

# Cylchlythyr | Circular

## 2019/20 Fee and access plan guidance

**Date:** 31 January 2018  
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**To:** Fee and access plan applicants, including regulated institutions and other interested parties  
**Response by:** **23 March 2018**  
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This guidance provides information to fee and access plan applicants on how to enter the system that regulates full-time undergraduate and PGCE (QTS) student support and it provides advice on submitting a 2019/20 fee and access plan application.

If you require this document in an alternative accessible format, please email [info@hefcw.ac.uk](mailto:info@hefcw.ac.uk).



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### Annexes

The fee and access plan application form is provided in two annexes:

Annex Ai - Regulatory information and focus and contents (a Word template)

Annex Aii - Investment, recruitment, and fee and access plan target information (an Excel template)

## Introduction

1. This guidance provides information and advice on submitting 2019/20 fee and access plan applications in order to gain or retain automatic designation.
2. In publishing this guidance HEFCW aims to ensure that all potential fee and access plan applicants are fully aware of the requirements of the regulatory system and the fee and access planning process.
3. HEFCW aims to ensure that students are aware of the 2019/20 fee and access planning process to enable them to engage effectively in the fee and access planning processes at their institutions. This guidance may also be of interest to prospective students.
4. This guidance takes account of the [Higher Education \(Wales\) Act 2015](#) (the 2015 Act) and explanatory notes, associated Regulations,<sup>1</sup> [Welsh Government Guidance on the preparation for delivery of the new regulatory system](#), [Welsh Government guidance on the preparation for full implementation of the new regulatory system for higher education in Wales](#) and [Welsh Government guidance to HEFCW on fee and access plans](#), provided on the [HEFCW website](#). Regulations can be reviewed and amended. Therefore, in referring to these documents readers should ensure they access the most current versions.
5. HEFCW publications that inform the fee and access plan application process, and to be taken account of with this guidance, are at the time of writing:
  - The relevant HEFCW [Corporate Strategy](#);
  - The relevant [Remit letter](#) to HEFCW from the Welsh Government;
  - [Strategic Equality Plan](#);
  - [Statement of Intervention](#);
  - [Quality Assessment Framework for Wales](#);
  - [Financial Management Code](#)
  - [Guidance on Partnership Arrangements for Franchise Education Provided on Behalf of Regulated Institutions in Wales](#) (referred to in this guidance as Guidance on Partnership Arrangements).
6. HEFCW has published the Financial Management Code (circular [W17/16HE](#)). The Financial Management Code sets out HEFCW's powers for the purposes of monitoring the organisation and management of institutions' financial affairs where institutions have a fee and access plan.

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<sup>1</sup> The Higher Education (Qualifying Courses Qualifying Persons and Supplementary Provision (Wales) (Amendment) Regulations 2016; The Higher Education (Fee and Access Plans) (Wales) Regulations 2015; The Higher Education Amounts Wales Regulations 2015; The Higher Education Designation of Providers of Higher Education Wales Regulations 2015; The Higher Education Fee and Access Plans Notices and Directions Wales Regulations 2015; The Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016.

7. HEFCW's fee and access plan guidance has been developed taking account of: the [Equality Act \(2010\)](#); the Welsh [Public Sector Equality Duty](#); the [Welsh Language Standards Regulations \(2017\)](#); the [Well-being of Future Generations \(Wales\) Act \(2015\)](#); and [HEFCW's Well-being Statement](#) (2017). For further information on HEFCW's impact assessment process, please see Section Three.
8. In developing fee and access plan guidance<sup>2</sup>, HEFCW recognised that there is no statutory requirement, under the 2015 Act, to consult on fee and access plan guidance. Nevertheless, HEFCW has worked with stakeholder bodies, including Universities Wales, Colleges Wales and the National Union of Students (Wales), wherever possible, to consider the implications of the Act, including as they related to fee and access planning.
9. A summary of key changes made to the 2019/20 fee and access plan guidance is provided as **Appendix A**.
10. The timetable for the 2019/20 fee and access plan process for those applicants intending to secure approval by June/July 2018 is provided as **Appendix B**.
11. Further information, including a glossary of terms, and advice on fee and access planning is available on the HEFCW [website](#) and from the following email addresses: [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk). HEFCW will publish further information on its website as it becomes available.

## **Background and context**

12. The Higher Education (Wales) Act 2015 established a new regulatory framework for higher education in Wales. The 2015 Act strengthened HEFCW's existing role as a regulator. The 2015 Act requires that HEFCW takes account of any guidance issued by Welsh Ministers when exercising its functions, as well as making provisions about: the new regulatory system and eligibility to apply for fee and access plans; student fees payable to certain institutions providing higher education; the quality of education provided by, or on behalf of, those institutions; and the financial management of those institutions.
13. The Welsh Government's guidance to HEFCW on fee and access plans sets out the Welsh Government's policy intention, and the legislative requirements, including its expectations for how HEFCW might approach the approval, monitoring and evaluation of institutions' fee and access

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<sup>2</sup> HEFCW provided opportunities for consultation on the first guidance in 2017/18 through circular [W16/07HE](#), including a consultation event. Following the 2017/18 and 2018/19 fee and access process HEFCW reviewed the process, including holding a seminar. Information from these events is available on the fee and access plan pages of the HEFCW [website](#).

plans<sup>3</sup>. While it is for HEFCW to determine the operational detail of the new regulatory system in accordance with the statutory framework, HEFCW has taken the Welsh Government's guidance into account. HEFCW has sought legal advice in developing the fee and access plan guidance, as appropriate.

#### Background to fee and access plans and accessing Welsh Government student support

14. Since 2012/13 fee plans have been a statutory requirement for HEFCW funded institutions in Wales charging fees exceeding £4,000 a year. Under the 2015 Act, 2015/16 and 2016/17 approved plans, formerly known as 'fee plans,' became 'fee and access plans'. Institutions with 2016/17 fee plans were regulated institutions under the 2015 Act and, therefore, became eligible to submit fee and access plan applications for 2017/18.
15. The 2015 Act requires an institution that might not have required a fee plan under the previous fee plan system, to apply for a fee and access plan if the institution wishes its qualifying courses to be automatically designated for Welsh Government student support. This change from the previous system applies to further education institutions in Wales not in receipt of funding from HEFCW and/or institutions in Wales whose full-time fees previously have not exceeded £4,000 (the threshold above which it was necessary to apply for a fee plan under the previous system).
16. **There are only two routes by which a higher education provider in Wales can apply for its qualifying courses (full-time undergraduate and PGCE (QTS) courses) to be designated for access to Welsh Government student support.**
17. **One route is through an institution submitting a fee and access plan application to HEFCW for approval.** Approval leads to all its qualifying courses becoming 'automatically designated' for Welsh Government student support and the institution becoming regulated for the period in which the fee and access plan is in force. Eligible students studying on courses that have been automatically designated will be able to apply for Welsh Government student support.
18. **The second route is for a higher education provider to apply for specific designation of its courses on a 'course-by-course' basis.** Students on courses that have been specifically designated would be eligible for Welsh Government student support. Specific designation is a Welsh Government process, but it is likely that HEFCW will administer this second route from 2018-19. The current information on specific designation is available on the [Student Finance Wales](#) website. This fee and access plan guidance does not provide information about the specific designation route. HEFCW will provide separate specific designation

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<sup>3</sup> The Welsh Government has confirmed that its guidance to HEFCW on fee and access planning will remain the same in 2019/20 as for 2017/18 and 2018/19. See HEFCW circular [W16/03HE](#) Annex A part 2.

guidance on its website in due course. For further information on the specific designation process contact [HEPolicy@gov.wales](mailto:HEPolicy@gov.wales).

### Institutional autonomy

19. When exercising its functions, HEFCW will ensure that it complies with its duties under sections 47 and 48 of the 2015 Act, and will not require a governing body of an institution to do anything that is incompatible with any obligations or restrictions an institution has as a charitable organisation. HEFCW will not require an institution's governing body to do anything that is incompatible with the institution's governing documents.<sup>4</sup> In Wales, for chartered institutions, these include the Royal Charter and any instruments that require the approval of the Privy Council. For Higher Education and Further Education Corporations the governing documents are the institution's instrument of government and articles of government. For any institutions in Wales that are companies, and do not fall within the above categories, the governing instruments are the company's memorandum and articles of association.
  
20. HEFCW will take into account the importance of protecting academic freedom when exercising its functions. This includes the freedom of an institution to determine:
  - i. the contents of courses and the manner in which they are taught, supervised and assessed;
  - ii. the criteria for the admission of students and to apply those criteria in particular cases; and
  - iii. the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.

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<sup>4</sup> The governing documents of an institution are set out in Section 47(2) of the 2015 Act.

## Section One: Who can apply for a fee and access plan?

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21. This section provides information on HEFCW's process for submitting a fee and access plan, which, if approved, will lead to the automatic designation of qualifying courses for Welsh Government student support. It covers the regulatory information HEFCW requires to be included in a fee and access plan which demonstrates that an institution is located principally or wholly in Wales, that it provides higher education and that it is a charity. It sets out the information HEFCW requires applicants to provide on the applicant's financial viability, the organisation and management of its financial affairs and the quality of the education it provides. This section also provides information on courses that can be included in a plan, the duration of a plan, the levels of fee income and investment and the processes for exiting the regulatory system.
22. Regulatory information provided by applicants in relation to this section of the plan is for HEFCW's information and not intended for inclusion in the approved fee and access plan published by an institution.
23. For information on the currency and sufficiency of information see paragraph 51.
24. HEFCW has taken into account the outcomes of its review of the 2017/18 and 2018/19 process in drafting this guidance.

### Entry into the regulatory system

25. Applicants for fee and access plans in 2019/20 will include currently regulated institutions with approved plans as well as institutions not previously regulated and without approved fee and access plans.
26. **It is for providers to opt into the regulatory system of fee and access plans.** An institution that wishes its qualifying courses to be automatically designated for Welsh Government student support is required to have a fee and access plan approved by HEFCW. The obligations on a regulated institution's governing body include:
  - i. ensuring that regulated course fees do not exceed the applicable fee limit;
  - ii. complying with any direction lawfully given by HEFCW;
  - iii. taking into account any HEFCW guidance when complying with a direction issued by HEFCW in relation to compliance with fee limits;
  - iv. complying with the general requirements of an approved fee and access plan;
  - v. cooperating with HEFCW in exercising its duties to monitor and evaluate the compliance and effectiveness of a plan;

- vi. taking into account HEFCW guidance on quality;
- vii. taking into account HEFCW advice in relation to provision which is, or is likely to become, inadequate in terms of quality;
- viii. cooperating with HEFCW's duty to assess the quality of its education and education provided by an external provider on its behalf;
- ix. complying with any requirement imposed by the financial management code;
- x. complying with a direction in respect of failure to comply with the code;
- xi. taking into account any guidance contained in the financial management code;
- xii. cooperating with HEFCW's functions in respect of failure to comply with the code; and
- xiii. cooperating with HEFCW's duties to monitor compliance with the code.

### Categories of provision

27. The regulatory framework covers two categories of provision:
- i. higher education provided directly by a regulated institution; or
  - ii. higher education provided *on behalf of* a regulated institution (by another body).
28. HEFCW will take account of how both parties define partnership arrangements, but it is ultimately for HEFCW to confirm whether the provision is provided by, or on behalf of, a regulated institution. Information about partnership arrangements inform HEFCW of provision covered by the fee and access plan and clarify for the partner, its applicants and students, whether the partner's provision should be covered by the plan. HEFCW takes account of partnership arrangements in its assessment of quality, financial viability and the organisation and management of financial affairs.
29. The following paragraphs contain a broad outline of the concepts relating to these categories of provision. For a fuller treatment of these concepts, please refer to HEFCW's [Guidance on Partnership Arrangements](#).<sup>5</sup>
30. Where higher education is provided directly by an institution, that institution must have an approved fee and access plan for its qualifying courses to be eligible for Welsh Government student support.
31. Where higher education is provided on behalf of an institution by another body, the institution on whose behalf the higher education is provided is responsible for applying for a fee and access plan (if that institution is in Wales).

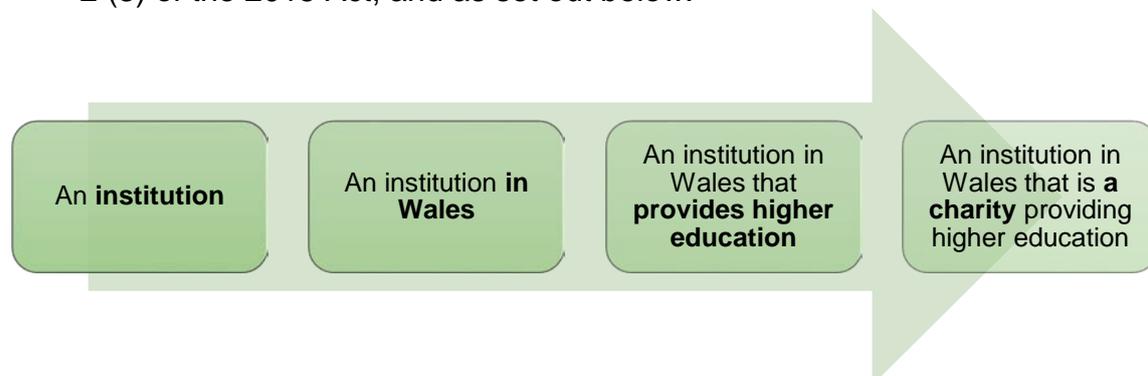
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<sup>5</sup> See paragraph 13 of the Guidance on Partnership Arrangements.

