

Draft Regulations laid before the National Assembly for Wales under section 55(3) of the Higher Education (Wales) Act 2015, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2015 No. (W.)

EDUCATION, WALES

**The Higher Education (Fee and
Access Plans) (Wales) Regulations
2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about fee and access plans as defined in section 2(2) of the Higher Education (Wales) Act 2015.

Fee and access plans may be submitted to the Higher Education Funding Council for Wales (“HEFCW”) for approval by institutions which meet the criteria i.e. that they provide higher education in Wales and are a charity. Approval of a fee and access plan by HEFCW leads to the automatic designation of an institution’s courses for the purposes of statutory student support. The Welsh Ministers provide student support in respect of designated courses under regulations made by them by virtue of section 22 of the Teaching and Higher Education Act 1998.

Regulation 3 provides that an application for a fee and access plan must include information relating to an institution’s financial viability, the organisation and management of its financial affairs and the quality of the education provided by, or on behalf of, the institution.

Regulations 4 to 6 prescribe the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

Regulation 7 specifies the matters that HEFCW must take into account when deciding whether, or not, to approve a fee and access plan.

Regulation 8 requires publication of an approved plan.

Regulation 9 provides for the variation of an approved plan.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Cathays Park, Cardiff, CF10 3NQ.

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**The Higher Education (Fee and
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Made

Coming into force

31 July 2015

The Welsh Ministers, in exercise of the powers conferred by sections 2(4), 6(1), 7(3), 8(1) and 9(1) of the Higher Education (Wales) Act 2015⁽¹⁾, make the following Regulations.

In accordance with section 55(3) of the Higher Education (Wales) Act 2015 a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Wales) Regulations 2015.

(2) These Regulations come into force on 31 July 2015 and apply in relation to Wales.

Interpretation

2. In these Regulations—

“qualifying course” (“*cwrs cymhwysol*”) means a course wholly or principally provided in Wales prescribed for the purposes of section 5(2)(b) of the Higher Education (Wales) Act 2015;

(1) 2015 anaw 1.

“qualifying person” (“*person cymhwysol*”) means a person falling within section 5(5) of the Higher Education (Wales) Act 2015.

Applications for approval of a fee and access plan

3. An application by an institution for approval of a fee and access plan must include information relating to—

- (a) the financial viability of the institution;
- (b) the arrangements for the organisation and management of the institution’s financial affairs;
- (c) the quality of education provided by, or on behalf of, the institution.

Provisions to be included in fee and access plans

4. Regulations 5 and 6 prescribe for the purposes of section 6(1) of the Higher Education (Wales) Act 2015 the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

5. A fee and access plan must—

- (a) set out the objectives of the institution, determined by the governing body, relating to the promotion of equality of opportunity and the promotion of higher education;
- (b) specify the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the objectives in paragraph (a).

6. A fee and access plan must include provisions requiring the governing body of an institution to—

- (a) take, or to secure the taking of, measures to attract applications from prospective students who are members of under-represented groups;
- (b) take, or to secure the taking of, measures to retain students who are members of under-represented groups;
- (c) provide, or to secure the provision of, financial assistance to students;
- (d) make available to students or prospective students information about financial assistance available to students from any source, or to secure that such information is made available;
- (e) inform any prospective student, before the student commits to undertaking a course, of the aggregate amount of fees that the institution will charge for the completion of

the course, or to secure that any prospective student is so informed;

- (f) monitor—
 - (i) compliance with the provisions of the plan; and
 - (ii) progress in achieving the objectives set out in the plan.

Matters to be taken into account by HEFCW

7. In making any determination in respect of approval or rejection of a fee and access plan HEFCW must take into account the—

- (a) need to safeguard fair access to higher education;
- (b) provisions included in the fee and access plan relating to the promotion of equality of opportunity and the promotion of higher education;
- (c) fees payable by qualifying persons undertaking qualifying courses;
- (d) proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the promotion of equality of opportunity and the promotion of higher education;
- (e) financial viability of the institution;
- (f) arrangements for the organisation and management of the institution's financial affairs;
- (g) quality of education provided by, or on behalf of, the institution.

Publication of approved fee and access plan

8. Where HEFCW has approved a fee and access plan, the governing body must publish it in a manner which makes it easily accessible to students and prospective students.

Variations of fee and access plans

9.—(1) A governing body may apply to HEFCW for approval of a variation to the approved plan whilst the approved plan is in force.

(2) A variation to an approved plan is to take effect only if approved in writing by HEFCW.

(3) In making any determination in respect of approval or rejection of a variation to the approved plan HEFCW must take into account the matters set out in regulation 7(a) to (d).

(4) Where HEFCW have approved a variation to an approved plan the governing body must comply with

regulation 8 as if in that regulation the words “fee and access plan” were substituted by “variation”.

Minister for Education and Skills, one of the Welsh
Ministers
Date