

This is NUS Wales' response to the Post-Legislative Scrutiny consultation on the Higher Education Act (2015).

Consultation Response

Question One

Has, or is the Act, achieving its policy objectives, and if not why not?

A key policy objective of the act was maintaining a strong focus on fair access to higher education, through the mechanism of Fee and Access Plans.

There has undoubtedly been a change in the demographic make up of students in Welsh higher education institutions, however by assessing the numerical changes alone, we cannot draw the conclusions that it is directly to do with the HE Act, or glean information about the experience of these students.

There has been a 0.7% increase in the total number of students taking up higher education between the years 2015/16 and 17/18¹, however a net increase in and of itself is not proof that participation in education has broadened. There have been significant increases in Black² students in higher education, with Bangladeshi students increasing by 135%, Black Caribbean Students by 31% and those who defined their ethnicity as Black Other by 29%.³ While an increase in the racial diversity of education is to be welcomed, there also needs to be discussion of the student experience, particularly concerning Black

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https://www.hefcw.ac.uk/documents/about_he_in_wales/equality_and_diversity/Equalities%20Monitoring%20-%201718.pdf

² Black is used here in line with the NUS Black Students' Campaign definition, to

attainment gaps, as part of work on access and participation.

Similarly, the number of students who declare disabilities has increased, particularly those who declare an anxiety or mental health disorder (47% increase.)⁴ However, this increase in declarations does not necessarily mean that the number of students with mental health conditions has increased, rather can only guarantee that the number of students who feel able to declare them has. This could also be attributed to the cultural shift around declarations of mental health conditions.

To explore this area more deeply, we would recommend that an Equality Impact Assessment of the effects of the Act is carried out as part of the Post-Legislative Scrutiny process.

Where there have been demographic changes, it is important that students are supported not just to enter university, but to achieve their full potential while there. The regulator should emphasise to providers who wish to grow their admissions that it is irresponsible to recruit students without the intention of supporting them, and this should not be counted as action on widening participation. There should instead be a renewed focus on student support and retention, as well as a recognition that the weight of widening participation must be lifted

mean students of African, Asian, Arab and Caribbean descent

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https://www.hefcw.ac.uk/documents/about_he_in_wales/equality_and_diversity/Equalities%20Monitoring%20-%201718.pdf

⁴ Ibid.

equally across a diverse sector, from elite and specialist institutions to modern universities.

Question Two

How well are the Act's overall arrangements working in practice, including any actions your organisation has had to take under the Act?

The Act will only be able to be delivered to its full potential if students' unions are involved centrally in its delivery and governance, both locally and nationally.

NUS Wales is particularly interested in the delivery of Fee and Access Plans, and the ability of students' unions to engage with these.

There is currently varied practice across the sector. There should be a baseline of student involvement, and assurances from the regulator which incentivise providers to have to involve students' unions, for example a union sign off of the plan, submitted independently of the provider to evidence that there has been sufficient engagement. While HEFCW's guidance on the topic is useful, there should be an assurance to ensure that it is followed and that the expertise of students' unions is respected and that they are involved throughout the process.

While there are pockets of good practice, it is the feeling that Fee and Access Plans have become less important to institutions as they have become part of the regulatory architecture and the amount of "new" fee income they have to spend stabilises; this should be remedied.

Students' unions need to be involved from the beginning of the process and be able to mesh it to their existing work. HEFCW Guidance states that institutions should implement good practice by following the [Wise Wales Statement on Partnership](#), consulting student representatives for their knowledge and

expertise, taking heed of student campaigns and involving students and their unions in the monitoring of the Fee and Access Plan. However, there is currently a problem with late-stage engagement of students' unions, which leads to the feeling that they should be signing off a complete Plan rather than engaging in the process of development.

Some students' unions do require capacity building to be able to fully engage with the work of their institutions and in particular their Fee and Access Plans; we would recommend that central funding is made available to develop this through project work.