32. Degree awarding institutions and institutions whose higher education courses are validated by an appropriate awarding body can be considered to provide higher education directly.
33. In determining whether higher education is provided directly by applicants for example, through validation arrangements, or on behalf of another body, for example through franchise arrangements, HEFCW will consider which body has control over the qualifying course(s). Factors in assessing this include the body that has responsibility for the overall content and delivery of the qualifying course(s), quality assessment arrangements and contractual responsibility to the student.
34. Bodies delivering higher education under franchise arrangements will be considered to be providing higher education on behalf of another body (the franchisor).
35. Subsidiaries of institutions in Wales which have control over a qualifying course will be considered to provide that course directly. These providers will require a fee and access plan to be approved by HEFCW if they wish to gain automatic designation.
36. Subsidiaries of institutions in Wales which do not have control over a qualifying course will be considered to be providing that course on behalf of another body: in most cases their 'parent' institution (in the same way as if they were providing higher education under a franchise agreement). These bodies (under franchise or subsidiary arrangements) should be included under the 'parent' institution's fee and access plan.
37. Where the partner body is providing higher education on behalf of a regulated institution, the partner must be a separate legal entity and a charity in order for the provision to be eligible for student support.
38. There will be situations where an institution provides higher education directly *and* provides higher education on behalf of another body. For example, an institution may provide its own qualifying courses directly, and also provide qualifying courses on behalf of another body under a franchise arrangement. In these situations, only the courses it provides directly come within the scope of its fee and access plan, not the courses it provides under the franchise arrangement (which will be the responsibility of the franchisor and set out in its plan).
39. Where higher education is provided on behalf of a regulated institution, the regulated institution is responsible for the Welsh Government student financial support and management of data through the Student Loans Company (SLC) student record system.
40. **Appendix B** provides a diagram setting out issues to consider in relation to control over a qualifying course when considering which body is responsible for submitting a fee and access plan to HEFCW.

## Eligibility to apply for a fee and access plan and evidence to be provided to HEFCW

41. Applicants must demonstrate that they meet all criteria according to section 2 (3) of the 2015 Act, and as set out below.



### Criteria for being an institution

42. The 2015 Act does not specifically define the term ‘institution’. Examples of organisations HEFCW regards as institutions include: universities formed by Royal Charter, Higher Education Corporations and Further Education Corporations. These bodies do not need to provide evidence of being an institution. We also consider some bodies providing training for members of the school workforce to be institutions. HEFCW requires all other applicants to provide information to demonstrate that they are an institution as set out in the sections below.
43. HEFCW will determine if applicants satisfy the requirements of being an institution on a case-by-case basis. A provider which is a charity providing higher education in Wales, but which would not otherwise be regarded as an institution, must apply to the Welsh Government if it wishes to be designated as an institution. Applicants must have this status confirmed before a fee and access plan is submitted to HEFCW. Providers not otherwise regarded as an institution, should contact the Welsh Government for advice on designation as an institution, [HEPolicy@gov.wales](mailto:HEPolicy@gov.wales).

### Criteria for being an institution in Wales

44. HEFCW will regard an institution as being in Wales by taking account of a range of information. HEFCW’s consideration of the location of an applicant’s activities will be informed by evidence provided in the application. An application should include:
- i. the applicant’s name;

- ii. the applicant's principal address and legal address where they are different;<sup>6</sup>
- iii. the applicant's [UK provider registration number](#);
- iv. any other names under which the applicant operates;
- v. information on where learning and teaching activities are located. (See definitions in [Higher Education Students Early Statistics Survey \(HESES\) Annex C](#));
- vi. links to the applicant's webpages relating to the applicant's learning and teaching activities;
- vii. details of where the majority of full-time equivalent (FTE) student numbers are located. The total FTE numbers attending courses delivered in Wales will be compared to the total number of all FTE students attending courses delivered outside Wales.

#### Criteria for being an institution in Wales providing higher education

45. HEFCW will consider an institution in Wales as providing higher education if its provision includes a higher education course or courses, regardless of mode, listed in [Schedule 6 to the Education Reform Act 1988](#) and set out in the Welsh Government guidance to HEFCW paragraphs 3.12 and 3.13. HEFCW will require applications to provide the following information to enable it to assess whether they are providing courses of higher education:
- i. a description of the higher education provided by the applicant in Wales;
  - ii. a description of the qualification aims in Wales;
  - iii. the full-time equivalent (FTE) students in Wales that are taking the higher education courses at the date of application and the FTEs taking the higher education courses for three years previously;
  - iv. the location or locations of the higher education provision in Wales;
  - v. link to the applicant's webpages relating to the applicant's learning and teaching activities.
46. For a regulated institution that provides higher education under validation arrangements, HEFCW reserves the right to require copies of agreements for validations, subsidiary and franchise arrangements which demonstrate overall responsibility for content and delivery of qualifying courses.

#### Data used to evidence being an institution and being an institution in Wales providing higher education

47. Where applicants provide information on being an institution in Wales providing higher education, the data provided should be the most current, verifiable data.

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<sup>6</sup> Case law suggests that the term 'principal office' means a place where the business of a body corporate is managed and controlled as a whole - case referred to in *Halsbury's Statutes of England and Wales*, 4th ed., Vol 8, 1999 Reissue at page 366. HEFCW will normally use this meaning when referring to a principal address.

### Criteria on being an institution in Wales that is a charity providing higher education

48. Fee and access plan applicants must be charities. All Chartered Universities in Wales and all Higher Education Corporations in Wales are registered charities. All Further Education Corporations are exempt charities. Other applicants will need to provide their charity registration number and the name and address of their registered charity regulator. If applicants are not registered with a charity regulator, they must provide reasons for this, together with a copy of their governing document.

### Timeframes for applications to be approved or otherwise by 31 July 2018

49. Institutions intending to publish a 2019/20 fee and access plan in line with most institutions in England and Wales should submit fee and access plan applications by **23 March 2018** to enable HEFCW to administer the fee and access process by late June/early July 2018. If fee and access plan applicants intend to submit applications outside this timeframe, they should contact HEFCW to discuss their proposed applications and agree a process timeframe.

### **Requirements of a regulated institution**

50. Applicants seeking entry into the regulatory system must provide information relating to their: financial viability; arrangements for the organisation and management of financial affairs; and the quality of education provided by them, and on their behalf.

### Currency and sufficiency of information provided to HEFCW

51. Where HEFCW holds sufficient, up to date information, we will use it, subject to the governing body's permission to do so, with applicants also being able to submit new, additional or more recent information to inform our assessment processes. Where HEFCW does not have sufficient, up-to-date financial or quality information or data, applicants are required to provide this in support of their applications. HEFCW will consider this in approving or proposing to reject a plan.

### Evidencing eligibility

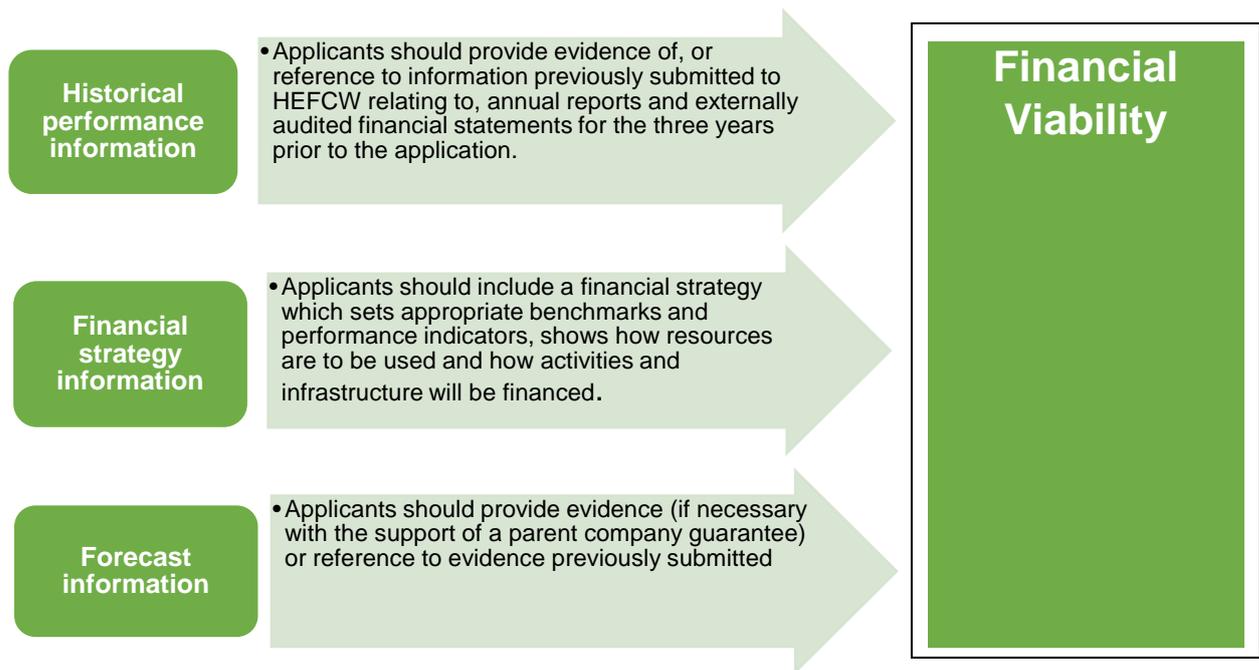
52. HEFCW reserves the right to visit applicants to better understand eligibility related to the organisation and management of financial affairs and the quality of education provided by, or on behalf of, applicants where information is unclear or insufficient.

### Financial viability

53. An institution must provide information to HEFCW about its financial viability, including evidence that it is sustainable over the medium term.

The evidence should be sufficient to give HEFCW reasonable confidence that students will not be at risk of being unable to complete their course as a result of financial failure.

54. Applicants should provide full details of their corporate group structure, including details of all group companies or organisations, including subsidiaries, parent/holding companies and associate or joint ventures.
55. As appropriate, the assessment of financial viability may take into account the financial arrangements of any group structure (including subsidiaries, parent/holding companies, or associate and/or joint ventures) where it is considered relevant to financial viability.
56. Fee and access plan applicants must provide information, which illustrates:
  - i. **Historical performance** - a track record of financial performance evidenced by annual reports and externally-audited financial statements for the three years prior to the application. The accounts must be audited each year by a registered auditor. This must not be the same firm and/or individual that prepared the accounts, to ensure that HEFCW can have full confidence in the audit. The basis of the accounts will be Generally Accepted Accounting Practice in the UK (UK GAAP) (or successor requirements) or International Financial Reporting Standards (IFRS) if appropriate.
  - ii. **Financial strategy** - a financial strategy that reflects the overall strategic plan available at the point of submitting an application for a fee and access plan, sets appropriate benchmarks and performance indicators, shows how resources are to be used, and how activities and infrastructure will be financed. This should include how applicants assess and review their sustainability, including the use of sustainability assessments.
  - iii. **Forecasts - applicants must be able to provide evidence, if necessary with the support of a parent company guarantee, that they have:**
    - adequate cash flow to remain solvent, that is, sufficient liquidity to pay debts as they fall due; and
    - an adequate balance sheet that maintains a net total assets position such that the applicant would not incur deficits if these would result in a net total liabilities position.



57. Applicants should submit links to their current strategic plan plus full financial forecasts for the current year (2017/18) and the following three years. The evidence should include a commentary on the assumptions being made and how any financial risks are being managed. Where applicants have submitted forecasts to HEFCW in July 2017 HEFCW may use these, with the governing body's permission to do so. However, where HEFCW is permitted to use these forecasts, applicants will need to:

- confirm that, given any changes in financial assumptions, both the 'adjusted operating cash flow' and 'surplus/(deficit) for the year' figures for all years of the forecast remain materially unchanged; or
- provide a detailed explanation of the changes in assumptions since the forecasts were submitted, including key figures (e.g. changes resulting from 2017/18 actual recruitment and indicators of 2018/19 recruitment, reductions in HEFCW funding, changes in grant income, changes in operating costs etc.); or
- submit a revised financial forecast return, based on circular [W17/13HE](#). Note that this return should update the forecast figures, but we do not necessarily need the full forecast narrative, provided that a detailed summary of the main movements is supplied.

58. Financial tables and guidance on the completion of the forecast information is available in the HEFCW Requests for Forecasts 2017 circular [W17/13HE](#). Applicants who have not previously completed HEFCW's forecast model may request the Microsoft Excel model by emailing [assurance@hefcw.ac.uk](mailto:assurance@hefcw.ac.uk).

59. HEFCW's assessment of applicants' financial performance and sustainability will not be used in isolation to determine whether it meets this requirement. The financial sustainability assessment will be an overall

judgement that also takes into account the context of the applicants' financial position and their strategic plan.

### The organisation and management of financial affairs

60. Applicants will need to provide evidence that they are well-managed with sound management practice in place and the capacity to develop in line with their strategic plan and the financial strategy that supports their fee and access plan.
61. An applicant must provide information to illustrate that it:
- i. has financial management processes that are well-governed and controlled adequately and effectively;
  - ii. plans and manages activities to remain viable;
  - iii. has robust and comprehensive systems of risk management and internal control;
  - iv. has effective arrangements for the management and quality assurance of data used for internal decision making;
  - v. has regular, reliable, timely and adequate information to monitor operational and financial performance;
  - vi. reports information regularly, comprehensively and correctly to appropriate senior management and those charged with governance;
  - vii. manages its estate in a sustainable way in line with an estates strategy;
  - viii. is able to meet all the necessary data capture and reporting requirements for HEFCW including those administered by HESA and other bodies as required by HEFCW. Examples include:
    - the latest external data audit;
    - the annual HESES survey;
    - student, student destination, staff, estates, finance and business and community interaction data provided to HESA; and
    - the annual assurance return.
62. In assessing the data management capabilities consideration will be given, where applicable, to an applicant's track record in submitting data to HEFCW or other bodies including HESA, the Welsh Government and the Student Loans Company and their compliance with the code of practice for [higher education data collections](#) in preparing data for submission.
63. Applicants must provide evidence that they can comply with the principles of the Higher Education Code of Governance<sup>7</sup> (Committee of University Chairs, December 2014) unless adherence to alternative, equally robust governance principles can be evidenced. HEFCW recognises that the Code is voluntary and institutions may be able to apply alternative governance practices to achieve similar outcomes. However, HEFCW considers that the principles and intended outcomes (referred to as 'the Elements') of the Code are sound. Where it is not possible to evidence

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<sup>7</sup> [Higher Education Code of Governance \(Committee of University Chairs\) December 2014](#)

compliance with the Code, HEFCW will require an explanation that describes equally robust alternative arrangements that are in place or demonstrates that there are appropriate and reasonable grounds for non-adherence.

