

# Cylchlythyr | Circular

## Consultation on specific designation guidance

**Date:** 11 May 2018  
**Reference:** W18/08HE  
**To:** Higher education providers with specifically designated courses  
Other interested parties  
**Response by:** Friday 22 June 2018  
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This consultation circular seeks views on HEFCW's draft guidance for higher education (HE) providers applying for courses to be specifically designated for the support of students ordinarily domiciled in Wales. The circular also provides information on a consultation event.

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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## Introduction

1. This consultation circular seeks views on HEFCW's draft guidance (attached at **Annex A**) for higher education (HE) providers applying for courses to be specifically designated for the support of students ordinarily domiciled in Wales. The circular also provides information on a consultation event.
2. From 1 April 2018, responsibility for managing the specific course designation process was transferred from Welsh Government to the Higher Education Funding Council for Wales (HEFCW).
3. This process only relates to providers that wish for Welsh domiciled students studying in the UK and EU domiciled students studying in Wales to access student support for their specific courses. Designation through this process will not enable students from other nations of the UK to access student support. HE providers that require students from other nations of the UK to be able to access student support will need to apply to the relevant organisations in other nations of the UK.
4. The purpose of this consultation circular and HEFCW's consultation event is to inform the development of HEFCW's specific designation guidance prior to its publication. The outcomes of the consultation will inform the finalised version of the guidance.
5. The consultation includes consideration of any unintended consequences of, or negative impact on, people with protected characteristics, the Welsh language, or any implications arising from the [Well-being of Future Generations Act 2015](#).
6. During the consultation period, which will run from Friday 11 May to Friday 22 June, HEFCW will only consider applications for additional courses delivered by providers that already have courses that are specifically designated for student support. Information related to this has already been sent directly to providers.
7. There will be a consultation event held at HEFCW's offices in Bedwas on **Tuesday, 22 May 2018** to inform the further development of HEFCW guidance. Please see paragraphs 31-33 for more information.

## Background

8. Specific designation is the process by which higher education providers, not automatically designated for student support by Welsh Ministers, can apply for designation of specific courses for purposes of student support on a case by case basis. Full-time and part-time undergraduate and postgraduate courses can be designated. Students studying at providers of

higher education on their specifically designated courses will be eligible to apply to receive student support as set out by Student Finance Wales.<sup>1</sup>

9. Higher education providers that are likely to need to apply for specific course designation are either alternative providers from across the UK or further education colleges in Wales, not already regulated by HEFCW.
10. Gaining specific designation will not result in eligibility for HEFCW funding nor will it mean that providers meet the requirements of being a regulated institution that is an institution with a HEFCW-approved fee and access plan.<sup>2</sup>
11. Welsh domiciled students can only apply for student support for higher education courses provided in the UK if those courses are designated by Welsh Ministers. Courses are designated through *The Education (Student Support) (Wales) Regulations*<sup>3</sup>, which are published annually, and *The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017*<sup>4</sup>, which may be amended from time to time.
12. Automatic designation only applies to certain types of higher education providers and that can depend on the mode and level of study of the courses offered and the country in which the provider is located. Those types of higher education provider, to which automatic designation currently applies, are set out in the diagram below. We expect this to change again in the next set of regulations.

#### Current arrangements for automatic designation

Mode/level of study	Location of provider			
	Wales	England	Northern Ireland	Scotland
Full-time undergraduate and PGCE (QTS)	Institution with a fee and access plan approved by HEFCW	HEFCE <sup>5</sup> -funded institution	Publicly funded institution	
Part-time undergraduate	Publicly funded institution			
All postgraduate study				

13. Until 1 April 2018, HE providers that were not automatically designated and required their courses to be specifically designated for Welsh domiciles to receive student support had to apply directly to Welsh Government.

<sup>1</sup> [www.studentfinancewales.co.uk/](http://www.studentfinancewales.co.uk/)

<sup>2</sup> [www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2018/W18%2003HE%202019\\_20%20Fee%20and%20access%20plan%20guidance%20v2.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2018/W18%2003HE%202019_20%20Fee%20and%20access%20plan%20guidance%20v2.pdf)

<sup>3</sup> [www.legislation.gov.uk/wsi/2018/191/pdfs/wsi\\_20180191\\_mi.pdf](http://www.legislation.gov.uk/wsi/2018/191/pdfs/wsi_20180191_mi.pdf)

<sup>4</sup> [www.legislation.gov.uk/wsi/2017/712/pdfs/wsi\\_20170712\\_mi.pdf](http://www.legislation.gov.uk/wsi/2017/712/pdfs/wsi_20170712_mi.pdf)

<sup>5</sup> In the future regulations will change to reflect changes in England.

14. Welsh Government published its *Policy for Specific Course Designation* in March 2018 setting out that HEFCW would manage the specific designation process from 1 April 2018.<sup>6</sup> The policy sets out Welsh Government's expectations for courses specifically designated for student support and its requirements about providers of specifically designated courses. This replaced the previous Welsh Government policy for specific designation published in June 2017.
15. Welsh Government's specific designation policy was informed by a consultation in early 2015.<sup>7</sup> A key reason for the consultation was to align regulatory controls of the two processes for automatic and specific designation.
16. Welsh Government's policy is clear that **“(w)ilst each route to designation is distinct, the Welsh Ministers’ general position is that the same core principles should underpin each (paragraph 3)”** HEFCW has taken account of this expectation in developing its guidance for specific designation.
17. Successful applicants for specific designation will enable students on approved courses to access the following types of student support:
  - Student tuition fee loans and maintenance support loans for undergraduate courses;
  - disabled students' allowance; and / or
  - postgraduate master's loans.

### **HEFCW's role and proposed process for specific designation**

18. HEFCW is a small Welsh Government Sponsored Body. HEFCW's vision, as set out in its Corporate Strategy 2017-20<sup>8</sup>, is “Sustainable, accessible, internationally excellent higher education in Wales.” In pursuit of that vision HEFCW:
  - funds higher education in Wales;
  - regulates higher education in Wales;
  - influences higher education with evidence-based advice with strong partnership working;
  - works in partnership with students; and
  - operates effectively as an organisation.
19. The Higher Education (Wales) Act 2015<sup>9</sup> established a new regulatory framework for higher education in Wales. Part of that new regulatory

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<sup>6</sup>[www.studentfinancewales.co.uk/media/196461/specific-course-designation-policy-document-english.pdf](http://www.studentfinancewales.co.uk/media/196461/specific-course-designation-policy-document-english.pdf)

<sup>7</sup>[www.beta.gov.wales/designation-higher-education-courses-alternative-providers-purpose-student-support](http://www.beta.gov.wales/designation-higher-education-courses-alternative-providers-purpose-student-support)

