



Ein cyf/Our ref: LF/LA/0461/13

Ann Jones AM
Committee Chair
Children and Young People
Committee
Cardiff Bay
Cardiff CF99 1NA

4 June 2013

Dear Ann,

**CHILDREN AND YOUNG PEOPLE COMMITTEE - STAGE 1 SCRUTINY OF THE
FURTHER AND HIGHER EDUCATION (GOVERNANCE AND INFORMATION) (WALES)
BILL**

Following my attendance at the Committee meeting on 15 May 2013 for the scrutiny of the Further and Higher Education (Governance and Information (Wales) Bill, I agreed to provide Members with further details on:

paragraph 98 of the Explanatory Memorandum regarding the identified risks regarding FE staff conditions, whether the data sharing link with the HMRC will make it easier to chase student debts

Members have also asked for a fuller explanation of the reasoning behind why a duty to appoint students and staff to a governing body does not risk the ONS reversing their categorisation but a duty to consult may.

1. Explanatory Memorandum – Transcript paragraphs [146 – 149]

In response to the question raised by Bethan Jenkins AM, I have reviewed paragraph 98 of the Explanatory Memorandum, I have concluded that the provisions are sufficient. The issues to which the member referred are outside the scope of the Bill and I do not therefore need to amend the memorandum.

2. HMRC data sharing link and Student Debt - Transcript paragraphs [175 – 188]

With regard to Simon Thomas AM's question on recovering student debt; the data link will only be used for the designated function of checking the sponsors' income, and this is set out in the Memorandum of Understanding between the Student Loans Company (SLC) and the HMRC. The SLC have existing procedures in place for the recovery of student debt using National Insurance Number verification checks with the Department for Work and Pensions prior to agreeing the funding with the student. The HMRC VHI link has no bearing at all on the ease of repayment.

3. Further explanation on duty to appoint students and staff to the governing body and duty to consult against the ONS criteria.

The proposal to omit section 22 of FETA 2007 is a policy decision and seeks to remove from the statute book a provision that has never been commenced and is not considered to be necessary.

Paragraph 4(c) of Schedule 2 of the Bill omits section 22 of the Further Education and Training Act 2007 (FETA 2007). The effect of section 22 of FETA 2007 is to insert a new section 49A into the Further and Higher Education Act 1992 (FHEA 1992). However, section 22 of FETA 2007 has not been brought into force in Wales and consequently section 49A has not been inserted into the FHEA 1992 and has no effect so far as it relates to Wales.

It is considered that the existing arrangements, to ensure that the interests of business and learners are identified and provided for by the further education sector in Wales, are working without the need for statutory provisions set out in FETA 2007.

It is essential that the Welsh Government continues to promote and to add value to existing mechanisms for employers; and raise the quality and volume of training.

For example, the Sector Priorities Fund Pilot (SPFP) Programme, which commenced in summer 2010, allows sector based projects to be piloted and tested where there is a clear employer need and enabling the Welsh Government to meet specific employer demand, target areas of training and qualifications, and test new forms of delivery. We can thereby provide feedback on the responsiveness of FE to this employer demand. As part of the programme, an 'Advocate Service' aims to ensure the provision of skills/ training is meeting employer need across Wales in a flexible, effective way.

In addition, the Employer Engagement Team within DfES leads on overall employer engagement - meeting regularly with representative organisations such as CBI, FSB etc as well as having strong relationship management arrangements in place with Anchor Companies, Regionally important businesses, etc.

Finally, there are Ministerial meetings with ColegauCymru which provide input on how they have addressed employer need.

On the matter of protecting learner and staff places on governing bodies, I believe these appointments are crucial to reflect the college populations and ensure learner and staff

involvement in the governance of a college. The Education Act 2011 includes this latter provision, which did not prevent FEIs in England from being reclassified as NPISH.

I would also like to confirm that I am content with the draft of the transcript of the Children Young People Committee meeting on 15 May 2013.

I trust that Members will find the clarification helpful and I look forward to providing further evidence to the Committee on 19 June.

A handwritten signature in black ink that reads "Leighton Andrews". The signature is written in a cursive style with a large initial 'L'.

Leighton Andrews AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills