults. NIACE Dysgu Cymru, the Welsh arm of NIACE, conducts work in Wales supported by a Management Group, which is elected by NIACE members in Wales. Further information on our work can be found at [www.niace.org.uk](http://www.niace.org.uk).
2. This submission has been prepared by NIACE Dysgu Cymru in response to the call for evidence from the Children and Young People Committee. Our submission focuses on the Further Education (FE) section of the Bill, although it should be noted that we have no objections to the section on the supply of information in connection with student loans and grants. We are happy for this response to be published and would be pleased to give verbal evidence to the Committee or to expand on any of the points raised.
3. NIACE Dysgu Cymru believes that FE colleges have a crucial role to play in supporting the learning aspirations of adults in Wales – 55 percent of learners at FE institutions are aged over 25, and 67 percent of learners are part-time. We have concerns about the falling levels of adult participation in FE in Wales, which we feel relates primarily to Welsh Government policy and

financial constraints. Although potentially outside the scope of the consultation, we offer some comments on current policy in order to provide the context to our support for the proposed Bill.

### **Question 1: Whether there is a need for the Bill**

4. NIACE Dysgu Cymru agrees that there is a need for the Bill. There would appear to be considerable disadvantages if the Office for National Statistics (ONS) classification of FE colleges is not reversed, including increased administrative and financial management costs and a reduced investment in FE capital and estates. As explained in response to the questions below, we feel that some of the potential risks associated with the Bill could be managed through the setting, by the Welsh Government, of appropriate conditions of funding.

### **Question 2: The key provisions set out in the Bill and whether they are appropriate to deliver its stated purpose**

5. NIACE Dysgu Cymru believes that the Bill strikes an appropriate balance which gives colleges greater responsibility to manage themselves, whilst recognising the need to work within the broad policy arena set out by Welsh Government.

### **Question 3: The financial implications arising from the Bill**

6. As mentioned in response to question 1, we feel that there would be additional (and unnecessary) costs if the Bill were not passed. There is also a risk that, without the Bill, the impetus for colleges to generate commercial income to support the delivery of learning would be undermined (approximately £100m of commercial income was secured by the FE sector in Wales in 2011/12).

### **Question 4: Potential barriers to the implementation of key provisions and whether the Bill takes account of them**

7. We are not aware of any barriers to the implementation of the Bill.

### **Question 5: Whether there are any unintended consequences arising from the Bill**

8. NIACE Dysgu Cymru is aware that some concerns have been expressed about the potential for FE colleges to abuse any new powers, disregard the policies of the Welsh Government and to focus on profit rather than learners and their communities. Although we agree on the serious impact of such outcomes, and would be particularly concerned about any diminution of the role of the learner voice, we consider the probability of such risks coming to fruition to be extremely low. Similarly, although there is a risk that the Bill could undermine the implementation of the recommendations set out in the

Humphreys Review of FE governance, the chances of this happening are low given the support for the recommendations within the sector.

9. The Bill would effectively endorse the status colleges have had since 1993 (until the ONS reclassification in 2010); a period during which the FE sector in Wales has thrived – significantly improving participation and the quality of provision. Although we do not anticipate any unintended consequences resulting from the Bill, it is reassuring that the Welsh Government has sufficient powers to steer colleges through the setting of conditions of funding (under Section 35 of the Learning and Skills Act 2000). Furthermore, we understand that the Welsh Government is under no specific obligation to fund individual FE colleges, although of course the FE sector makes a very significant contribution to the Welsh Government’s duties to secure proper and reasonable facilities for post-16 education and training in Wales.
10. Our support for the proposed Bill is set against serious concerns about the drop in participation within the FE sector in recent years. We are particularly alarmed at the 29 percent drop in participation in FE from individuals who reside in Communities First areas (see Table 1 below). NIACE Dysgu Cymru feels that this drop in participation is an unintended consequence of Welsh Government policy on post-16 education and training, which has seen more and more resources focussed on the needs of 16 to 18 year olds, at the expense of those aged 19 and above. We feel that FE colleges would be better placed to use their proposed new powers to service the needs of their local communities if this policy was reviewed, and a more appropriate balance of resources, and opportunities for individuals, established across the life course.
11. We understand that the rationale for the current approach relates to the Welsh Government’s duties to secure ‘proper’ facilities for 16-18 year olds and ‘reasonable’ facilities for those aged 19 and above. Although we feel that, even under existing legislation, there is considerable scope to amend the current balance of resources across the age groups, the Welsh Government should look at these duties, set out in sections 31 and 32 of the Learning and Skills Act 2000, as part of its legislative programme.
12. Despite the policy and legislative context, we do feel that FE colleges have a responsibility to reach out to, and support, their local communities. NIACE published in 2012 the final report of the independent inquiry into the role colleges play in their communities (*Colleges in their Communities: A dynamic nucleus*). Although focussed on the FE sector in England, the inquiry was set within the context of a more flexible regulatory regime and greater responsibilities for FE colleges. Many of the recommendations of the inquiry are also relevant to Wales, and we would recommend that the Welsh Government considers the report alongside the introduction of new powers for FE colleges. A copy of *Colleges in their Communities: A dynamic nucleus* can be downloaded free from NIACE’s website (<http://shop.niace.org.uk/dynamic-full.html>). A hard copy of the report has been sent to the Deputy Clerk of the Legislation Office of the National Assembly for Wales.

**Table 1: Number of learners at FE institutions by deprivation status and age group**

Age Group	Welsh domiciled learners in deprived areas (Community first areas)		Change	
	2005/06	2010/11	Number	%
Under 16	1,825	1,065	-760	-42%
16	4,850	3,910	-940	-19%
17	4,385	3,785	-600	-14%
18	2,920	2,760	-160	-5%
19	1,880	1,750	-130	-7%
20-24	6,750	5,595	-1,155	-17%
25-39	15,565	10,655	-4,910	-32%
40-49	8,020	5,100	-2,920	-36%
50-59	5,170	3,040	-2,130	-41%
60-64	1,750	975	-775	-44%
65+	2,645	1,345	-1,300	-49%
Not Specified	565	115	-450	-80%
Total	56,325	40,095	-16,230	-29%

Sources: Table F3.8 of Further Education, Work-based Learning and Community Learning in Wales Statistics