<sup>8</sup>[www.hefcw.ac.uk/documents/publications/corporate\\_documents/HEFCW%20Corporate%20Strategy%202017-20%20English.pdf](http://www.hefcw.ac.uk/documents/publications/corporate_documents/HEFCW%20Corporate%20Strategy%202017-20%20English.pdf)

<sup>9</sup> [www.legislation.gov.uk/anaw/2015/1/pdfs/anaw\\_20150001\\_mi.pdf](http://www.legislation.gov.uk/anaw/2015/1/pdfs/anaw_20150001_mi.pdf)

framework requires that institutions in Wales that wish for all their eligible full-time undergraduate and PGCE (QTS) HE courses to be automatically designated for student support should have a fee and access plan approved by HEFCW. Further details on fee and access plans can be found in HEFCW's guidance to potential applicants.<sup>10</sup>

20. Higher education providers in Wales that currently have courses specifically designated for student support and wish to apply for a fee and access plan in the future are encouraged to contact HEFCW at the earliest point in their considerations. All enquiries should be first made to [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk) / [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk).
21. HEFCW's role in managing the specific designation process will be to exercise the functions in regulation 5(8) of the 2017 Student Support Regulations and regulation 8(2) of the Student Support 2018 Regulations but only in so far as to:
  - Handle queries and applications from providers seeking specific course designation;
  - Assess supporting evidence from providers taking account of the current Welsh Government policy;
  - Make recommendations to the Welsh Ministers on whether to designate specific courses on the basis of the supporting evidence received from applicants;
  - Maintain an accurate list of designated courses and liaise with the Student Loans Company (SLC) to ensure that this is reflected in the information it makes available to students who wish to apply for student support;
  - Develop appropriate monitoring processes to ensure that providers with courses which have been awarded specific designation continue to meet the criteria set out in the current Welsh Government policy<sup>11</sup>.
22. HEFCW will make recommendations on applications for specific designation to Welsh Ministers based on the information submitted to it by HE providers. Where possible, HEFCW will align its expectations for providers applying for specific designation with its established expectations for institutions submitting a fee and access plan for approval to meet Welsh Government expectations. HEFCW recognises that providers applying for the two routes are likely to be constituted differently and that the underpinning legislation is different.
23. As noted in paragraph 16 above, the Welsh Government has set out that the core expectations of HE providers whose Welsh domiciled students receive student support should apply regardless of type of designation. HEFCW sets out the evidence it requires to make a judgment to meet the expectations in the attached guidance.

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<sup>10</sup>[www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2018/W18%2003HE%202019\\_20%20Fee%20and%20access%20plan%20guidance%20v2.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2018/W18%2003HE%202019_20%20Fee%20and%20access%20plan%20guidance%20v2.pdf)

<sup>11</sup> HEFCW has interpreted this as meaning monitoring on a regular basis.

24. The evidence submitted to HEFCW will form the basis for HEFCW's recommendations on applications for specific designation to Welsh Ministers.

## **Prevent Duty**

25. Under the Counter Terrorism and Security Act 2015 ('the Act'), relevant higher education bodies (RHEBs) must have due regard to the need to prevent people from being drawn into terrorism. This is known as the Prevent Duty. The Home Secretary has delegated to HEFCW responsibility for monitoring compliance of the Prevent duty for relevant HE providers in Wales. The delegation came into effect on 17 June 2016.
26. To carry out this role effectively, we require relevant HE providers to provide evidence to show they are compliant. The Act refers to the governing body or proprietor of relevant providers as having ultimate responsibility for compliance.
27. Any HE provider that is successful in its application for specific designation will be classified as a RHEB and will immediately need to comply with Prevent Duty legislation. Those that are headquartered in Wales come under HEFCW's monitoring authority.
28. HEFCW's Monitoring Framework circular [W16/39HE](#) sets out how HEFCW monitors providers' implementation of the statutory Prevent Duty. RHEBs need to follow this framework to demonstrate due regard to the duty. The Act requires all RHEBs to provide HEFCW with any information it requires for the purposes of monitoring their compliance. HEFCW's framework sets out how it gathers information to demonstrate compliance.
29. As a part of the monitoring process, circular [W16/39HE](#) requests an Annual Report, with a data return, from the governing bodies or proprietors of all relevant HE providers. Further information on HEFCW's processes for monitoring compliance with the Prevent Duty and the timescales for reporting to us can be found on the HEFCW website.<sup>12</sup>

## **Consultation questions**

30. We welcome responses on any aspect of the draft specific designation guidance (attached at **Annex A**). In particular, we are seeking responses to the following questions on the proposals:

### **Policy issues**

- i) Are there any unintended consequences of HEFCW's proposals for managing the specific designation process?

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<sup>12</sup> [www.hefcw.ac.uk/working\\_with\\_he\\_providers/institutional\\_assurance/the\\_prevent\\_duty.aspx](http://www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/the_prevent_duty.aspx)

- ii) Is the information that HEFCW will require of providers reasonable to meet the Welsh Government expectations as set out in its Specific Designation policy?
- iii) Are there other issues relating to quality which we should consider in order to provide sufficient assurance to HEFCW and Welsh government as to the quality of provision?
- iv) Are there other issues relating to financial viability which we should consider in order to provide sufficient assurance to HEFCW and Welsh government as to the financial viability of the provider?
- v) HEFCW is seeking information in the specific designation process on HE provider applicants' contribution to the public good. Will these requirements here provide sufficient assurance to HEFCW and Welsh Government as to the contribution to the public good made by HE Provider applicants?
- vi) Do the timescales that HEFCW has proposed in its draft guidance provide issues for providers to get courses designated or its designation monitored in the appropriate time?
- vii) What barriers will there be for providers submitting verifiable data? What issues or benefits would there be if we required HESA subscription?
- viii) Do the proposals have any positive or negative impacts or unintended consequences in terms of equality and diversity, the Welsh language, sustainability or the Well-being of Future Generations (Wales) Act?

### **Welsh language implications**

- i) What positive or adverse effects will the process have on:
  - a. **opportunities** for persons to use the Welsh language and
  - b. **treating** the Welsh language no less favourably than the English language?
- ii) Could the process be changed to increase positive effects, or decrease adverse effects on:
  - a. **opportunities** for persons to use the Welsh language and
  - b. **treating** the Welsh language no less favourably than the English language?

### **HEFCW specific designation consultation event**

- 31. HEFCW is coordinating a consultation event for specific designation applicants, potential applicants, student representatives and other interested parties on **Tuesday, 22 May 2018**. The consultation event will

be held at [HEFCW's offices in Bedwas](#). Attendees will be limited to one representative per provider/organisation. Space will be limited and allocated on a 'first come first served' basis. We are keen to ensure the student voice is represented.