64. If applicants do not already comply with the Higher Education Code of Governance, they should discuss with HEFCW, before applying for a fee and access plan, how they might provide evidence of equally robust alternative arrangements.
65. Applicants will need to take account of all relevant guidance on the responsibilities of trustees and effective trusteeship. This [guidance](#) is available on the [Charity Commission website](#).
66. Applicants must provide evidence that they:
  - i. comply with the statutory requirements relating to external audit; and
  - ii. are owned, managed and run by 'fit and proper persons' by providing:
    - evidence of the organisation's identity and that of key individuals (for example, the Governing Body, Vice Chancellor, Principal, directors, shareholders, trustees), along with their skills and experience; and
    - confirmation that directors / trustees (as relevant) are eligible to act as either directors or trustees and have not been disqualified from acting as directors or trustees.

#### Quality of education provided by, or on behalf of, an institution

67. HEFCW is responsible for the assessment of the quality of all education provided, both by regulated institutions and on behalf of regulated institutions. For the purposes of assessing quality of education under the 2015 Act, education provided outside Wales is to be considered as provided in Wales if it is provided as part of a course that is provided principally in Wales.
68. The quality of education is deemed to be inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course. Currently, the reasonable needs for higher education quality are considered to be met if a provider obtains satisfactory judgements in its external quality assurance review (or previous Quality Assurance Agency for Higher Education (QAA) review).<sup>8</sup> This ensures quality assessment is rigorous. In every case, a regulated institution receiving a 'Meets requirements with conditions/Requires Improvement' or 'Does not Meet Requirements/UK expectations' outcome will be deemed to have, or to be at risk of having, inadequate quality. The reasonable needs for non-higher education are considered to be met if the provider has a successful review/inspection by the appropriate body responsible for the quality standards of that provision (e.g. [Estyn](#), [Pearson](#), etc).

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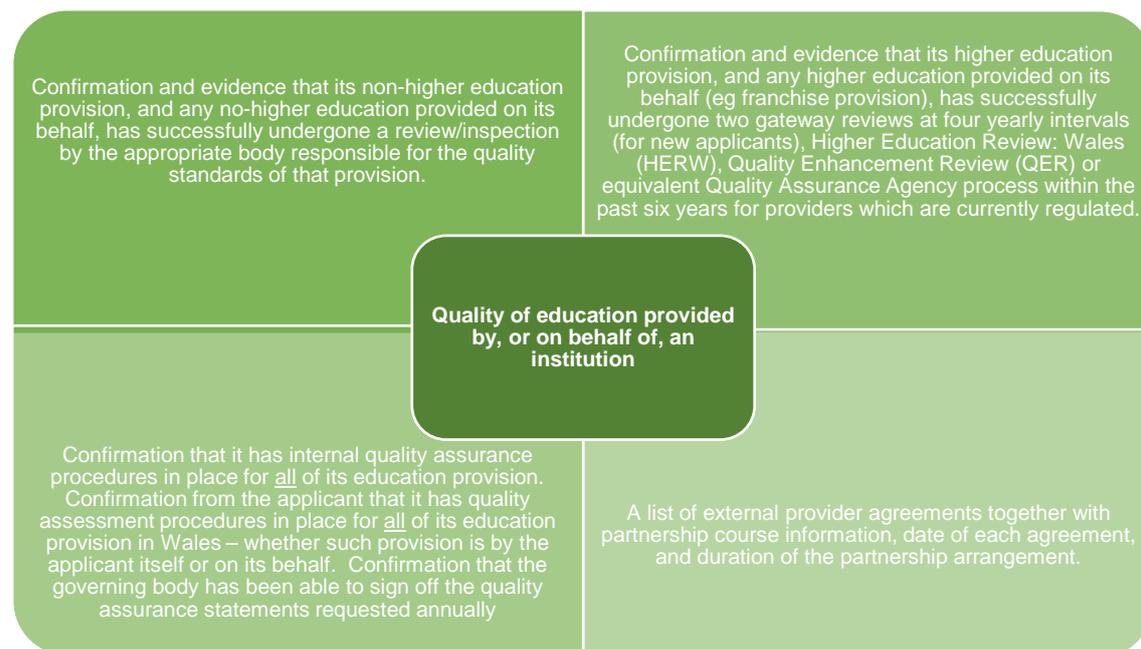
<sup>8</sup> See information provided on HEFCW's [quality assessment framework webpages](#)

69. Institutions which are applying to be regulated must ensure that any agreements they make for the provision of higher education on their behalf (for example, franchise arrangements), must be signed (or have had an addendum added) after 1 September 2015, to confirm that the provision comes under the 2015 Act.
70. Providers wishing to apply for a Fee and Access Plan for the first time must have successfully completed two gateway quality reviews (or equivalent), carried out at four yearly intervals, in order to demonstrate that they meet the quality criteria, as described in circular [W17/40HE: Outcomes of the consultation on the gateway quality review, to enable institutions to seek automatic designation](#). Once an institution becomes regulated it will be required to undertake an external quality assurance review every six years and engage with HEFCW's annual and triennial assurance processes.
71. For 2019/20 fee and access plan applications, applicants must provide *all* of the following:
  - i. confirmation from the applicant that it has internal quality assessment procedures in place for all of its education provision– whether such provision is by the applicant itself or on its behalf. This means higher education provision, and non-higher education provision, e.g. school, further or professional education. It also covers education the applicant provides directly or via other providers;
  - ii. confirmation and evidence that its higher education provision, and any higher education provided on its behalf (eg franchise provision), has successfully undergone two gateway reviews at four yearly intervals (for new applicants), *Higher Education Review: Wales (HERW)*, *Quality Enhancement Review (QER)* or equivalent external quality assessment review process within the past six years for providers which are currently regulated. Applicants that need to undergo a gateway review should contact the QAA. (If an existing regulated institution is in the process of working through review outcomes to address issues identified, in accordance with normal procedures, they may apply for a fee and access plan in the twelve months following the review. HEFCW will need to have confirmation that issues identified have been resolved before a further fee and access plan can be approved);
  - iii. confirmation and evidence that its non-higher education provision, and any non-higher education provided on its behalf, has successfully undergone a review/inspection by the appropriate body responsible for the quality standards of that provision. (If an existing regulated institution is in the process of working through review/inspection outcomes to address issues identified, in accordance with normal procedures, they may apply for a fee and access plan);
  - iv. confirmation that the governing body has been able to sign off the quality assurance statements requested annually:

- 1 The governing body has received a report taking account of the external quality assurance review, and an action plan has been put in place and implemented as appropriate, in partnership with the student body.
  - 2 The methodologies used as a basis to improve the student academic experience and student outcomes are, to the best of our knowledge, robust and appropriate.
  - 3 For providers with degree awarding powers: The standards of awards for which we are responsible have been appropriately set and maintained.
  - 4 For providers without degree awarding powers: The standards of awards for which we are responsible have been appropriately maintained.
  - 5 The governing body has considered a report on the annual dialogue between the institution and the student union or equivalent, scrutinised student survey outcomes and confirmed that action plans had been put in place and implemented, in partnership with the student body.
  - 6 The governing body has received a copy of the relationship agreement between the institution and the student union or equivalent, and a copy of the student charter, both of which have been reviewed within the past year.
- v. a list of external provider agreements together with partnership course information, and confirmation that the agreements were signed after 1 September 2015 (or have an addendum added after 1 September 2015) to confirm the arrangements fall under the 2015 Act.<sup>9</sup>

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<sup>9</sup> As noted above in the section relating to criteria on being an institution in Wales providing higher education, HEFCW reserves the right to require copies of the relevant agreements. HEFCW will keep requirements regarding quality under review, and so may update these in future years.



### Exit from the regulatory system for automatic course designation

72. There are three ways in which a regulated institution can exit the regulatory system including:
- i. not applying for a plan to be in effect for an academic year;<sup>10</sup>
  - ii. not having an application for a plan approved; or
  - iii. having an approved plan withdrawn.
73. HEFCW has a statutory duty to withdraw approval of a fee and access plan where it is no longer satisfied that an institution meets the definition of a regulated institution. HEFCW also has powers to withdraw its approval of a fee and access plan in other circumstances.
74. Where a regulated institution exits the system:
- i. HEFCW's powers in relation to the quality of education provided by, or on behalf of, the institution continue to apply in relation to the institution's designated courses;
  - ii. HEFCW may give the governing body of an institution a direction or take (or not take) specific steps for the purpose of dealing with or preventing a failure to comply with a general requirement of an approved fee and access plan if at the time of the failure the fee and access plan was in force;

<sup>10</sup> HEFCW will invite fee and access plans annually, until further notice.

- iii. the institution's governing body will be required to ensure that fees for academic years starting within the period to which its fee plan related continue to comply with the applicable fee limit; and
- iv. the institution's governing body is required to ensure that students do not lose fee protection and that fees for academic years starting within the period of its most recent fee and access plan continue to comply with the relevant fee limit for the duration of a student's course.

### **Period to which a plan relates and the duration of a plan**

- 75. Fee and access plans must specify the period when they will be in effect (see section 4(1) of the 2015 Act). HEFCW works to an academic and planning year for many purposes, including fee and access planning, which is 1 August until 31 July. Aligning fee and access planning with HEFCW's annual planning cycle enables higher education providers in Wales to be agile in responding to policies, practices and students' needs and to publish fee levels at the same time as other UK higher education institutions.
- 76. A fee and access plan will be considered to be 'in force' from the date it is approved and it has 'effect' from the academic year to which the fee and access plan relates. For example, a 2019/20 plan will be in force from the date of HEFCW's approval, June/July 2018, and in effect in the academic year 2019/20.
- 77. The Welsh Government guidance sets out the expectation that the fee and access plans will only be for one year, in the short-term. The 2015 Act provides for a fee and access plan to be for a maximum of two years. The Welsh Government may develop future regulations, following consultation, for a longer fee and access plan period, possibly up to five years.

### **Fee limits, levels of investment and transparency for students**

- 78. Fee limits must not exceed the maximum amount prescribed in legislation, currently £9,000 per annum. For further information see the [Higher Education \(Amounts\) \(Wales\) Regulations 2015](#), and note that some courses have lower maximum fees (regulations 4 to 6 provide further information). Details of course fees to be charged in 2019/20 must be included in the fee and access plan. Fee levels for all types of courses provided by an institution or on an institution's behalf must be included on a fee and access plan. HEFCW expects that fee and access plans should provide clear information to potential students and current students about their aggregate fees and the basis for any potential fee increases for the duration of their course.<sup>11</sup>

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<sup>11</sup> See Welsh Government guidance to HEFCW on fee and access plans and aggregate fees including paragraphs 4.20, 4.24, 5.4, 8.1

79. In all matters related to fees, including indicating any inflationary increases up to the maximum fee limit as defined by the Welsh Government, an institution must comply with [Competition and Markets Authority \(CMA\) guidelines for higher education](#) and HEFCW strongly encourages institutions to confirm publically that their fee and access plan complies with these guidelines.

### **Levels of fee income and investment**

80. A fee and access plan must account for income received from the whole student fee up to the current Welsh Government maximum of £9,000.
81. A fee and access plan must set out fee levels, total anticipated fee income and the intended total fee amount to be invested in equality of opportunity and the promotion of higher education, in line with Welsh Government fee and access plan guidance. Investment should be identified in the categories set out in the application template. We recognise that applicants may not invest in all categories or invest in them equally.
82. HEFCW expects between 14% and 17% of *total fee income* to be invested in fee and access plan commitments. HEFCW expects all applicants that previously submitted plans in 2017/18 and 2018/19 to invest at least the same proportion of total income in 2019/20, in line with Welsh Government expectations. HEFCW will provide institutions with approved 2018/19 plans individualised 2019/20 Annex Aii Excel templates including their 2018/19 investment information, to enable them to compare investment levels in 2019/20 with 2018/19 levels. Validation built into the submission template will flag up instances where the level of investment does not meet our expectations. For other applicants HEFCW expects an investment of between 14% and 17% of total fee income, to be agreed with us. This range of percentage investment is the reference point for dialogue with institutions.
83. HEFCW's assessment of a fee and access plan will take into account the extent of an institution's investment in, provision and targets for, supporting its fee and access plan objectives. Welsh Government guidance expects HEFCW to be robust in expecting more from previously regulated institutions whose record suggests potential, but insufficient action, to increase their proportion of students from under-represented groups. In such instances, HEFCW's focus will include financial support for students and outreach activity.<sup>12</sup>
84. Where an institution: does not fully achieve its fee and access plan commitments; does not demonstrate sufficient ambition in pace and rate of progress; and/or charges maximum fee levels, HEFCW may set an

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<sup>12</sup> See Welsh Government guidance to HEFCW on fee and access plans paragraph 5.6

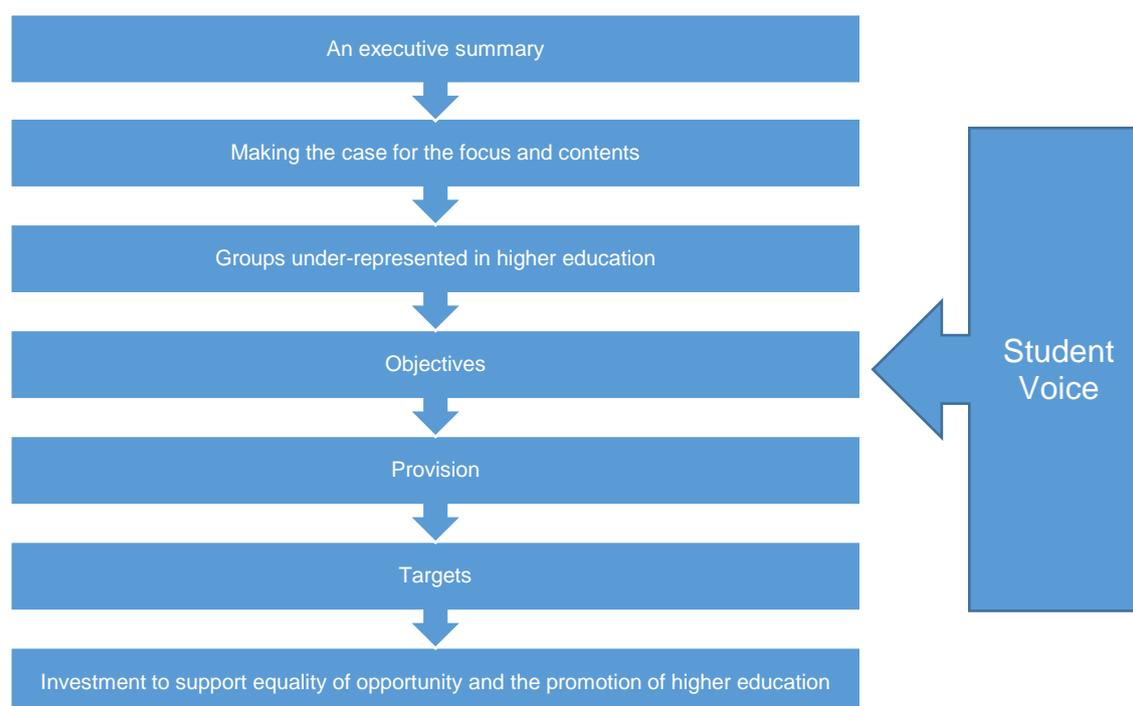
expectation of higher rates of investment in future years, within a range of 15% to 20% of total fee income.