While there is the system of HEFCW-generated targets steering the work of the Fee and Access Plans, these should be developed in conjunction with providers and their unions, particularly drawing on the expertise of students' unions to understand the student populations and student groups who could benefit from interventions.

There has to be an incentive to make deep-rooted and long-lasting change rather than superficial initiatives which hit targets, or one off projects which are defunded by the next cycle of funding.

Fee and Access Plans regularly reference their institutions Student Charters; it is a positive impact of HEFCW's guidance that these have been developed in partnership between institutions and unions, however they should be regularly reviewed and updated locally, and the principles of partnership working should frame the work of HEFCW.

Question Three

Are the costs of the Act, or your organisations own costs for actions taken under the Act, in-line with what Welsh Government stated they'd be?

There is currently, primarily, a time cost to students' unions to engage with the mechanisms of the Act, which could be better spread throughout the year. The student engagement work needed from students' unions for institutions to submit an effective fee and access plans, for example intelligence gathering student opinion and experience, analysing the barriers which students face in education and enhancements to teaching and learning form the bread and butter of the work that students' unions do, and were they involved from the beginning of the cycle of preparing the Fee and Access Plan it would lead to a lesser burden of work for the students' union and likely a higher quality of engagement.

It is notable that the current timeline for Fee and Access Plans means that their time for final sign off and adjustment comes in the Spring when students' unions are at capacity, running their elections. We would recommend that the timelines were reviewed to avoid this.

Question Four

Has the Act achieved value for money?

NUS Wales is not submitting an answer to this question.

Question Five

Have there been any unintended or negative consequences arising from the Act?

The greatest perceived unintended consequence of the Act is the incentive for universities to engage with regulatory interventions superficially, for example by growing their student population as a

consequence of targets in Fee and Access Plans, without thought given to the support that different student demographics need.

In some providers, the short time span of Fee and Access Plans has led to a culture of short-term project funding for one year projects, which are then 'faded out' when no new money becomes available; rather than this approach, universities should be incentivised to embed long-lasting change in partnership with their students' unions and deliver retention-based activities across the whole student lifecycle.

Question Six

Are there any lessons to be learned from the Act and how it is working in practice that may be relevant to the proposed Post-compulsory Education, Training and Research (PCETR) Bill?

As Post-Compulsory Education reform moves forward in Wales, there should be a high baseline for the involvement of student and their unions in the design, development and delivery of their education and their institutions, through a partnership approach. This should be an incentive for further education providers and those with less developed unions to build their capacity, with support from HEFCW and, subsequent to legislation passing, a new tertiary education body.

The current student voice structures in Welsh further education institutions are not independent charities and see significantly lower levels of engagement and support than their higher education counterparts. This should be remedied. Further education student voice structures within a new landscape of post-compulsory education, training and research will require training and committed funding from central government in the short term transition period, and subsequent to formation, via the tertiary education body. This will allow

students' union capacity building in further education, with the aim of a parity of representation between higher and further education providers across Wales. This will ensure not just that students are empowered to have a voice in their education, but that this voice is effective and independent, and that unions are able to do work in building communities which we know improves participation and retention.⁵

recommend further evaluation of new legislation is done to match this.

Furthermore, as the PCET process moves forward, we believe it would be effective for the Welsh Government and the funding body to frame this work with a comprehensive, values-based national vision for education, developed using the same principles of partnership with students that are expected of Welsh higher education institutions. NUS Wales currently operates on the assumption that this vision would be framed around education which is accessible to all, flexible and portable in its delivery, and delivered and designed in partnership with students and their unions, informed by the Wise Wales Principles of Partnership.

Question Seven

Are there any lessons to be learned from how this Act was prepared in 2014/15 (formulated, consulted on, drafted etc)?

Any legislative development in education should have student voice front and centre; just as partnership is expected in the delivery and enactment of legislation, it should be expected practice when developing regulation at the national level.

While the lifecycle of the average higher education student is three years, we would

5

<https://www.heacademy.ac.uk/knowledge-hub/building-student-engagement-and->

[belonging-higher-education-time-change-final-report](#)