32. Those interested in attending this event are invited to contact HEFCW confirming details of their representative attending the event with confirmation of any dietary requirements and accessibility requirements.
33. Those interested in attending should send confirmation of attendance by **Friday, 18 May 2018** to [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk) / [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk).

### **HEFCW consultation processes**

#### *Our duties under the Freedom of Information Act 2000*

34. Under the Freedom of Information Act all consultation responses may be disclosed on request as the Freedom of Information Act gives a public right of access to any information held by public authorities such as HEFCW. HEFCW has a responsibility to decide whether any responses, including information about a respondent's identity, should be made public or treated as confidential. Only in exceptional circumstances can HEFCW refuse to disclose information, therefore, consultation responses are unlikely to be considered confidential except in very particular circumstances. However, if a respondent wishes HEFCW to treat personal details as confidential for those areas in which we have discretion (such as reporting) please state this in your response.

#### *Our approach to analysing responses*

35. We commit to read, record and analyse all consultation responses in a consistent manner. We commit to taking decisions based on a fair and balanced summary of responses received. The merit of arguments made is likely to be given more weight than the number of times the same point is made. Responses from organisations or representative bodies which have high relevance or interest in the area under consideration, or are likely to be impacted on most by the proposals, are likely to carry more weight than those with little or none.
36. We will publish an analysis of the consultation responses together with an explanation of how we have taken account of them in finalising specific designation guidance. Where we have not been able to respond to a significant and material issue raised, we will usually explain the reason for this.
37. Our analysis of consultation responses will be anonymised. Consultation responses will not be shared with third parties and will be retained to

inform the developments of other processes that we plan to develop for specific designation later this year.

*Finalising the HEFCW specific designation guidance*

38. HEFCW will consider all consultation responses submitted electronically and raised at the consultation event and, subject to legal advice and any changes made as a result of the consultation process, it is intended that the HEFCW Council will consider the guidance for publication by July 2018 with immediate effect.

*Assessing the impact of our policies*

39. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We also considered the impact of policies on the Welsh language, and Welsh language provision, as well as potential impacts towards the goals and ways of working set out in the Well-Being of Future Generations (Wales) Act 2015 including our Well-Being Objectives. Contact [equality@hefcw.ac.uk](mailto:equality@hefcw.ac.uk) for more information about impact assessments.

*Further information*

40. Please email queries to either: [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk)
41. Alternatively contact:  
Jane Johns (tel 029 2085 9732; email: [jane.johns@hefcw.ac.uk](mailto:jane.johns@hefcw.ac.uk))  
or Steve Williams (tel 029 2085 9744; email [steven.williams@hefcw.ac.uk](mailto:steven.williams@hefcw.ac.uk)).

# Draft HEFCW Specific Designation Guidance



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## Introduction

1. This guidance sets out how HEFCW intends to take on two of its new roles in relation to specific designation. Specific designation is the process by which higher education providers, not automatically designated for student support by Welsh Ministers, can apply for designation of specific courses for purposes of student support on a case by case basis. Specific designation in Wales only relates to providers that wish for Welsh domiciled students studying in the UK and EU domiciled students studying in Wales to access student support for their specific courses.
2. This guidance sets out two of our roles and has been split into two sections, providing guidance for each of those roles:
  - **providers that do not have courses that are specifically designated for new entrants (including those that have courses only designated for continuing students).** This guidance will provide the information needed for courses to be designated from 2018/19<sup>1</sup> (**paras 6-57**); and
  - **providers that already have courses specifically designated for student support in Wales.** This guidance will involve monitoring compliance of those providers with Welsh Government requirements for specific designation assuring Welsh Government that designation can continue from 2019/20 (**paras 58-112**).
3. In the future HEFCW will publish guidance for annual monitoring, designation of courses once designation has lapsed, and changes in circumstances following monitoring of ongoing compliance or designation of courses. These pieces of guidance will also be consulted on.
4. Throughout this document sections of the Welsh Government policy have been replicated in shaded boxes with italics. The text following these boxes sets out how HEFCW will meet Welsh Government's policy requirements.
5. Higher education providers with courses designated for their students to apply for student support by other administrations of the UK, or other regulators in the United Kingdom, should not assume that they are designated by Welsh Ministers for Welsh domiciled students to apply for student support. If providers are unclear about their designation status they are invited to contact HEFCW for clarification. [cyngorrheoleiddio@hefcw.ac.uk](mailto:cyngorrheoleiddio@hefcw.ac.uk) or [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk).

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<sup>1</sup> Academic years will be presented in the following format YYYY/YY. Financial years will be presented in the following format YYYY-YY. HEFCW academic year runs from 1 August-31 July. HEFCW financial year runs from 1 April-31 March.

# Guidance on HEFCW's process for designation

6. This process relates to courses delivered by providers that do not currently have courses specifically designated for student support for new entrants. This process also applies to providers that have only courses designated for continuing students. This process will allow those providers to apply for specific designation of courses from 2018/19 onwards.

## **Welsh Government Specific Designation Policy**

*HEFCW will be responsible for monitoring providers' compliance with the specific course designation criteria following the designation of courses. HEFCW will also provide advice to the Welsh Ministers on the ongoing compliance of institutions with the criteria for specific designation. (Para 41)*

*Institutions are expected to comply in a timely manner with the reasonable request for information by HEFCW in relation to designated courses. HEFCW will report to the Welsh Ministers if information requested by HEFCW is not forthcoming from providers or is delayed. (Para 42)*

*The Student Support Regulations allow the Welsh Ministers to suspend or revoke the specific designation of courses. In doing so, the Welsh Ministers will take account of all relevant factors. Those factors will include the advice they receive from HEFCW about the ongoing compliance with the criteria specified in the policy and any refusal to provide information reasonably requested by HEFCW. (Para 43)*

*The Welsh Ministers may suspend or revoke a designation where ongoing compliance with the criteria is not met or where information requested by HEFCW is not provided or where there is a delay in providing that information. (Para 44)*

*A course may have its specific designation status withdrawn or suspended if the provider does not continue to meet the criteria for designation. The Welsh Ministers may suspend student support payments to the provider in circumstances such as those listed in paragraph 45 above. Such action may be taken in cases where fraud, misrepresentation or other wrongdoing by providers and/or students are under investigation or proven. (Para 47)*

7. Welsh Government's specific designation policy includes a diagram detailing the process of an application for designation. This diagram is attached at **Annex A**.
8. Applicants will be required to complete a template for the application. The template is attached at **Annex B**. The template requires each provider to detail the following information:
- A. full details of the higher education provider;