85. A failure to meet the general requirements of an approved fee and access plan may also result in intervention by HEFCW under the terms of the statement of Intervention.

## Section Two: the focus and contents of fee and access plans

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86. This section provides information on aspects of fee and access plans that applicants should address to demonstrate fully their support for equality of opportunity and the promotion of higher education. It highlights the importance of taking account of the student voice in developing and monitoring plans and confirms that under-represented groups should be the focus of supporting equality of opportunity and that access and retention as key priorities. This section includes information on demonstrating a strategic approach to fee and access planning underpinned by a strong evidence base, clear objectives, detailed provision and measurable and challenging targets.



### Strengthening fee and access plans

87. The Welsh Government expects HEFCW to strengthen fee and access plans.<sup>13</sup> We will continue to work with fee and access plan applicants to secure continuous improvement in plans' commitments to students, equality of opportunity and the promotion of higher education. HEFCW's analysis and monitoring of plans will contribute to strengthening plans. In analysing 2019/20 applications we will pay particular attention to:

- lessons learned from the monitoring and evaluation of previous plans;
- how applicants take account of the student voice throughout the fee and access planning cycle from developing to monitoring plans;

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<sup>13</sup> HEFCW remit letter 2017-18.

- where only limited data and information was provided in previous plan submissions to evidence and identify under-representation, we expect to see that this has been updated and improved;
- support, including financial support, for the regional Reaching Wider Programme;
- the relationship between levels of investment in student support and categories of provision and the SMART targets provided to indicate progress and performance;
- evidence of how equality of opportunity activities are likely to improve access to and success in and beyond HE for students under-represented in HE.

### **Audience for plans**

88. The published sections of plans contribute to institutions' corporate marketing documents. Key audiences include HEFCW, Welsh Government, students and potential students, researchers and the media. Plans should be accessible and informative for all audiences. We recognise the challenges of meeting the information needs of diverse audiences and encourage applicants to ensure the information provided is accessible for a range of audiences, including avoiding acronyms and jargon and explaining complex or technical terms.
89. Applications should include an executive summary setting out the main features of the plan and highlighting key priorities. Executive summaries must provide a clear and succinct overview of the content of the plan with sufficient information for readers to begin to understand applicants' strategic intentions. HEFCW may share executive summaries of plans with third parties, including the Welsh Government, as synopses of institutions' fee and access plan commitments.
90. Applicants may submit to HEFCW corporately-branded sections of their applications as part of the initial submission. Branding the publishable sections at an early stage will enable institutions to upload them to their websites more quickly, following receipt of HEFCW's formal approval.<sup>14</sup>

### **The student voice**

91. Fee and access plan applications should clearly articulate the full extent of institutions' engagement with their student bodies, including students' involvement in developing, assessing and monitoring fee and access plans. Fee and access plan applications should set out how the student voice and student partnership arrangements contribute to governance and quality in the institutional context. Applicants should take account of their Student Charter or equivalent commitments. The [Wise Wales statement on partnership for higher education](#) sets out principles of good practice. [Breaking down the barriers to student opportunities and youth social action](#)

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<sup>14</sup> See Section Three for information on sections of the approved plan to be published.

provides a framework and toolkit for student partnership engagement, and the [Guide to providing information to prospective undergraduate students](#) helps higher education providers follow good practice in supplying easily accessible information for prospective students to use in their decisions about higher education study. HEFCW encourages all applicants to reflect in their applications the principles and approaches identified in these documents and to fully engage their student body in fee and access planning.

### Access and retention

92. Fee and access plans should emphasise the contribution they make to ‘access’ to higher education as they relate to equality of opportunity and the promotion of higher education. Fee and access plans are also expected to include provisions to support retention.<sup>15</sup>

### Supporting equality of opportunity and the promotion of higher education

93. Regulations 5 and 6 of the [Higher Education \(Fee and Access Plans\) \(Wales\) Regulations 2015](#), state that applicants must set out the fee and access plan objectives of the institution as they relate to equality of opportunity and the promotion of higher education and specify the level of fee income to be invested in the objectives. Welsh Government guidance to HEFCW provides some clarification on what might, and what must, fall within these terms (see paragraphs 4.18 and 4.19). The term ‘students under-represented in higher education’ is described more fully below.
94. **Equality of opportunity provision relates specifically to groups under-represented in higher education.** The Welsh Government provides the following examples of provision to clarify its expectations. Equality of opportunity provision **must** include the following provisions.

#### Equality of opportunity to support groups under-represented in higher education

- i. promote and safeguard fair access to higher education, including identifying individuals with the greatest potential from under-represented groups;
- ii. attract and retain students and potential students from under-represented groups;
- iii. raise the educational aspirations and skills of people from under-represented groups to support success in higher education;
- iv. support and increase retention, progression and completion, particularly people from low participation neighbourhoods, looked after children, care leavers and carers;
- v. improve the higher education experience for groups under-represented in higher education;

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<sup>15</sup> Supporting retention, see reference to retention in Higher Education (Fee and Access Plans) (Wales) Regulations 2015 paragraph 6 (b).

- vi. provide to under-represented groups effective information, before and during their studies;
- vii. provide high quality academic and welfare support to groups under-represented in higher education; and
- viii. support the progress to employment or further study of groups under-represented in higher education.

95. Promotion of higher education provision includes the following:

Promotion of higher education

- i. deliver more effective engagement with private, public or voluntary bodies and communities in Wales;
- ii. improve the quality of learning and teaching, with reference to the quality of the student experience;
- iii. strengthen the employability of Welsh graduates;
- iv. promote Welsh higher education more effectively internationally;
- v. deliver sustainable higher education; and
- vi. raise awareness of the value of higher education to potential students.

96. All fee and access plan applications **must** include provision to:

- i. attract applications from groups under-represented in higher education;
- ii. retain individuals from groups under-represented in higher education;
- iii. provide financial assistance to students;
- iv. make available to students or prospective students information on financial assistance;
- v. inform prospective students of the aggregate amount of fees to be charged for the completion of the course before the prospective student commits to the course;
- vi. monitor compliance with the provisions of the plan; and
- vii. monitor progress in achieving the objectives set out in the plan.

**Identifying groups under-represented in higher education**

97. We recognise that there are different ways of defining ‘groups under-represented in higher education’. The 2015 Act does not provide a definition. Definitions might include under-representation within the institution’s student body, including students at partner institutions, as well as under-representation in the higher education system in Wales more generally. Individuals with protected characteristics, as defined by the Equality Act 2010 may be under-represented in higher education.<sup>16</sup>

98. Applicants’ evidence-based assessment and definition of under-represented groups should be set out clearly and inform the fee and access plan objectives, investment, provision, targets and provide a coherent narrative of support for the under-represented groups identified.

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<sup>16</sup> Protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; and sex.

Impact assessments of plans may contribute to applicants' evidence of under-representation. We may ask for additional information or data to inform our understanding of plans including, for example, strategic equality plans.

99. We would expect to understand clearly how applicants identify under-represented groups. In identifying under-representation, we encourage applicants to consider the number of groups fee and access plan investment can reasonably and effectively support. In previous plans some institutions identified a very small number of groups, while others identified a wide range of groups. Too precise targeting may require applicants to focus their fee and access plan provision and investment very narrowly, thereby limiting support for other priority groups, conversely too wide a focus may not provide key groups with sufficient support.
100. **Applicants' equality of opportunity-related objectives, provision, targets and investment must relate only to groups under-represented in higher education** with the aim of removing the barriers to higher education that they experience and improving their retention and success.<sup>17</sup>
101. We recognise that not all individuals within groups under-represented in higher education face disadvantage in accessing and succeeding in higher education and fee and access plan applicants will want to take this into account. In making the case for the under-represented groups identified in a plan, applicants will need to analyse their admissions and retention profiles, and the student body profile, to target resources appropriately. Definitions may include people of all ages from: disadvantaged communities and communities with low-levels of progression to HE; people with protected characteristics; some ethnic minorities and; people studying through the medium of Welsh.
102. NUS Wales recognises the importance of supporting all groups under-represented in higher education. NUS Wales campaigns to: improve students' mental health and wellbeing; increase the participation of black and ethnic minority students in the day-to-day life of institutions and; close the degree attainment gap for those BME students affected by this. NUS Wales' evidence-based campaigns to support these groups can inform institutions' prioritisation of, and provision for, them.
103. Effectively targeting individuals from groups under-represented in higher education, will include identifying 'hard to reach' learners. HEFCW considers that hard to reach learners would include people of all ages within the under-represented groups listed above, plus people:
  - i. living in workless households;
  - ii. experiencing 'in work poverty';

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<sup>17</sup> Under-represented groups as defined by the 2015 Act and Welsh Government Guidance to HEFCW on fee and access plans are 'groups that are under-represented in higher education'.

- iii. seeking asylum;
  - iv. receiving an Educational Maintenance Allowance (EMA);
  - v. being eligible for free school meals;
  - vi. being the first in their family to enter HE;
  - vii. acting as carers;
  - viii. having a care background;
  - ix. being estranged from their families; or
  - x. having a background of criminal convictions.
104. Institutions should consider attracting and retaining **part-time and mature students** in relation to the learning and teaching they provide and that which is provided on their behalf. When considering fee and access plan applications, HEFCW will take into account overall approaches to supporting under-represented groups.

### **Demonstrating a strategic approach to fee and access planning**

105. In developing plans, applicants should take account of HEFCW's corporate documents including HEFCW's Strategic Equality Plan and objectives.
106. Applicants must set out clearly how their relevant institutional strategic documents inform the development of their fee and access plans and how the plans align with appropriate strategic objectives. For institutions, strategic corporate documents include Strategic Engagement and Planning documents (SPEDs) or their equivalent, strategic equality plans or similar plans and Welsh language strategies/standards and/or commitments.
107. Plans should demonstrate the nature and extent of the relationship between fee and access plan-funded activity and regional Reaching Wider Partnership provision and be explicit about funding streams that support fee and access plan provision and funding that supports HEFCW-funded Reaching Wider Partnership work. We want to understand clearly how plans and Partnerships add value to equality of opportunity and the promotion of HE regionally. Plans should indicate their investment in and contribution to their Regional Reaching Wider Partnership.
108. In assessing applications, HEFCW will want to understand clearly the relationship between fee and access plan objectives, identified groups under-represented in higher education and the priorities set out in institutions' relevant, broader strategic documents. A clear articulation of the alignment between corporate and fee and access plan objectives is fundamental to enable HEFCW to understand the extent of the university's commitment to securing equality of opportunity and the promotion of higher education.

## **Making the case for the focus and contents of the fee and access plan**

109. Applicants should make the case for the focus and contents of fee and access plans. Where applicants have had fee and access plans in place previously (including plans formerly known as ‘fee plans’), a critical assessment of available data, including reference to regional, Wales or UK reports and/or other evidence, outcomes and lessons learnt from previous plans, should inform applications. We want to understand how evidence and data informs the 2019/20 application. Where only limited data and information was provided in previous plan submissions, HEFCW will expect to see that this has been updated and improved in 2019/20 applications.
110. Applicants should take account of international, national or regional research and data on the effectiveness of their previous intervention strategies. The use of evidence and data may identify the benefits of supporting collaboration and/or regional coherence agendas, including the Reaching Wider Programme.
111. HEFCW expects applicants to set out clearly the lessons learnt from previous fee and access plan delivery and monitoring processes and how these processes have contributed to the development of the current plan. Plans should have a strong and coherent narrative to enable HEFCW and other interested parties to understand the direction of travel, anticipated pace of change and progress to be made.

## **Reflecting the higher education provision of partners**

112. Applicants should reflect in their plans all full-time undergraduate higher education learning, teaching or other provision they make, or that is made on their behalf (e.g. through partnership arrangements) which supports equality of opportunity and the promotion of higher education. Provision by these partners should be reflected throughout the focus and contents of plans, including in the objectives, targets and investment.
113. HEFCW recognises the dynamic nature of new and developing partnership arrangements. Information on proposed changes to an approved fee and access plan, resulting from new partnership developments can be found in HEFCW’s guidance to institutions on [varying a fee and access plan](#).

## **Identifying objectives, provision and investment that supports equality of opportunity and promotes higher education**

114. Having made an evidence-based case for the groups to be identified as under-represented in higher education, applicants should establish the objectives, provision and investment they propose to support equality of opportunity and the promotion of higher education. HEFCW recognises that it might be neither beneficial, nor meaningful, to identify too wide a

range of objectives across all areas of the plan. However, HEFCW and governing bodies will want to be satisfied that there are sufficient objectives to provide a full account of the level of public investment to which the plan relates.