- B. a list of courses to be designated for student support including relevant information;
  - C. evidence that the provision offered by the provider is of an adequate quality;
  - D. evidence of the provider's financial viability and the organisation and management of its financial affairs;
  - E. the provider's contribution to the public good.
9. The governing body, board or equivalent of the higher education provider must approve the application and set out named contacts for HEFCW to liaise with.
10. HEFCW will consider the information submitted and will expect the provider to have staff available to discuss the application. If HEFCW requires further information, providers may be asked to submit further evidence in support of the application. HEFCW officers will support providers through this process.
11. Once the provider has submitted to HEFCW all the information required for assessment, following due consideration, HEFCW will make a recommendation to Welsh Ministers on whether or not the course(s) should be designated.
12. Informed by HEFCW, the Welsh Government will write to the provider to notify it of its decision. If the Welsh Ministers are not minded to designate the course, the Welsh Government will provide reasons for the decision. Providers will be offered an opportunity to provide additional information to Welsh Government which may or may not affect its decision. The process for this will be signalled by Welsh Government at the relevant time on a case by case basis.
13. Welsh Government policy is clear that whilst higher education providers may apply for specific designation of their courses at any time of the year, providers should be aware that designation could take up to three months. It is the responsibility of providers to ensure that no information is published that suggests student support would be available for Welsh domiciled students and EU domiciled students in Wales until the provider has received confirmation that the course will be designated. This could include recruitment documents and website pages.
14. Once a course has been designated, HEFCW will update the list of specifically designated courses and share that with the SLC.

## Guidance on completing the template

15. This section of the document sets out the areas of the template that higher education providers should complete and the evidence that HEFCW requires to inform its recommendation to Welsh Ministers on the designation of courses to be specifically designated for student support in Wales. The areas that the template covers are set out in **paragraph 65** of this document.

## A. Full details of the higher education provider

16. HEFCW will require confirmation of the full details of the higher education provider for purposes of having an accurate and up to date list of specifically designated courses. This list will be maintained and shared with the SLC.

### ***Welsh Government Specific Designation Policy***

*An application from a provider which at the time it makes an application for designation is under investigation by any of the following agencies will not normally be approved before that investigation concludes:*

- by the Welsh, UK, Scottish or Northern Ireland governments or by the regulator in these countries, by the body responsible for validating its awards, or by the Student Loans Company in connection with a matter relating to its provision of higher education;*
- by an organisation or agency responsible for the quality of higher education provided;*
- by its charity regulator; or*
- in connection with an alleged criminal offence (**para 45**)*

*The outcome of an investigation may be taken into account by the Welsh Ministers when making a decision as to whether to designate a course. (**para 46**)*

17. HEFCW will also require confirmation from the provider that it is not currently under investigation from any government or government agency or types of organisation listed above. HEFCW has memoranda of understanding in place with the Quality Assurance Agency, the Charity Commission and Estyn. Close working between HEFCW and those organisations will contribute to highlighting issues of concern. We will liaise with the Office for Students where necessary.
18. Information HEFCW requires about the providers includes:
- The applicant's name;
  - The applicant's principal address and legal address where they are different;
  - The applicant's UK provider registration number (UKPRN);
  - Charity commission number (where relevant);
  - Any other names under which the applicant operates;
  - Confirmation that the provider is not under investigation; or
  - Details of any ongoing investigations including the organisation undertaking the investigation and the reasons for the investigation.

**B. A list of courses to be designated for student support including relevant information**

19. HEFCW will require a list of courses that higher education providers wish to be designated for student support. The list will also confirm specific items of information required by Welsh Government and HEFCW will require relevant supporting evidence.
20. HEFCW will require the following information to be listed:
- Course title;
  - Qualification aim;
  - Length of course;
  - Mode of study;
  - Location(s) of course delivery;
  - Validating organisation;
  - Confirmation of control of the course;
  - Dates between which the validation agreement applies;
  - Annual course fees;
  - Estimated student numbers by course and location per year of study including students on sandwich years and years abroad where applicable;
  - Estimated student numbers of Welsh domiciled students and EU domiciled students in Wales and location per year of study including students on sandwich years and years abroad where applicable.
21. HEFCW will require a copy of the appropriate validation agreement(s) for each course as evidence to support the application and the information requirements as set out in paragraph 78.

***Welsh Government Specific Designation Policy***

***Courses eligible for designation***

***Undergraduate courses***

*Regulations made under section 22 of the Teaching and Higher Education Act 1998 enable the Welsh Ministers to make grants or loans to eligible students in connection with their attendance on designated courses. Students ordinarily resident in Wales undertaking courses of higher education may be eligible for support to meet tuition fees and living costs from the Welsh Ministers. (Para 11)*

*An undergraduate course may be designated if it is:*

- i. A first degree course.*
- ii. A course for the Diploma of Higher Education.*
- iii. A course for the Higher National Diploma or Higher National Certificate of—*
  - (a) the Business & Technology Education Council; or*

(b) the Scottish Qualification Authority.

iv. A course for the certificate of Higher Education.

v. A course for the initial training of teachers.

vi. A course for the further training of youth and community workers.

vii. A course in preparation for a professional examination of a standard higher than that of—

(a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education, not being a course for entry to which a first degree (or equivalent qualification) is normally required; or

(b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph iii, not being a course for entry to which a first degree (or equivalent qualification) is normally required.

viii. A course—

(a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph vii(a) or (b) but not higher than that of a first degree course; and

(b) for entry to which a first degree (or equivalent qualification) is not normally required. **(Para 12)**

Courses must consist of at least one year's full-time or sandwich study or its part-time equivalent. **(Para 13)**

### **Postgraduate courses**

Postgraduate courses may be specifically designated by the Welsh Ministers for the purpose of providing financial support to eligible students undertaking those courses. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017, as amended ('the Regulations'), provide the basis for support. **(Para 14)**

In order to be designated, postgraduate courses must be one of the following:

- a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate Master's degree;
- a full-time course of one or two academic years' duration;
- a part-time course which is ordinarily possible to complete in no more than twice the period ordinarily required to complete its one or two academic year full-time equivalent;
- a part-time course that does not have a full-time equivalent and which it is ordinarily possible to complete in up to three academic years. **(para 15)**

Additionally, courses leading to a postgraduate award are capable of being

*designated solely for the purpose of providing eligible students with Disabled Students' Allowances. (Para 16)*

22. The list of courses will be required to set out the qualification aim, the length of course and mode of study to ensure that the course is appropriate for designation. The list of courses in the shaded box above set out those types of courses that can be designated for student support. Different types of courses are eligible for different types of student support.

**Welsh Government Specific Designation Policy**

*Specific course designation is required for each location at which a course is offered. If providers have received designation for specified locations and subsequently wish to add additional locations then they will need to apply for those locations separately. If providers wish to remove or change a location then they should contact HEFCW for information about the process to follow for change of circumstances. (Para 35)*

23. We will also require all providers to confirm the location(s) of delivery of all courses that providers wish to be designated. Where relevant this should include new locations of delivery for courses already designated. Where a provider wishes to offer a course at a new location, this will always require separate approval for designation from HEFCW.

**Welsh Government Specific Designation Policy**

*Applications for specific course designation must normally be made by the organisation which is responsible for the content and delivery of the course to students. However, applications for franchised courses should be made by the franchisor rather than the franchisee. This is because the franchisor retains responsibility for the course in terms of its validation, content and delivery. In both cases, the application must demonstrate fully that the criteria are satisfied by all institutions involved in the awarding of qualifications and the design, supervision and delivery of those courses. In relation to franchised courses, this will mean providing detailed supporting information from the franchisee as appropriate. (Para 33)*

24. HEFCW must be satisfied that the higher education provider delivering a specifically designated course has 'control' of the course (see below for information). Providers that have degree awarding powers in their own right or providers that are delivering courses under validation arrangements will be deemed by HEFCW as being in control of the course.
25. Providers delivering courses under franchise arrangements will not be deemed to be in control of the course and will not be able to have courses specifically designated in their own right. In this scenario, the awarding body will be deemed to be in control of the course and must apply for course designation, HEFCW will still require information about the delivering organisation.
26. HEFCW uses the following definition for validation arrangements:

“Courses made available and taught by one institution that lead, on successful completion, to a qualification awarded usually by another institution with degree awarding powers (DAPs). Normally the course will have been designed by the teaching and not the validating institution. There will be a validation agreement in place, in which the validating institution seeks assurances about the quality and delivery of the course but leaves the teaching institution leeway as to how it teaches the course. The institution with DAPs is the validating and awarding body for the course, while the institution which teaches the course has control of the provision, and full contractual responsibility to the student for the provision of education.”<sup>2</sup>

27. HEFCW uses the following definition for franchise arrangements:  
 “Courses made available by one institution, where some or all of the teaching is provided by another body under a sub-contractual arrangement. The course will usually have been designed by the first institution, which will normally impose its own requirements as to teaching and assessment. That first institution has full contractual responsibility to the student for the provision of education, even though its staff are not teaching (all of) the course. Usually, that institution will also be the awarding body for the course qualification, but exceptionally this may be a third party.”<sup>3</sup>

### **Welsh Government Specific Designation Policy**

#### **Undergraduate courses**

*Applicants must provide validation documents which specify the mode, length and delivery location for each course included in the application. They must demonstrate that the course is validated by an appropriate awarding body:*

- *a course leading to the award of a degree by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016;*
- *the award of Higher National Diploma or Higher National Certificate is awarded by Business & Technology Education Council, the Scottish Qualifications Agency, or a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016. (Para 21)*

#### **Postgraduate courses**

*A course must lead to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988. Courses leading to a postgraduate award are also capable of being designated solely for the purpose of providing eligible students with Disabled Students' Allowances. Such courses must be validated by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016. (Para 22)*

28. The validation organisation must be a recognised body as set out in the Education (Recognised Bodies) (Wales) Order 2016<sup>4</sup> or that the course is

<sup>2</sup>[www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2016/W16%2013HE%20Guidance%20on%20partnership%20arrangements.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2016/W16%2013HE%20Guidance%20on%20partnership%20arrangements.pdf)

<sup>3</sup> Ibid

<sup>4</sup> [www.legislation.gov.uk/wsi/2016/396/pdfs/wsi\\_20160396\\_mi.pdf](http://www.legislation.gov.uk/wsi/2016/396/pdfs/wsi_20160396_mi.pdf)

being delivered through arrangements with Pearson. Only courses that lead to an award from these organisations can be designated.

29. Awarding bodies that are applying for designation of their own courses or courses delivered on their behalf must be a recognised body in their own right. Where an awarding body is applying for a course provided on its behalf it must submit a copy of a relevant up to date franchise agreement with its application.

***Welsh Government Specific Designation Policy***

Specific designation status for individual courses will last for the duration of a course's validation agreement, unless there are a change of circumstances that affect either the provider's or the course's eligibility for specific designation. HEFCW's guidance will provide further details (**Para 40**)

30. Validation agreements will also need to set out the length of the agreement. As set out above Welsh Government expects designation to last for the duration of the validation agreement. In any recommendation to ministers HEFCW will highlight the length of the designation and recommend that the designation is for the period of the validation.

**C. The provision offered by the provider is of an adequate quality**

***Welsh Government Specific Designation Policy***

*The course to be designated must be of an adequate quality. Providers will be required to provide information relating to quality from the organisation or agency responsible for assuring the quality of the course. For example, providers will be required to submit evidence of a successful review of the quality of their provision. HEFCW will provide further guidance on the information required on quality and how to achieve the appropriate standards in due course. (Para 23)*

31. Higher education providers applying for courses to become specifically designated for student support must provide evidence that they meet the baseline quality requirements for higher education in Wales. HEFCW has established a Quality Assessment Framework<sup>5</sup> that establishes a set of baseline regulatory requirements, aligning with England and Northern Ireland.
32. In order for HEFCW to have assurance that the baseline requirements are met, we will require all providers to have undertaken an external quality assurance review by the Quality Assurance Agency for Higher Education (QAA). We will expect that higher education providers applying for their courses to become specifically designated will have had at least one successful external quality assurance review by the QAA in the last four years and to repeat that every four years. The current QAA reviews that HEFCW recognises as meeting these baselines are [Higher Education Review](#), [Higher](#)

<sup>5</sup>[www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2018/W18%2005HE%20Annex%20A.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2018/W18%2005HE%20Annex%20A.pdf)

[Education Review Wales, Quality Review Visit](#), and [Educational Oversight Reviews](#).

33. HEFCW is working with the QAA to establish a new Gateway Quality Review: Wales for providers. Providers that have not had an external QAA review previously will be required to undertake this review, once available. Providers that have not had a successful QAA review in the past four years will be required to undertake this review to provide evidence to HEFCW that they are continuing to meet the baseline requirements.
34. Where a provider is applying for a course to be designated and that course is to be delivered on behalf of that provider under franchise arrangements then we will also require evidence of a successful external quality assurance review that includes its delivery partner.
35. The review outcomes will provide HEFCW with assurance that the provider seeking course designation has met the baseline requirements i.e. the quality of education is deemed to be adequate in meeting the reasonable needs of those receiving the education or undertaking the course.
36. 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 QAA review).<sup>6</sup> This ensures quality assessment is rigorous. In every case, a provider 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.
37. Additionally HEFCW will require the provider to submit the following evidence to demonstrate that it has maintained a successful track record of higher education since its last review:
  - Confirmation that the provider has internal quality assessment procedures;
  - Confirmation that the governing body, or equivalent, 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;
  - Confirmation that the provider has published a high level statement on how the student interests are protected and what arrangements are in place, for example in cases where a provider ceases to exist, a course is withdrawn or changed substantially or if a course's validation changes or is withdrawn;
  - QAA monitoring reports;
  - Professional Statutory and Regulatory Body accreditation reports as they relate to specific courses; and
  - Verifiable data (preferably data returned to the Higher Education Statistics Agency (HESA)) of student outcomes such as non-continuation and non-completion rates, and degree outcomes.