115. Previously, some applicants adopted the Welsh Government 'categories of provision'<sup>18</sup> as their objectives. HEFCW considers this approach to be effective, enabling applicants to demonstrate a coherent approach across the whole of the student experience from access to qualification and beyond.
116. Applicants should set out the amount of fee and access plan income they will invest in different categories of provision and cost the provision by category. We recognise that applicants may not invest in all categories nor invest equally across categories. Identifying investment by the categories provided will enable HEFCW to report at a national level on investment by Welsh Government measures. It is likely that each institution will cost provision differently, however, we anticipate that cost trends over time will contribute to HEFCW's understanding of applicants' focus and priorities. Where applicants identify investment against categories of provision we expect them to set SMART targets that relate clearly to those categories of provision.
117. Applicants should set out their level of investment in the regional Reaching Wider Programme and describe their expectations of how this investment will be used to support and add value to existing Reaching Wider provision.
118. A reasonable level of subscription to networks or services that directly support widening access, equality of opportunity and the promotion of higher education can be included in applications and such expenditure should be categorised under a separate heading in the application template. We will assess investment in these areas to ensure it remains reasonable and proportionate.
119. Provision that is of a more routine nature offers a limited means of demonstrating applicants' aspirations to make a significant and targeted contribution to supporting and promoting equality of opportunity and higher education. Such activity might include coordinating conferences, enrolling students on well-established programmes or general, untargeted, marketing and recruitment. HEFCW encourages applicants to consider whether such activity is best placed within fee and access plans or, more appropriately, resourced from other fee income. We consider activities of a more routine nature, such as those described above, do not provide HEFCW nor a board of governors with an effective measure of performance or progress and we encourage applicants to consider stronger outputs and SMARTer targets.

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<sup>18</sup> Welsh Government guidance to HEFCW on fee and access planning paragraphs 4.18, 4.19.

120. A fee and access plan application must explain the reasons for, and provide information about, packages of financial support to be made available to students, for example, hardship funding, bursaries and/or other financial support which might have replaced financial contingency funding. Where institutions have provided similar support in previous years, they should account for any changes in investment levels. Plan applicants should explain how they will evaluate the impact of their financial support packages in terms of access and retention.

121. HEFCW wants to retain and enhance existing and emerging activity and practice in supporting widening access including the Reaching Wider Programme, equality and diversity and promoting higher education in Wales. Such activity which may support groups under-represented in higher education includes, but is not limited to:

- all-age recruitment from areas in the bottom two quintiles of the lower super output areas of the Welsh Index of Multiple Deprivation (WIMD);
- participation and success in HE inventions supporting all-age groups under-represented in higher education, including those from UK low participation areas (POLAR 4);
- attainment-raising activities to improve differential outcomes particularly for students of all ages from disadvantaged backgrounds and with protected characteristics;
- articulation and progression pathways into higher education including from further education and higher education, higher education in further education and Welsh medium higher education;
- fair admissions;
- Wales as the destination of first choice, for higher education including to students from Wales and the UK;
- higher-level learning and skills, retention and student success;
- flexible learning opportunities, including part-time study, workplace learning and technology-enhanced learning;
- approaches which increase access to, and widen participation in, internationalisation opportunities, including international study, placement and volunteer experiences.
- fair access to the professions (including access to medicine and science, technology, engineering, mathematics provision), high level skills and the priority sectors contributing to economic prosperity;
- UK, national and Welsh Government priorities relating to tackling poverty, raising educational aspirations and attainment, supporting mental health and wellbeing; social mobility and social justice;
- widening access sustainability;
- collaborative, cross-sectoral, multi-agency approaches regionally and nationally; and
- the evidence base to support widening access and impact assessment demonstrating effective practice and success in widening access to higher education.

122. HEFCW encourages fee and access plan applicants in Wales to collaborate in delivering provision that is beneficial to individuals, local communities and regions. Such collaboration may include support for the Reaching Wider regional partnership structures and/or provision. Where provision included in applications, is funded from sources other than fee and access plans, applicants should identify the source of funding. HEFCW recognises that collaboration may result in prospective students applying to study at partner institutions or more widely.
123. The Welsh Government recognises the contribution that higher education can make to [civic engagement](#). Where fee and access plan provision also supports civic engagement, applicants may want to take the opportunity to draw attention to relevant civic-engagement-related provision.

### Target setting

124. A fee and access plan should contain SMART<sup>19</sup> institutional targets that contribute directly to demonstrating applicants' commitment to increasing and/or maintaining the number or percentage of students from under-represented groups in higher education and other fee and access plan objectives, as appropriate. Targets should demonstrate the level of ambition, pace of progress and distance to be travelled by applicants. Performance, as identified by targets, should relate directly to objectives, levels of provision and investment. For further information on target setting, including providing contextual information/data on targets, see paragraph 223.
125. SMART targets should inform HEFCW's or governing bodies' assessment of progress and/or account for effective investment. Applicants should set targets underpinned by the most recent data available to ensure that target baselines transparently articulate the distance to be travelled.
126. Where appropriate, applications may include collaborative targets. Collaborative targets may increase engagement with potential applicants, secure economies of scale, or avoid unnecessary duplication. HEFCW encourages the alignment of investment and planning underpinned by collaborative targets, including with the Reaching Wider Programme, where it supports equality of opportunity and promotes higher education.
127. Targets should be focused on applicants' assessment of areas where improvements in equality of opportunity and the promotion of higher education should be made. In areas where achievement or progress is already strong, it will be more useful for plans to include targets in areas where improvement or enhanced performance is necessary.
128. In relation to equality of opportunity, there should be a clear line of sight between under-represented groups identified and targets that will measure progress in improving their representation in HE. In considering targets for

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<sup>19</sup> specific, measurable, achievable, realistic, time-bound

under-represented groups, applicants may wish to include targets relating to attracting, retaining and/or supporting people with protected characteristics where they are under-represented in their institution or in higher education more generally, and to note how this aligns with Strategic Equality Plans or equivalent commitments to equality and diversity.

129. In setting Welsh medium targets HEFCW strongly recommends applicants discuss targets with the [Coleg Cymraeg Cenedlaethol](#) as Welsh medium HE is a policy priority for Welsh Government.
130. Improving equality of opportunity is a long-term agenda and HEFCW recognises the tension of balancing longer-term aspirations with a requirement to report on targets annually. Targets should be achievable within one year or be milestone targets set for 2019/20 which contribute towards a longer-term target, to enable progress to be reported through annual monitoring by December<sup>20</sup> following the period for which the plan was in effect.
131. For some measures or indicators that could be used as targets, such as the HESA UK performance indicators, it may be difficult to include targets relating to 2019/20 as they cannot be measured within the reporting timeframe outlined above. Applicants will want to ensure that targets set will be measurable at the point of monitoring and evaluation. In some cases this will mean that targets are based on the latest data available at the time of monitoring rather than data for 2019/20.
132. Applicants' targets must be derived from auditable sources. A clear audit trail should be maintained to support the calculation of the baseline target and what has been achieved for subsequent monitoring.
133. Targets contribute to providing to the Welsh Government, HEFCW, governing bodies and other interested parties an account of, and return on, the level of public investment underpinning the plan. HEFCW recognises that the level of public investment differs between institutions, as will the quantity of targets and we will consider the reasonableness of the targets set in our assessment of plans.
134. Applicants should pay close attention to target setting. Failure to demonstrate effectively that the institution secures and retains reasonable numbers of under-represented groups may impact on the percentage of fee income an institution will be expected to invest in fee plan commitments in future years.

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<sup>20</sup> HEFCW will continue to review the fee and access plan annual monitoring cycle. December 2020 is an indicative date for annual monitoring of 2019/20 fee and access plans.

## Section Three: HEFCW's 2019/20 fee and access plan process

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135. Section three provides information on the authorisation and submission of a fee and access plan. It outlines HEFCW's fee and access approval and rejection process, the requirement to publish a fee and access plan, variations to a plan, monitoring and evaluation processes, impact and sustainability considerations and HEFCW contacts for information and advice on the fee and access plan process.

### 2019/20 fee and access plan application template and notes on completing the template

136. The 2019/20 fee and access plan application template is provided in two parts: **Annex Ai** and **Aii**. **Section Four** provides definitions and notes on completing the tables in **Annex Aii**. Notes relating to **Annex Ai** are provided within the annex. Applicants should address all relevant sections of **Annexes Ai** and **Aii**.

137. **Annex Ai** collects, in a Word template, regulatory information about the fee and access plan applicant, information on supporting equality of opportunity and the promotion of higher education and the governing body's authorisation of the application.

138. **Annex Aii** collects, in an Excel template, information about income and investment levels, course fee levels and associated student numbers, partnership arrangements and institutional targets. Individualised Excel templates will be provided to institutions with an approved 2018/19 plan. The individualised template will contain investment information taken from the approved 2018/19 plan for comparison with the data to be returned for 2019/20. Where comparable data for 2018/19 indicates a higher proportion of investment than in 2019/20, applicants are asked to provide an explanation for the reduced investment. For institutions applying for a fee plan for the first time, HEFCW will provide a standard template, without investment information from 2018/19, on request from [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk).

### Authorisation of fee and access plans

139. The governing body of an institution is responsible for applying for a fee and access plan. The governing body must approve the final fee and access plan application for submission to HEFCW, following a process of engagement with the student body. HEFCW may not approve a plan that does not fully demonstrate that it has been through the stages outlined above. HEFCW will require a governing body to approve the final re-submission of a plan, where the application has been amended following discussions between HEFCW and the institution. Delays in the governing

body confirming its approval at this final stage in the process may impact on HEFCW's ability to approve a fee and access plan within the planning timeframe set out in this document. Therefore, applicants should ensure their processes are sufficient to secure delegated authority from their governing body in these circumstances.

### **Submission of a fee and access plan application**

140. Completed fee and access plan applications should be uploaded to our secure site at <https://www.hefcw.ac.uk/uploadfap.aspx> by **23 March 2018**. All file names should be clearly labelled with the applicant name, a description of the file and the date of submission. Please note that there is a maximum file name length of 255 characters. Please submit **Annex Ai** in Word format and **Annex Aii** in Excel format. If applicants are unable to submit a signed Word version of **Annex Ai**, please also submit a signed PDF version. As noted above, any delays in governing body confirmation of its approval may impact on HEFCW's ability to approve a fee and access plan within the planning timeframe set out in this document.

### **HEFCW's fee and access plan approval and rejection process**

141. HEFCW cannot approve a fee and access plan unless it is satisfied that the applicant meets all the regulatory requirements as set out in Section One of this guidance.
142. Following receipt of a fee and access plan application, HEFCW will discuss informally any issues in the plan directly with the applicant.
143. Where fee and access plans are submitted as part of the annual submission process, HEFCW will aim to notify applicants of the outcome of the assessment process, normally by late June/early July, after which it will list institutions with accepted plans on its website and inform the Student Loans Company. Any institution that does not have an approved fee and access plan in place following HEFCW's normal assessment process may continue its dialogue with HEFCW and/or be subject to the processes set out below, and described in the diagram in **Appendix C**, relating to HEFCW's processes for intending to reject a plan.

### **HEFCW criteria for the assessment of fee and access plans**

144. The following criteria will be used in the assessment of fee and access plans:

#### Part One – regulatory requirements

145. The robustness of evidence provided relating to the applicant's eligibility to enter the regulatory system as it relates to:

- i. being an institution in Wales
- ii. providing higher education;
- iii. being a charity;
- iv. its financial viability,
- v. its effective organisation and management of its financial affairs;
- vi. the quality of the education provided by it or on its behalf; and
- vii. the fee limits not exceeding the maximum applicable fee limit specified in the legislation.

### Part Two – focus and contents of plans

- i. the extent to which the plan builds on an evaluation of relevant previous practice in the institution or more broadly to address any weaknesses or areas for improvement when removing barriers to higher education for groups under-represented in higher education;
- ii. the extent to which the plan safeguards fair access;
- iii. the extent to which the plan addresses equality of opportunity and the promotion of higher education;
- iv. the extent to which the plan covers under-represented groups and provides the evidence-base for selecting those groups;
- v. the extent to which the plan addresses the recruitment and retention of the under-represented groups selected;
- vi. alignment with the strategic objectives of the institution;
- vii. the level of ambition as evidenced by the targets set and/or distance to travel in securing an increased proportion of students from under-represented groups, particularly in relation to financial support and outreach;
- viii. the provision of financial advice to potential students and students;
- ix. the amount of student support provided from fee income; and
- x. the level of the fee and the proportion and distribution of fee income spent to deliver equality of opportunity and the promotion of higher education.

### Part Three

- i. the governing body's signed approval of the submitted plan.

146. HEFCW will confirm that a fee and access plan is approved by writing to an institution's governing body. If HEFCW is unable to approve a plan it will write to the governing body (sent to the Chair of the governing body and Clerk to the governing body and copied to the Accountable Officer) to set out the reasons for its proposed rejection of the plan.

### **Notice of HEFCW's intention to reject a fee and access plan**

147. HEFCW will not approve a fee and access plan where:

- i. regulatory information provided by the applicant is considered to be inadequate;<sup>21</sup>
  - ii. the applicant's fee limits exceed the maximum applicable fee limit specified in the legislation; or
  - iii. the institution's governing body has not signed its approval of the submitted plan.
148. HEFCW may not approve a fee and access plan where it considers HEFCW's criteria for the assessment of the focus and contents of plans, listed above, are not adequately met.
149. If HEFCW proposes to reject a fee and access plan it must provide the applicant's governing body with a warning notice. The diagram in **Appendix C** sets out the stages of the notice process.