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<sup>6</sup> See information provided on HEFCW's [quality assessment framework webpages](#)

## D. The provider is financially viable

### *Welsh Government Specific Designation Policy*

*The provider seeking course designation must demonstrate that it is financially sustainable and that students can therefore be confident of the provider responsible for their course remaining financially viable for the duration of their studies.*

*Applicants will need to provide the following information in order to demonstrate that they are operating in a financially viable manner. For example:*

- the last three years of externally audited financial statements, or externally audited financial statements for each year of trading where the provider has not been trading for three years;*
- forward business plans;*
- financial forecasts for the current and next three years including a commentary on assumptions made in forecasts and how financial risks are managed;*
- an outline of contingency arrangements for students if courses are discontinued for any reason; and*
- any other information which may be relevant to the provider's financial viability and management of its financial affairs as an aspect of good governance. (Para 24)*

38. An institution must provide information to HEFCW about its financial viability, including evidence that it is sustainable over the medium term (at least three years from the date of course commencement). 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.
39. Applicants should submit 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.
40. 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.
41. Applicants must submit 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** - financial information such as a forward plan that reflects the overall strategic plan available at the point of submitting an application for specific designation, 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 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.
42. If the applicant is a subsidiary entity further details will need to be provided to understand the financial sustainability of all related companies in the overall group.
  43. Applicants should submit any relevant documents that illustrate their strategy, such as a strategic plan or forward business plan, together with detailed financial forecasts for at least the current year and following three years. Applicants are advised to contact HEFCW should they have any queries regarding the information required.
  44. 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 strategy.
  45. 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 strategy and financial forecasts / forward business plan.
  46. 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 resources (including staff and estate) in a sustainable way;
  - viii. is able to meet all the necessary data capture and reporting requirements for HEFCW.
47. In assessing the data management capabilities consideration will be given, where applicable, to a provider'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.
48. We expect that all institutions that have courses designated for student support will subscribe to HESA. For those applying for course designation that do not already subscribe to HESA, we will assess their data capabilities and discuss with them the process of becoming a HESA subscriber.
49. Applicants must provide evidence to demonstrate good governance. Where relevant, this would take the form of evidence of compliance with the principles of an appropriate code of governance. For Higher Education Institutions this would be the Higher Education Code of Governance<sup>7</sup> (Committee of University Chairs, December 2014) and for Further Education Institutions in Wales the Code of Good Governance for Colleges in Wales<sup>8</sup> (Colleges Wales, 2016). Those applicants with charitable status could evidence how it takes account of all relevant guidance on the responsibilities of trustees and effective trusteeship.
50. In the event that a course ceases to exist, for whatever reason, we will need assurances that the student interest is protected. HEFCW will require a written statement or a link to a written statement on how the provider intends to protect student interests.

## E. Contribution to the public good

### ***Welsh Government Specific Designation Policy***

*The Welsh Government has finite resources at its disposal and must ensure the best value for students and taxpayers. The Welsh Government wants to ensure that, as far as possible, taxpayers' investment in education is reinvested by providers for educational purposes, including activities that support access to, or the promotion of, higher education, contribute to the availability of education or improve the retention of students and employability of graduates. Higher education providers whose courses are designated for student support effectively receive a subsidy from the taxpayer via the support made available by the Welsh Government in the form of tuition fee loans to the student as well as maintenance loans and grants. (Para 26)*

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

<sup>8</sup> [Code of Good Governance for Colleges in Wales \(Colleges Wales\) 2016](#)

*Applicants must demonstrate that they make a significant and ongoing contribution to the public good generally in the sphere of education through submission of a written statement. The Welsh Government has identified the following broad areas in which HE providers may be able to demonstrate that they make a significant and ongoing contribution to the public good. They are not mutually exclusive. Developing Welsh-medium education may contribute to both equality of opportunity and the promotion of higher education. (Para 27)*

*Equality of opportunity*

*Examples include:*

- Measures to attract and retain students from under-represented groups;*
- the provision of academic and welfare support to those from under-represented groups, including those with protected characteristics; and*
- the provision of bursary schemes, fee waivers, scholarships or hardship funding.*
- The use and development of Welsh medium and/or Welsh language education which supports the objectives of the Welsh Government's language strategy by providers based in Wales. (Para 28)*

*Promotion of higher education*

*Examples include:*

- Working with schools, colleges and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education;*
- Developing the employability of students, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements;*
- Engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty. This may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community. (Para 29)*

*The above list is not exhaustive. The Welsh Government recognises that providers have a wide range of objectives and may be able to demonstrate a meaningful contribution to the public good in other ways. The written statement should include examples and evidence by reference to some or all of the above areas and any other evidence that an organisation considers relevant. (Para 30)*

*The information provided by applicants will need to demonstrate that the activity is both significant and ongoing, e.g. by way of reference to amount of expenditure on activities that contribute to the public good in connection with education, the duration of those activities and numbers of participants. (Para 31)*

51. All providers that wish to apply for specific designation of their course(s) are required to submit a public good statement to HEFCW. HEFCW will require the provider to submit a statement setting out how the higher education

provider is making an ongoing commitment to the public good. The statement should be read as a standalone document, setting out:

- who the provider is;
- what that provider is trying to achieve through higher education;
- provide examples of activities that demonstrate the ongoing commitment to the public good; and
- how that provider's commitment to the public good will be measured.

52. HEFCW is committed to strong student partnership and this has been formalised with a memorandum of understanding between HEFCW and National Union of Students (NUS) Wales.<sup>9</sup> In line with this position, we expect that providers will discuss the development of these statements with their student bodies.

53. Statements should emphasise the contribution they make to 'access' to higher education by setting out activities that the provider offers in order to meet Welsh Government priorities of equality of opportunity and the promotion of higher education. Statements are also expected to include provisions to support retention.

54. The types of activities that relate to equality of opportunity could include the following:

- attracting and retaining students from under-represented groups
- raise the educational aspirations and skills of people from underrepresented groups to support success in higher education;
- the provision of academic and welfare support to those from under-represented groups, including those with protected characteristics;
- the provision of bursary schemes, fee waivers, scholarships or hardship funding;
- the use and development of Welsh medium and/or Welsh language education which supports the objectives of the Welsh Government's language strategy by providers based in Wales;
- improve the higher education experience for groups underrepresented in higher education;
- provide effective information to under-represented groups, before and during their studies; and
- support the progress to employment or further study of groups underrepresented in higher education.

55. The types of activities that relate to the promotion of higher education could include the following:

- working with schools, colleges and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education;
- engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty. This

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<sup>9</sup>[www.hefcw.ac.uk/documents/about\\_he\\_in\\_wales/about\\_HE\\_sector/MoU%20HEFCW%20and%20NUSW.pdf](http://www.hefcw.ac.uk/documents/about_he_in_wales/about_HE_sector/MoU%20HEFCW%20and%20NUSW.pdf)

may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community;

- developing the employability of students, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements;
- improve the quality of learning and teaching, with reference to the quality of the student experience;
- deliver sustainable higher education; and
- raise awareness of the value of higher education to potential students promoting culture of education and learning.

56. When addressing matters relating to the equality of opportunity it is important that measures and activities are set out in the context of 'groups under-represented in higher education'. We recognise that there are different ways of defining 'groups under-represented in higher education'. 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 more generally. Individuals with protected characteristics, as defined by the Equality Act 2010, may be under-represented in higher education.<sup>10</sup> Students from areas of low higher education participation or deprivation would also fall into this category.

57. In order to demonstrate that the objectives and activities set out in the statement are both significant and ongoing we will expect providers to:

- set out clearly how their relevant institutional strategic documents inform the development of their statements and how the statement aligns with appropriate strategic objectives;
- set SMART<sup>11</sup> targets that demonstrate the provider's ambition;
- set out the level of expenditure to deliver the commitments to promoting equality of opportunity and higher education, noting the investment as a percentage of total student fee income received.

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<sup>10</sup> Protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; and sex.

<sup>11</sup> Specific, Measurable, Achievable, Realistic, Time-Bound.

# HEFCW's process for monitoring providers with existing designated courses

58. This section sets out HEFCW's guidance to providers being monitored including the process for monitoring and the evidence that HEFCW will require in its monitoring. This will apply to only those providers that already have courses specifically designated for student support. This process will provide assurances to Welsh Government that providers continue to meet the Welsh Government requirements for providers with specifically designated courses and can continue to have courses designated from 2019/20.
59. Providers that have courses only designated for continuing students will have to reapply for designation through the process set out in **paras 6-57**.

## **Welsh Government Specific Designation Policy**

*HEFCW will be responsible for monitoring providers' compliance with the specific course designation criteria following the designation of courses. HEFCW will also provide advice to the Welsh Ministers on the ongoing compliance of institutions with the criteria for specific designation. (Para 41)*

*Institutions are expected to comply in a timely manner with the reasonable request for information by HEFCW in relation to designated courses. HEFCW will report to the Welsh Ministers if information requested by HEFCW is not forthcoming from providers or is delayed. (Para 42)*

*The Student Support Regulations allow the Welsh Ministers to suspend or revoke the specific designation of courses. In doing so, the Welsh Ministers will take account of all relevant factors. Those factors will include the advice they receive from HEFCW about the ongoing compliance with the criteria specified in the policy and any refusal to provide information reasonably requested by HEFCW. (Para 43)*

*The Welsh Ministers may suspend or revoke a designation where ongoing compliance with the criteria is not met or where information requested by HEFCW is not provided or where there is a delay in providing that information. (Para 44)*

*A course may have its specific designation status withdrawn or suspended if the provider does not continue to meet the criteria for designation. The Welsh Ministers may suspend student support payments to the provider in circumstances such as those listed in paragraph 45 above. Such action may be taken in cases where fraud, misrepresentation or other wrongdoing by providers and/or students are under investigation or proven. (Para 47)*

60. **All providers that already have higher education courses specifically designated for Welsh domiciled students will continue to have those courses designated for 2018/19.**<sup>12</sup>
61. HEFCW expects providers to submit monitoring information by March 2019. Providers that require confirmation of designation before this will be able to submit that information at two points in the year 31 August 2018 and 31 March 2019.
62. Welsh Government's specific designation policy includes a diagram detailing the process of an application for designation. This diagram is attached at **Annex A**.
63. Providers will be required to complete a template for the monitoring. The template is attached at **Annex C** The template requires each provider to detail the following information:
- A. full details of the higher education provider;
  - B. a list of courses to be designated<sup>13</sup> for student support including relevant information;
  - C. evidence that the provision offered by the provider is of an adequate quality;
  - D. evidence of the provider's financial viability and the organisation and management of its financial affairs;
  - E. the provider's contribution to the public good.
64. The governing body, board or equivalent of the higher education provider must approve the application and set out named contacts for HEFCW to liaise with.
65. HEFCW will consider the information submitted and will expect the provider to have staff available to discuss the application. If HEFCW requires further information, providers may be asked to submit further evidence to supplement the monitoring information. HEFCW officers will support providers through this process.
66. Once the provider has made available to HEFCW all the information required for assessment, following due consideration, HEFCW will make a recommendation to Welsh Ministers on whether or not designation should continue. This could relate to particular courses or all the courses that are currently designated.
67. Informed by HEFCW, the Welsh Government will write to the provider to notify it of HEFCW's decision. If the Welsh Ministers are not minded to continue designating the course, the Welsh Government will provide reasons for the decision. Providers will be offered an opportunity to provide additional information to Welsh Government which may or may not affect its decision. The process for this will be signalled by Welsh Government at the relevant time on a case by case basis.

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<sup>12</sup> Those providers, currently designated for new entrants, that wish to have new courses designated for 2018/19 have been written to setting out a process for this.

<sup>13</sup> This includes both courses already designated and new courses to be designated.

68. It is the responsibility of providers to ensure that no information is published that suggests student support would be available for Welsh domiciled students until the provider has received confirmation that the designation will continue from 2019/20. This could include recruitment documents and website pages.
69. Once a course has been designated or continues to be designated, HEFCW will update the list of specifically designated courses and share that with the Student Loans Company (SLC).

## Guidance to completing the template

70. This section of the document sets out the areas of the template that higher education providers should complete and the evidence that HEFCW requires to inform its recommendation to Welsh Ministers on the ongoing compliance of courses to be specifically designated for student support in Wales. The areas that the template covers are set out in **paragraph 10** of this document.

### A. Full details of the higher education provider

71. HEFCW will require confirmation of the full details of the higher education provider for purposes of maintaining an accurate and up to date list of specifically designated courses. This list will be maintained and shared with the SLC.