### Stage One

150. The warning notice, stage one, will:
- i. set out the proposed rejection of the fee and access plan;
  - ii. set out HEFCW's reasons for proposing to reject the fee and access plan;
  - iii. inform the governing body that it may make representations to HEFCW about the proposed rejection of the fee and access plan; and
  - iv. specify the period (40 days) from the date of the warning notice within which, and the way in which, representations may be made.
151. From the date of the warning notice, applicants have up to 40 days to make written representation to HEFCW, with all representations to be sent to the HEFCW Chief Executive.
152. Where representations are received, HEFCW will undertake to review the representations and decide whether to issue a notice of rejection of the fee and access plan within 40 days of receipt of the representations, except where the submission of additional information is required in order for HEFCW to be able to adequately consider the representations. In such instances, the additional information will be requested within 28 days of receipt of the representations and should be submitted by the institution within 28 days of this HEFCW request, in order for a decision to be made within 60 days of receipt of the original representations. Where representations are received, no Notice of Rejection of Proposed Fee and Access Plan will be issued until after the completion of this process.
153. Following completion of stage one, HEFCW may decide to approve the proposed fee and access plan and no further action is required.

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<sup>21</sup> Information regarding being an institution in Wales, providing higher education and being a charity that is financially viable with sound arrangements for the organisation and management of its financial affairs and quality of all the education provided by, or on behalf of, it.

## Stage Two

154. Where, following completion of stage one, HEFCW considers it is unable to approve the proposed fee and access plan, a notice of rejection will be issued. The notice will:
- i. set out HEFCW's reasons for rejecting the proposed fee and access plan;
  - ii. inform the governing body that it may apply for a review of the decision to reject the proposed fee and access plan; and
  - iii. include any other prescribed information set out under the 2015 Regulations, that is: the date of issue of the notice; an explanation of when the notice is to be treated as having been given; the grounds on which an application for review may be made; the procedure that a governing body must follow in order to apply for a review; and the name and address of the review panel to whom an application for a review must be made.
155. Regulations state that a notice is to be treated as having been given on the day that the first of these events occurs:
- i. the governing body notifies HEFCW in writing that it accepts the notice;
  - ii. the time limit to apply for a review has expired and the governing body has not applied for a review;
  - iii. a review has concluded and HEFCW has notified the governing body in writing that the notice has effect.
156. Regulations state that applications for review must be made to the review panel in writing within 40 days of the notice rejecting the proposed fee and access plan. The application for review must specify the grounds for the review and include: a copy of the notice to be reviewed (including all information provided with and/or in it by HEFCW) and information in support of the application.
157. The grounds on which an institution's governing body may apply for a review of a notice rejecting its proposed fee and access plan are as follows:
- i. the governing body presents a material factor for consideration to which, for good reason, it has not previously drawn HEFCW's attention; and/or
  - ii. the governing body considers that HEFCW has disregarded a material factor which it should have considered; and/or
  - iii. the governing body considers that the decision to reject the proposed fee and access plan is disproportionate in view of all the relevant facts which were considered by HEFCW.
158. It should be noted that an application for a review cannot be made where the institution's governing body has notified HEFCW in writing that it accepts the notice rejecting the proposed fee and access plan.
159. The review is to be carried out by a review panel, constituted of a person, or panel of persons, appointed by the Welsh Ministers. Upon receiving an

application for a review, the review panel will provide the governing body and HEFCW with an anticipated timetable for completing the review. The review panel will also give HEFCW details of the notice rejecting the proposed fee and access plan to be reviewed, details of the grounds on which the review application has been made and a copy of the information supplied by the governing body in support of the application for review.

160. The review panel may make a written request for further information from HEFCW or the governing body for the purposes of the review. Any request for further information made by the review panel will be sent to HEFCW and the governing body at the same time. HEFCW or the governing body will be required to provide any information requested by the review panel within 28 days of the date of the request. The review panel will not be obliged to consider any information received after the expiry of this period.
161. The review panel will provide a copy of any information received within the 28 day period to the governing body (if the information was provided by HEFCW) or to HEFCW (if the information was provided by the governing body). The review panel will also consider whether it is appropriate to allow representations from either HEFCW or the governing body in respect of any further information submitted to it in response to its request for such information. If the review panel considers it appropriate to allow representations, it will notify HEFCW and the governing body accordingly.
162. The review panel will take account of all information submitted, and representations made, by HEFCW and the governing body in reaching its decision. The review panel will prepare a written report that is dated and sent to both HEFCW and the governing body at the same time.
163. HEFCW will take account of the review panel's report and reconsider its decision to issue the notice rejecting the proposed fee and access plan. HEFCW will then notify the governing body in writing within 40 days of the date of the review panel's report as to whether or not the notice rejecting the proposed fee and access plan has effect, and provide reason for that decision. If the outcome of the review is that the notice should have effect that decision will be binding on the governing body of the institution.

### Stage Three

164. Where the governing body accepts the notice rejecting the proposed fee and access plan, the time limit for applying for a review has expired without an application being made or the review panel upholds the notice, HEFCW will reject the proposed fee and access plan.

## The requirement to publish an approved plan

165. Successful applicants must publish their approved plans on their websites and include the date of HEFCW approval and the date of publication.<sup>22</sup> HEFCW expects publication to be within one week of our formal approval of the plan. Published plans must be easily accessible to prospective students, students and other interested parties. The published text **must** not vary from the text in the plan as approved by HEFCW, but should include the date of HEFCW approval and publication.
166. The sections of the approved plan that **must** be published are:
- i. Section Two (Focus and Contents) of approved plans;
  - ii. the governing body's authorisation page (Section Three) starting with the section heading: '*Authorisation of the 2019/20 fee and access plan application for submission to HEFCW...*' Institutions should publish the final approved governing body signature and date, rather than any earlier approvals; and
  - iii. Tables A, B, C, D and G of **Annex Aii**, and they may publish E and F should they wish to.
167. There is no need to publish any HEFCW guidance notes, which form part of the template.

## Monitoring and evaluation of fee and access plans

168. The Welsh Government expects fee and access plan applications to be informed by institutions' own monitoring and evaluation of previous plans (see Section Two: *Making the case for the focus and contents of the fee and access plan*). HEFCW expects institutions to monitor and evaluate the impact and effectiveness of fee and access plans annually.
169. Applicants must consider their monitoring and evaluation processes for fee and access planning at an early stage and before approved plans come into effect. For regulated institutions, with approved plans in 2017/18 and 2018/19, evaluation processes must be in place from at least 2017/18. An institution should monitor its progress to inform its reporting to HEFCW. The development of a fee and access plan should be informed by the intelligence gathered by an institution as part of its monitoring and evaluation of previous plans. Monitoring which informs evaluation will contribute to HEFCW's annual assessment of fee and access plans.
170. HEFCW recognises that effective evaluation requires resource. We expect resource to be included for fee and access plan evaluation. Reasonable evaluation costs can be included in the fee and access plan application funding categories and in a description of provision under the plan. Where resources are allocated to support evaluation, HEFCW will want to understand the evaluation approach and intended outcomes. All regulated

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<sup>22</sup> This guidance indicates that the regulatory information (section one) of the fee and access plan is for HEFCW and not for publication.

institutions should develop and review their fee and access plan evaluation framework to assure themselves and HEFCW that the plan will deliver meaningful outcomes and meet ambitious targets. It might not be appropriate to evaluate all aspects of a fee and access plan every year, but we would want to understand the institution's evaluation plans. We reserve the right to sample evaluation frameworks and evaluation planning to inform our own evaluation processes, our reporting to Welsh Government and in order to identify and share effective practice.

171. HEFCW will monitor and evaluate the effectiveness of individual agreed fee and access plans, and plans collectively, in supporting equality of opportunity and promoting higher education. The Welsh Government considers that monitoring and evaluation will become an increasingly important component of HEFCW's regulatory role. HEFCW's monitoring and evaluation outcomes will:
- i. inform its future good practice information and advice;
  - ii. contribute to our assessment of effective fee and access plan activities and investments with the aim of improving plan outcomes;
  - iii. inform future fee and access plan guidance; and
  - iv. contribute to HEFCW's annual reporting to Welsh Government.
172. The 2015 Act enables Welsh Ministers to issue guidance to HEFCW on its fee and access monitoring and evaluation functions.
173. HEFCW will assess the success, or otherwise, of fee and access plans following the submission of fee and access plan monitoring reports annually, normally in December following the period for which the plan was in effect. If appropriate, external advice may be sought in the assessment process, including advice from HEFCW's Regulation Committee, a sub-committee of our Council.<sup>23</sup>
174. HEFCW expects to report to Welsh Ministers annually on how it has exercised its functions by virtue of the Act. HEFCW will report to the Welsh Government in March 2020, including on fee and access plans that were in effect during academic year 2019/20.

### **Variation of a fee and access plan**

175. While fee and access plans are in force, regulated institutions are required to inform HEFCW immediately of any changes to their charitable status, principal location or activities that may impact on their satisfaction of the criteria under Section 2(3) of the 2015 Act.
176. Where there are any changes to approved fee and access plans and their commitments, regulated institutions should discuss the implications of these changes with HEFCW and their student representatives at the

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<sup>23</sup> Information about HEFCW's Regulation Committee will be available on our website in due course. In the meantime please contact us for more information.

earliest opportunity and in advance of any changes being made. Such changes may include, but are not limited to:

- changes to tuition fees;
- provision at new locations,
- new or revised arrangements for higher education provided on behalf of institutions;
- or where a body providing learning and teaching on behalf of institutions ceases to be a charity while the fee and access plan is in force.

Changes to fee and access plans will require HEFCW agreement.

177. Any financial commitments to students made in plans approved by HEFCW, must be honoured.
178. Where a published plan is varied with HEFCW approval an institution should publish their revised plan and include the revised date of HEFCW's approval and the revised date of publication. Where a variation to a plan is not approved by HEFCW the existing published plan will stand.
179. Detailed guidance on varying a fee and access plan is provided on the [HEFCW website](#).

### **Meeting the general requirements of an approved fee and access plan**

180. A failure to meet the general requirements of an approved fee and access plan may result in intervention by HEFCW under the terms of the statement of Intervention.

### **HEFCW's impact assessment**

181. As a public authority, HEFCW has responsibilities under the Equality Act 2010 and [Public Sector Equality Duty](#) to give due regard to equalities issues when developing and implementing its policies. In addition, HEFCW has duties under the Well-being of Future Generations (Wales) Act (2015) (Future Generations Act) and duties in relation to the Welsh language.<sup>24</sup> HEFCW is not a regulator of compliance with legal obligations under the Equality Act 2010. Fee and access plan applicants should note that, in the context of equalities, the Welsh Government guidance to HEFCW on fee and access plans (paragraph 4.18) states that groups under-represented in higher education may include individuals who share protected characteristics,<sup>25</sup> as recognised by the Equality Act.

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<sup>24</sup> Welsh language standards regulations, which apply to HEFCW, were published in early 2017.

<sup>25</sup> Protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion and belief and non-belief, sex and sexual orientation.

182. HEFCW included specific equalities-related questions in its broad consultation on the 2017/18 fee and access plan guidance, on which this guidance is based. HEFCW encouraged consultation responses to identify any potentially negative impacts on equality and diversity, the Welsh language and the well-being goals, as set out in the Future Generations Act. HEFCW reviews data and evidence related to protected characteristics and the Welsh language, where it is available to HEFCW. HEFCW continues to welcome additional evidence to inform its fee and access plan policy development and implementation.
183. HEFCW is committed to providing a high standard of service to the public in Welsh and English, in accordance with the principle of treating the Welsh and English languages equally. Our standards of service are consistent with our [Welsh Language Scheme](#). Further information is available on our [website](#).
184. Opportunities to study through the Welsh language are a distinctive and important part of higher education in Wales. HEFCW supports the development of Welsh medium higher education and works with higher education providers to increase enrolments on Welsh medium courses. In developing fee and access plans, applicants should take account of Welsh medium provision.
185. HEFCW's [Well-being Statement](#) sets out our commitment to support the Welsh Government's Well-being of Future Generations Act (2015), its goals and ways of working. We will deliver our well-being objectives through our Corporate Strategy. Fee and access planning falls within the key area of regulating higher education providers in Wales. Fee and access planning processes contribute to most of Well-being of Future Generations goals, particularly, a prosperous Wales, a healthier Wales, a more equal Wales, a Wales of more cohesive communities and a Wales of vibrant culture and Welsh language. The delivery of our well-being objectives will be ongoing. Given the anticipated level of change for HEFCW and higher education, it is our intention initially to review our initial well-being objectives annually.

### **Further information and advice**

186. The 2015 Act enables HEFCW to provide information and advice to the governing body of a regulated institution and to prospective applicants. HEFCW's aim is to ensure that all fee and access plan applicants are fully aware of their obligations before they become a regulated institution and to minimise administrative burdens on applicants and on HEFCW at all stages of the application process.
187. A separate HEFCW email address is available for queries about any aspect of the implementation of the Higher Education (Wales) Act 2015, including fee and access plan queries. Please email queries to either: [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk).

## Section Four: Notes for completing Tables A to G in Annex Aii

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### Notes for completing the Tables in Annex Aii

188. These notes should be read when completing **Tables A to G** of Annex Aii and give guidance on the information that should be returned in each table and which providers should be returning the information. In completing the tables, applicants should take account of the fee and access plan guidance (see section on *Categories of Provision* (paragraphs 27 to 40) about who has control of courses).

189. The tables collect information as follows:

- **Tables A, B, C and D** collect information about *provision under the post-2012/13 fee regime*, as defined in the glossary on the [HEFCW website](#), that is *controlled by the applicant*.
- **Table E** collects information about *partnerships that are not under the post-2012/13 fee regime* plus information about *courses that the applicant validates but does not control* whether or not they are under the post-2012/13 fee regime.
- **Table F** collects information about *partnerships with non-UK partners and campuses* that are based outside the UK.
- **Table G** collects information about *targets*, by categories of expenditure.

More detail is provided in paragraphs 198 to 225 below for each table and is also provided in the text included above each table in the template. Definitions relating to terms used in this section are contained in the glossary.

190. Some examples of how to complete the tables are in paragraphs 231 to 241 and a grid showing which provider has responsibility for returning data on which table is provided at the end of this section to aid completion of the tables.

191. The tables published in this circular are sample tables only. Applicants must complete an electronic version of the tables. An individualised version of the fee and access plan template, in Excel format containing the tables to complete, will be sent to currently regulated institutions. This will be pre-populated by us with information from the 2018/19 fee and access plan in **Tables A and B** relating to the amount that was expected to be invested in equality of opportunity and promotion of higher education, forecast expenditure and student financial support. Institutions that are not regulated currently should contact [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk) for a copy of the template for completion.

192. Where partnerships are expected to be in place for the 2019/20 academic year but will not be finalised at the time of submitting the 2019/20 fee and access plan, applicants should exclude them from the submission and be prepared to submit a variation to their fee and access plan to HEFCW when the partnership

arrangements are confirmed. This applies to all tables (**Tables D, E and F**) collecting information about partnership agreements.

193. The tables to be completed contain a number of validation checks. These are included to ensure that data are consistent between tables where appropriate and also to flag up where level of investment or forecast expenditure is not as expected, i.e. the percentage of total income forecast to be invested is lower than in 2018/19, or the percentage of expenditure on student support is lower than in 2018/19. Details of the checks and an indication of whether a check has been passed are contained in the first worksheet of the Excel template, labelled '**Validation**'. Where percentage of total income forecast to be invested is lower than in 2018/19, or the percentage of expenditure on student support is lower than in 2018/19, you will be prompted to explain the reason why it is lower on the worksheet.
194. In addition to the validation worksheet, there are eight other worksheets in Annex Aii. One worksheet each for **Tables A to G** and a worksheet containing lookup lists for the other worksheets, labelled '**Lists**'. This worksheet is for reference only and no information should be entered in the worksheet or deleted from it.
195. **Information should only be entered in the tables in the cells shaded in yellow.** Other cells in the worksheet should not be amended in any way. This is to maintain formulae such as those used to calculate totals and to ensure validation checks and comparisons can be carried out.
196. If you have any questions about the workbook or have any technical difficulties with it, please contact the Statistics and Funding Team at [hestats@hefcw.ac.uk](mailto:hestats@hefcw.ac.uk).

#### **Audit of data returned on Annex Aii**

197. Processes and data used in the completion of the tables in Annex Aii are included in the scope of the external audit of higher education data. We also expect the annual internal audits of higher education systems and processes to cover data included in Annex Aii. HEFCW may request further detail on how targets included on **Table G** of Annex Aii were calculated and we may commission an external audit that focuses on the processes and data used in the calculation of the targets, if necessary.

#### **Table A - Fee levels and fee income and investment, 2019/20**

198. Table A should be completed with information relating to FT UG and PGCE (QTS) provision *that you have control of* that is under the post-2012/13 fee regime. It collects data about fee income and fee levels relating to courses that:
  - you provide and control which are validated by another body but are not part of a franchise arrangement.
  - you provide, control and validate yourself.

- you provide and control, that are validated by you, your parent or another body, where you are a subsidiary of that parent, and your parent is not including the courses in their fee and access plan.
  - you franchise out to another charitable provider.
  - are delivered by a charitable subsidiary, where you are the parent of that subsidiary and the subsidiary is not submitting their own fee and access plan.
199. Where not all proposed fees charged are the same, average fees are requested in total and for full-time undergraduate provision and PGCE (QTS) provision separately. The averages should match exactly with averages calculated from data returned on Tables C and D. If you provide courses that have a year out, such as a year out on an industrial placement, or a year abroad, and different fee levels are charged for these years, then this should be taken account of in calculating the average fee and the total fee income returned on **Table A**.
200. The section *Levels of fee income and Investment* (paragraphs 80 to 85) provides information on the level of fee income expected to be invested in equality of opportunity and promotion of HE.
201. Fee income from post-2012/13 fee regime provision, split into that from full-time undergraduate provision and that from PGCE (QTS) provision, is collected. The amount of the total to be invested in equality of opportunity and promotion of HE is requested and the percentage this represents of the total is calculated automatically in the table. HEFCW expects that the proportion of income invested in equality of opportunity and promotion of HE in 2019/20 in total for the whole plan is at least the proportion invested in 2018/19. If this is not the case, this will be flagged up in the table and an explanation must be entered in the box below the table.

### **Table B - Fee and access plan income forecast expenditure, 2019/20**

202. **Table B** should be completed with a breakdown of the forecast expenditure of the income to be invested returned on **Table A**. The categories are those detailed in the section *Identifying objectives, provision and investment that supports equality of opportunity and promotes higher education* (paragraphs 114 to 123). Where expenditure relates to more than one category it should be split across categories. Not all categories will necessarily have expenditure returned against them. The same data for the previous year and the percentage of expenditure in each of the two groups of categories is shown in the table for information.
203. Also collected is the forecast expenditure on student financial support and the anticipated numbers of students supported. The student support figure as a percentage of total forecast expenditure is shown in the table along with the expenditure, percentage and students numbers from 2018/19. Where the proportion to be spent on student financial support is lower than in 2018/19, this is flagged up in the table and an explanation must be given in the box below the table.

## **Table C - Fee levels and fee income for full-time undergraduate and PGCE (QTS) students under the post-2012/13 fee regime, 2019/20**

204. **Table C** asks for details of courses which you included information for on **Table A**, where different fee levels are charged for different types of provision, or where the same fee level is charged for all types of provision but you have provision that you don't validate yourself, and only for courses that you:

- provide and control which are validated by another body but are not part of a franchise arrangement.
- provide, control and validate yourself.
- provide and control, that are validated by you, your parent or another body, where you are a subsidiary of that parent, and your parent is not including the courses in their fee and access plan.

205. If you provide courses that have a year out, such as a year out on an industrial placement, or a year abroad, and different fee levels are charged for these years, then you should return data on **Table C** to reflect the different fee levels charged. See the example in paragraph 238 below.

206. If you charge the same fee for all courses or cohorts but have provision that you do not validate yourself then you should include all your full-time undergraduate and PGCE (QTS) provision under the post-2012/13 fee regime on **Table C**. A row of data should be included for each validating body plus a row of data for any provision that you validate yourself.

207. **Table C** requests information on the proposed fee, the qualification aim and subject this applies to (or an alternative grouping can be used where this is more appropriate). The year(s) of the course that the fee level applies to and also whether the provision is PGCE leading to qualified teacher status (QTS) is collected. The forecast student numbers that you will have used in the calculation of the average fee returned on **Table A** are also collected. If you are completing this table because you have provision you do not validate yourself, you also have to provide details of the validation body. The total expected income is calculated automatically in the table using the student numbers and the proposed fee.

208. Forecast student numbers should be based on the latest information you have. In analysing the returns, we will make comparisons between the student and financial forecasts you supplied to us in July 2017, and any updates supplied, and data returned on **Tables C** and **D**. We will not expect an exact match between the figures. Student forecast data collected in July will have been based on assumed completions and you may also have updated your forecasts with more current information since then. Fee income forecasts will also be different, due to non-completions and fee waivers, for example. Where differences are large we may request some commentary to explain the differences seen.

**Table D - Fee levels and fee income for full-time undergraduate and PGCE (QTS) students under the post-2012/13 fee regime for partnership provision based in the UK, 2019/20**

209. **Table D** asks for details of the courses for which you included information for on **Table A**, that are delivered on your behalf as part of a franchise arrangement, or that are delivered by a subsidiary where you are the parent. If you charge different fee levels for different types of provision, or have provision that you do not validate yourself, the information returned here plus the information that you returned on **Table C** will give the same average fee levels that you returned on **Table A**. If your fee levels are the same for all provision, and you validate all your provision yourself, then you should still include details of partnerships on **Table D**, even though you did not complete **Table C**. Returned on this table is information relating to courses that:

- you franchise out to another charitable provider.
- are delivered by a charitable subsidiary, where you are the parent of that subsidiary, and the subsidiary is not submitting their own fee and access plan.

210. Collected on this table are the name and address of the partner, confirmation that the partner is a charity, the date of the partnership agreement and confirmation, if the date of the agreement is before 1 September 2015, that there is an addendum to say that the provision is covered under the HE Act. **If no such addendum exists, you must submit an explanation with the completed annex.**

211. Also collected in the table are details of the qualification aim and the course title of the provision, the year(s) of the course that the information relates to, the forecast number of students and the proposed fee. See paragraph 208 above relating to the return of student numbers. The total expected income is calculated automatically in the table using the student numbers and the proposed fee.

212. HEFCW reserves the right to require copies of the partnership agreements returned on this table.

**Table E - Partnership arrangements and fee income for students of *all modes and levels*, including further education and below, for partnership provision based in the UK that is not already included on Table D, 2019/20**

213. **Table E** asks for details of all partnership arrangements with charitable or non-charitable providers that are in the UK where the students are based in the UK that you **have not already included on Table D**. This includes franchise and subsidiary arrangements that are not part of the post-2012/13 fee regime and validation arrangements, whether under the post-2012/13 fee regime or not, that you have with other providers, where the other provider controls the courses. Where providers have other types of provision they deliver in collaboration with a partner those arrangements should be included here also. Returned on this table is information relating to courses that:

- you franchise out to another charitable or non-charitable provider.
- are delivered by a charitable subsidiary, where you are the parent of that subsidiary, and the subsidiary is submitting their own fee and access plan.
- are delivered by a non-charitable subsidiary, where you are the parent of that subsidiary.
- are delivered in collaboration with a partner.
- you do not provide and that you validate only, whether or not the provider is a charity.

214. Collected on this table are the type of partnership arrangement, chosen from a drop down list, the name and address of the partner, the date of the partnership agreement and confirmation that if the date of the agreement is before 1 September 2015, whether there is an addendum to say that the provision is covered under the HE Act. Also collected are the forecast number of students and the forecast total income from the arrangement. See paragraph 208 above relating to the return of student numbers.

215. HEFCW reserves the right to require copies of the partnership agreements returned on this table.

**Table F – Partnership and campus arrangements and fee income for students of all modes and levels, including further education and below, for partnership and campus provision based outside the UK, 2019/20**

216. **Table F** collects information about partnerships with partners that are not in the UK, or campuses outside the UK, where the students are based outside the UK. Campuses and all types of partnerships should be included in this table, including a physical presence (e.g. a campus of the applicant), a local partnership (e.g. a franchise arrangement or a validation arrangement) and distance learning only where the student is based outside the UK and the course is provided in partnership with a non-UK partner. All modes and levels of study, including all modes and levels of study in further education and below, should be included.

217. The type of partnership or campus arrangement is collected in the first column. Six types of provision are included in the drop down list with an additional category of 'Other' in case there are circumstances which do not fit into those types. The types match those used in the in-year TNE survey carried out by HEFCW in 2015. They are:

- campus-based provision: includes provision at an International Branch Campus.
- provision delivered at a partner institution – franchise programme: includes franchised programmes, 'Flying Faculty' and 'Outreach' arrangements.
- provision delivered at a partner institution – other collaborative programme: includes joint venture, independent overseas HEI (bearing a UK recognised body's name) and double/dual/joint degree/award.

- distance learning provision: includes flexible/distributed learning/e-learning.
- validation programmes: includes quality assurance arrangements.
- any combination of the above types of provision: includes blended learning and any other combination of the above types.

218. Also collected on this table are the name and address of the partner, including the country, the date of the partnership agreement or campus commencement date and confirmation that if the date of the partnership agreement is before 1 September 2015 there is an addendum to say that the provision is covered under the HE Act. Also collected are the forecast total number of students and the forecast total income from the arrangement. See paragraph 208 above relating to the return of student numbers.
219. HEFCW reserves the right to require copies of the partnership agreements returned on this table.

### **Table G - Targets**

220. **Table G** collects data about targets and categories of provision set by the applicant. Further information can be found in sections: *Identifying objectives, provision and investment that supports equality of opportunity and promotes higher education* (paragraphs 114 to 123).
221. A description of the target ie what the target aims to achieve should be given in the first column of the table, including, where the target is numerical, providing either a percentage or a number or both. The second column asks for the related category of expenditure, chosen from a drop down list and corresponding to those listed in Table B relating to equality of opportunity and promotion of HE. We expect that where a category has investment returned against it in Table B, that there will be at least one target included against that category in Table G.
222. The third column (split into two sub-columns) requests information about whether the target is the responsibility of more than one fee and access plan applicant. The fourth column asks for the baseline year which will normally be the year for which the most recent data are available, or if this is not the case, an explanation should be provided in the commentary column. The fifth column asks for the baseline data, for targets based on numbers and/or percentages. A percentage, a number, or both where appropriate, must be included for numerical targets. Where only a number or percentage is given in the target description, contextual information should be included in the next column.
223. The seventh column asks for the target achievement that the institution is aiming towards. A percentage, a number, or both where possible, must be included for numerical targets. Where only a number or percentage is given, contextual information should be included in the next column. For numerical targets, contextual information or assumptions used to calculate the target should be included in the form of a population number, or a number or percentage from the particular group the target relates to, where these haven't

been included as the target. For example, if the percentage of students that are from a particular group is a target, you should include in the contextual information the expected number from this group and/or the expected population of students that the percentage is based on. Population numbers should be consistent with other information provided in this Annex and your latest student number forecasts, i.e. those returned to HEFCW in July 2017 or updated figures. This is only required for the 2019/20 targets and the baseline data and not for targets further in the future.

224. The contextual data will provide information about how the target was calculated. It will also enable an assessment of the extent of the ambition and progress to be made by HEFCW and the board of governors. The contextual information will be used to understand more fully whether any increases or decreases in the target translate to differences in numbers of students from particular groups where percentages are given or in percentages where numbers are given.

225. Some points to note in completing Table G:

- Targets should be sufficient in number, and at the right level, to inform monitoring. Some targets, where they are not sufficiently SMART, may be better placed and articulated in the narrative provision section of plans, this includes targets that are without data or baselines. Targets should enable HEFCW, and the governing body, to account for progress or investment.
- The Communities First programme will be phased out by March 2018. Fee and access plan targets based on Communities First data would therefore be difficult to monitor.
- For targets based on destinations that relate to outcomes from the HESA Graduate Outcomes survey, baseline data will have to come from the HESA destination of leavers from higher education (DLHE) survey. Targets may therefore need to be more ambitious than when both the baseline and target were based on the DLHE to take account of the extended time period for the new survey.
- Where targets set in the 2018/19 fee and access plan are not included on the 2019/20 fee and access plan or are included and altered, an explanation should be provided in the commentary section (the last column on Table G). Our expectation is that targets from 2018/19 will continue unless evaluation and/or review of the evidence indicates reasons for change, for example, if targets have been achieved and no further action is necessary.
- Plans must include targets that are achievable by the end of academic year 2019/20, or they must include 2019/20 milestone targets that contribute towards a longer-term target, to enable progress to be reported by December 2020. For example, targets measured by achievement against UK performance indicator benchmarks should use targets based on HESA's 2018/19 performance indicators so that HEFCW can analyse benchmark data by December 2020.

- Where the target is measurable by the end of 2020 but does not relate to 2019/20 data, a note should be made in the commentary box to explain the data used.

### Reasons for collecting data in Tables A - F

226. Data returned on **Tables A and B** enable HEFCW to assess the fee levels being charged under the post-2012/13 fee regime and the level of income that will be invested in equality of opportunity, promotion of higher education and student financial support.
227. Data returned on **Table C** will contribute to HEFCW's understanding of the categories of provision and the fee levels charged and will be considered in HEFCW's assessment of quality.
228. Data returned on **Table D** will be used to monitor the partnership arrangements in place and provide data to be considered in HEFCW's assessment of quality. Data will also be used to carry out a cross check of data provided by the SLC on qualifying courses. Fee income data will be used in the assessment of financial viability.
229. Data returned on **Tables E and F** will be used to monitor partnerships and campus abroad arrangements in place and provide data to be considered in HEFCW's assessment of quality. Income data will be used in the assessment of financial viability.

### Examples (Tables A to G)

230. Some examples of where to return provision are below. The examples assume that the providers described fit the requirements to be charitable providers where appropriate.

#### Example 1

231. Courses are provided by a Welsh provider (provider 1) on behalf of another Welsh provider (provider 2) as part of a franchise agreement. Some courses under the arrangement are full-time undergraduate and are under the post-2012/13 fee regime and some are part-time undergraduate. Provider 1 also has other full-time undergraduate provision that it controls itself but that is validated by a third Welsh provider (provider 3).

On the tables, data relating to the provision that is franchised out from provider 2 to provider 1, that is under the post-2012/13 fee regime, is returned by provider 2 in **Tables A, B and D** of its fee and access plan. The provision that is franchised out from provider 2 to provider 1, that is part-time undergraduate, is returned by provider 2 in **Table E** of its fee and access plan.

The full-time undergraduate provision that provider 1 controls but doesn't validate itself is returned on its fee and access plan on **Table C**, whether or not

the fee levels differ across courses and cohorts, as it does not validate the provision itself. Provider 1 also includes the provision in the completion of **Tables A and B**. In addition, the provision is returned on **Table E** by provider 3.

### Example 2

232. Courses are provided by a Welsh provider (provider 1) that it controls and validates itself. Some are full-time undergraduate and under the post-2012/13 fee regime. Different fees are charged for courses in science, engineering and technology and courses in other subjects. There is also a foundation year available in science courses for which the fee is different again.

Data relating to these courses are returned on **Tables A and B**. **Table C** would also be completed as different fees are charged for different courses and cohorts. A separate row of data would be returned for courses in science, engineering and technology (for years of course 1+), for courses in other subjects (all years of course) and foundation years in science subjects (year of course 0).

### Example 3

233. Courses are provided by a subsidiary on behalf of a parent. The parent controls and validates the course and includes the courses on their fee and access plan. Some of the courses are full-time undergraduate and come under the post-2012/13 fee regime, with the same fee charged for all courses and cohorts, and some are part-time or postgraduate. The parent also has other full-time undergraduate provision that it controls and validates itself, for which a different fee is charged to the provision at the subsidiary.

The parent would complete **Tables A and B** with information relating to the courses under the post-2012/13 fee regime that the parent delivers, controls and validates itself and the provision delivered at the subsidiary that the parent controls and validates.

The parent would return information relating to the provision that is under the post-2012/13 fee regime, that it provides controls and validates itself only on **Table C**. This will be one row of data for all courses as they all have the same fee level. The information about courses provided by the subsidiary that are under the post-2012/13 fee regime would be returned on **Table D**. The reason that **Table C** is completed is because differing fee levels are being charged under the post-2012/13 fee regime, and so together, data on **Tables C and D** give the same average fee as returned on **Table A**.

The parent completes **Table E** with information relating to the part-time and postgraduate provision that takes place at the subsidiary. Under the assumption that the parent does not have any trans-national education, **Table F** is not completed.

#### Example 4

234. A provider in Wales, in addition to its provision taking place in the UK, has partnership arrangements with overseas providers. For all modes and levels of study under the arrangements, the provider completes **Table F**.

#### Example 5

235. A provider (provider 1) in Wales has FT UG courses that it provides on behalf of a non-Welsh provider under a franchise agreement. These are the only FT UG courses that it provides. Provider 1 would not submit a fee and access plan for this provision and it would not be included on any submission as the courses are controlled by a provider based outside Wales.

#### Example 6

236. A provider (provider 1) in Wales has FT UG courses that it provides on behalf of a Welsh provider (provider 2) through a franchise arrangement. These are the only FT UG courses that provider 1 provides. Provider 1 would not submit a fee and access plan. The provision would be included on the fee and access plan of provider 2.

#### Example 7

237. A provider in Wales has courses at all modes and levels, including FT UG and PGCE (QTS) courses under the post-2012/13 fee regime, that it controls and validates itself. It does not have any franchise or validation arrangements with other providers in the UK or outside the UK, is not the parent of any subsidiaries and only validates its own provision. It charges the same fee for all provision under the post-2012/13 fee regime. The provider would return only **Tables A and B**.

#### Example 8

238. A provider in Wales has courses at all modes and levels, including FT UG and PGCE (QTS) courses under the post-2012/13 fee regime, that it controls and validates itself. It does not have any franchise or validation arrangements with other providers in the UK or outside the UK, is not the parent of any subsidiaries and only validates its own provision. It charges the same fee for all provision under the post-2012/13 fee regime except for years out on a sandwich placement or years abroad. The provider would complete **Tables A, B and C**. On **Table C**, the provider would return three rows of data, relating to the three levels of fee that they charge. One row for the courses and cohorts that are not on a sandwich year out or a year abroad, one for the courses and cohorts for which there are students on a sandwich placement year out and one row for courses and cohorts for which there are students on a year abroad.

### Example 9

239. A provider is including a target to increase the proportion of leavers obtaining first degrees from full-time and part-time courses who are employed, studying or both fifteen months after leaving, to be measured using data from the HESA Graduate Outcomes survey data. The baseline year would be 2015/16 and the baseline data would be taken from the 2015/16 destination of leavers from higher education survey. The 2015/16 proportion would be entered in the baseline data column. The number and the population used to calculate the percentage would be entered into the column collecting contextual information for the baseline year.
240. The target proportion would be entered into the target column relating to leavers from 2017/18, as this is likely to be the latest available data at the time of monitoring, and the expected number of leavers and/or the population of leavers the proportion is based on would be entered in the contextual information column. It should be noted in the commentary box that the target relates to 2017/18 data not 2019/20 because of the timing of the survey.

### Example 10

241. A provider is including a target which relates to the number of students taking 40 credits or more through the medium of Welsh. The baseline year is 2016/17, the latest year for which data are available and the baseline is the number of students taking 40 credits or more in 2016/17. In the contextual information for the baseline year, the population of students that the number taking 40 credits or more is based on is returned. The target number for 2019/20 is returned in the target column and will relate to 2019/20 data as that will be available at the time of monitoring. The population the number for 2019/20 is based on would be returned in the target contextual information column.

## Fee and access plan template 2019/20 Annex Aii return grid

### Who returns the provision on their fee plan, on which table

Situation	Level of provision	Provider (franchisor)	Provider (franchisee)	Provider (validating body)	Provider (with provision validated by another body)	Provider (parent of subsidiary)	Provider (subsidiary of parent)
Own provision at provider, controlled and validated by that provider	Higher education			Table C (where post-2012/13 fee regime fee levels differ)			
Own provision at provider, controlled by the provider but validated by another body				Table E	Table C (whether post-2012/13 fee regime fee levels differ or not)		
Provision at a subsidiary body of a parent provider, validated by the parent provider or another body						Table D and/or Table E [if provision is controlled by the parent and is submitted on behalf of a subsidiary]	Table C (whether post-2012/13 fee regime fee levels differ or not) [if provision is controlled by the subsidiary and they submit their own fee and access plan]
Provision at subsidiary body of a parent provider, validated by the subsidiary body						Table D and/or Table E [if provision is controlled by the parent and is submitted on behalf of a subsidiary]	Table C (where post-2012/13 fee regime fee levels differ) [if provision is controlled by the subsidiary and they submit their own fee and access plan]

## Fee and access plan template 2019/20 Annex Aii return grid (continued)

### Who returns the provision on their fee plan, on which table

Situation	Level of provision	Provider (franchisor)	Provider (franchisee)	Provider (validating body)	Provider (with provision validated by another body)	Provider (parent of subsidiary)	Provider (subsidiary of parent)	
Franchised provision, validated by the Welsh franchisor	Higher Education	Tables D and/or E						
Franchised provision, validated by a Welsh body other than the Welsh franchisor		Tables D and/or E						
Franchised provision, validated by a Welsh body other than the non-Welsh franchisor		Won't be returned as the franchisor is not Welsh						
Franchised provision, validated by the non-Welsh franchisor		Won't be returned as the franchisor is not Welsh						
Franchised provision, validated by a non-Welsh body other than the Welsh franchisor		Tables D and/or E						
Franchised provision, validated by a non-Welsh body other than the non-Welsh franchisor		Won't be returned as the franchisor is not Welsh						
Provision at all levels at non-UK campuses and partners (all types)	All	Table F		Table F		Table F		
Own provision at below HE level at provider	FE and below	Won't be returned as the provision is below HE level and is not part of a partnership arrangement						
Franchised provision at below HE level to schools and FEIs (franchised out from Welsh franchisor)	FE and below	Table E						

Franchisor = the provider that franchises out the provision to another provider as part of a franchise agreement and who is in control of that provision

Franchisee = the provider that provides the provision on behalf of the franchisor

In the above grid, providers and subsidiaries are assumed to be charitable where necessary for the return of data in the specified table.

## Appendix A: Summary of key changes made to the 2019/20 fee and access plan guidance

1. In developing the 2019/20 fee and access plan guidance our intention has been not to make major changes to provide a largely consistent approach in the first three years of fee and access plans. We have reviewed the 2018/19 fee and access planning process, including feedback received from institutions. As a result, and where appropriate, the 2019/20 fee and access plan guidance has been updated, clarified, simplified and/or condensed slightly to improve it. Additionally, some key changes have been made and these are set out below.
2. Some of the key changes to the fee and access plan guidance include:
  - revising the list of named fee and access plan contacts to include both a senior manager with overall responsibility for fee and access plans and a contact with some authority, who can discuss with HEFCW officers the detail of the fee and access plan application;
  - taking account of HEFCW remit letter requirements<sup>26</sup> and Independent review of higher education funding and student finance arrangements (the Diamond Review)<sup>27</sup> recommendations on strengthening fee and access plans and considering institutions' match funding of collaborative widening access initiatives respectively;
  - strengthening the requirement for up-to-date financial viability statements where institutions possess information that is more current;
  - updating the guidance to take account of new quality gateway processes;
  - updating the guidance to make more explicit support for, and investment in, HEFCW's Reaching Wider programme;
  - revising and updating references to HEFCW corporate documents;
  - setting out aspects of fee and access plan submissions that will be the subject of increased HEFCW scrutiny in 2019/20;
  - moving the separate Notes for completing Tables A to G in Annex Aii to become Section Four of the fee and access plan guidance and revising them, including providing additional examples;
  - amending Table G of Annex Aii to allow more scope for institutions to include contextual data;
  - new information provided on targets to clarify HEFCW's position and to respond to discussions at the HEFCW/institutions seminar (Dec 2017) and dialogue with individual institutions.

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<sup>26</sup> [2017-18 HEFCW remit letter](#) paragraph 4.6 on 'implementing the Diamond package'.

<sup>27</sup> [Diamond Review](#) paragraph 9:13.2 'we are clear that, while our proposals will impact very positively on the economics of widening access there is a strong case for funding, probably on a joint basis with HE provider or consortia of HE provider, to promote and incentivise aspiration-raising and the social aspects of widening access.'

We plan to review the fee and access planning process, including the HEFCW guidance, including consulting on the process and proposed changes, to inform the 2020/21 fee and access planning cycle.

## Appendix B: Timetable for the 2019/20 fee and access plan process for those applicants intending to secure approval by June/July 2018

<b>Activity</b>	<b>Indicative date<sup>28</sup></b>
HEFCW publication of fee and access plan guidance	end of January 2018
Applicants to submit fee and access plans.	Late March 2018 (Friday 23 March)
HEFCW/applicant dialogue on fee and access plans.	26 March – 29 June 2018
HEFCW to send initial feedback to individual applicants on their fee and access plan submission.	Week ending 4 May 2018
Applicants to submit revised fee and access plan applications following HEFCW feedback.	Week ending 1 June 2018
HEFCW to send feedback to applicants on their updated fee and access plan submission.	Week ending 22 June 2018
Applicants to submit revised fee and access plan applications following HEFCW feedback	Week ending 29 June 2018
HEFCW to inform applicants of the outcome of their fee and access plan application.	Late June – early July 2018
Institutions publish approved plans online. HEFCW expects this to be within one week of approval.	July 2018
Fee and access plan appeals process begins.	August 2018
HEFCW annual monitoring of the 2019/20 fee and access plan process Annual Monitoring Statement to be submitted to HEFCW.	December 2020

HEFCW provides an annual report to the Welsh Ministers on how HEFCW has exercised its functions by virtue of the Act, including fee and access plan monitoring by March 2021.

<sup>28</sup> Please note dates may vary slightly to ensure HEFCW is able to implement fully the fee and access process for 2019/20 fee and access plans, including sufficient dialogue with applicants.