#### **Welsh Government Specific Designation Policy**

*An application from a provider which at the time it makes an application for designation is under investigation by any of the following agencies will not normally be approved before that investigation concludes:*

- *by the Welsh, UK, Scottish or Northern Ireland governments or by the regulator in these countries, by the body responsible for validating its awards, or by the Student Loans Company in connection with a matter relating to its provision of higher education;*
- *by an organisation or agency responsible for the quality of higher education provided;*
- *by its charity regulator; or*
- *in connection with an alleged criminal offence (para 45)*

*The outcome of an investigation may be taken into account by the Welsh Ministers when making a decision as to whether to designate a course. (para 46)*

72. HEFCW will also require confirmation from the provider that it is not currently under investigation from any government or government agency or types of organisation listed above. HEFCW has memoranda of understanding in place with the Quality Assurance Agency, the Charity Commission and Estyn. Close working between HEFCW and those organisations will contribute to

highlighting issues of concern. We will liaise with the Office for Students where necessary.

73. Information HEFCW requires about the provider includes:
- The provider's name;
  - The provider's principal address, and legal address where they are different;
  - The provider's UK provider registration number (UKPRN);
  - Charity commission number (where relevant);
  - Any other names under which the provider operates;
  - Confirmation that the provider is not under investigation; or
  - Details of any ongoing investigations including the organisation undertaking the investigation and the reasons for the investigation.

## **B. A list of courses to be designated for student support including relevant information**

74. HEFCW will require a list of courses that the higher education provider wishes to continue to be designated for student support from 2019/20, as well as any new courses that it wishes to be designated from 2019/20. The list will also confirm specific items of information required by Welsh Government and HEFCW will require relevant supporting evidence.
75. HEFCW will require the following information to be listed:
- Course title;
  - Qualification aim;
  - Length of course;
  - Mode of study;
  - Location(s) of course delivery;
  - Validating organisation;
  - Confirmation of control of the course;
  - Dates between which the validation agreement applies;
  - Course fees from 2019/20;
  - Estimated student numbers by course and location per year of study including students on sandwich years out and years abroad where applicable;
  - Estimated student numbers of Welsh domiciled students and location per year of study including students on sandwich years out and years abroad where applicable.
76. HEFCW will require a copy of the appropriate validation agreement(s) for each course as evidence to support the application.

### ***Welsh Government Specific Designation Policy***

#### ***Courses eligible for designation***

##### ***Undergraduate courses***

Regulations made under section 22 of the Teaching and Higher Education Act 1998 enable the Welsh Ministers to make grants or loans to eligible students in connection with their attendance on designated courses. Students ordinarily resident in Wales undertaking courses of higher education may be eligible for support to meet tuition fees and living costs from the Welsh Ministers. **(Para 11)**

An undergraduate course may be designated if it is:

- i. A first degree course.
- ii. A course for the Diploma of Higher Education.
- iii. A course for the Higher National Diploma or Higher National Certificate of—
  - (a) the Business & Technology Education Council; or
  - (b) the Scottish Qualification Authority.
- iv. A course for the certificate of Higher Education.
- v. A course for the initial training of teachers.
- vi. A course for the further training of youth and community workers.
- vii. A course in preparation for a professional examination of a standard higher than that of—
  - (a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education, not being a course for entry to which a first degree (or equivalent qualification) is normally required; or
  - (b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph iii, not being a course for entry to which a first degree (or equivalent qualification) is normally required.
- viii. A course—
  - (a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph vii(a) or (b) but not higher than that of a first degree course; and
  - (b) for entry to which a first degree (or equivalent qualification) is not normally required. **(Para 12)**

Courses must consist of at least one year's full-time or sandwich study or its part-time equivalent. **(Para 13)**

### **Postgraduate courses**

Postgraduate courses may be specifically designated by the Welsh Ministers for the purpose of providing financial support to eligible students undertaking those courses. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017, as amended ('the Regulations'), provide the basis for support.

**(Para 14)**

*In order to be designated, postgraduate courses must be one of the following:*

- *a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate Master's degree;*
- *a full-time course of one or two academic years' duration;*
- *a part-time course which is ordinarily possible to complete in no more than twice the period ordinarily required to complete its one or two academic year full-time equivalent;*
- *a part-time course that does not have a full-time equivalent and which it is ordinarily possible to complete in up to three academic years. (para 15)*

*Additionally, courses leading to a postgraduate award are capable of being designated solely for the purpose of providing eligible students with Disabled Students' Allowances. (Para 16)*

77. The list of courses will be required to set out the qualification aim, the length of course and mode of study to ensure that the course is appropriate for designation. The list of courses in the shaded box above set out those types of courses that can be designated for student support. Different types of courses are eligible for different types of student support.

**Welsh Government Specific Designation Policy**

*Specific course designation is required for each location at which a course is offered. If providers have received designation for specified locations and subsequently wish to add additional locations then they will need to apply for those locations separately. If providers wish to remove or change a location then they should contact HEFCW for information about the process to follow for change of circumstances. (Para 35)*

78. We will also require all providers to confirm the location(s) of delivery of all courses that providers wish to continue to be designated and new courses to be designated from 2019/20. Where relevant this should include new locations of delivery for courses already designated. Where a provider wishes to offer a course at a new location, this will always require separate approval for designation from HEFCW.

**Welsh Government Specific Designation Policy**

*Applications for specific course designation must normally be made by the organisation which is responsible for the content and delivery of the course to students. However, applications for franchised courses should be made by the franchisor rather than the franchisee. This is because the franchisor retains responsibility for the course in terms of its validation, content and delivery. In both cases, the application must demonstrate fully that the criteria are satisfied by all institutions involved in the awarding of qualifications and the design, supervision and delivery of those courses. In relation to franchised courses, this will mean*

*providing detailed supporting information from the franchisee as appropriate. (Para 33)*

79. HEFCW must be satisfied that the higher education provider delivering a specifically designated course has ‘control’ of the course, see below for further information. Providers that have degree awarding powers in their own right or providers that are delivering courses under validation arrangements will be deemed by HEFCW as being in control of the course.
80. Providers delivering courses under franchise arrangements will not be deemed to be in control of the course and will not be able to have courses specifically designated in their own right. In this scenario, the awarding body will be deemed to be in control of the course and must apply for course designation, HEFCW will still require information about the delivering organisation.
81. HEFCW uses the following definition for validation arrangements:  
 “Courses made available and taught by one institution that lead, on successful completion, to a qualification awarded usually by another institution with degree awarding powers (DAPs). Normally the course will have been designed by the teaching and not the validating institution. There will be a validation agreement in place, in which the validating institution seeks assurances about the quality and delivery of the course but leaves the teaching institution leeway as to how it teaches the course. The institution with DAPs is the validating and awarding body for the course, while the institution which teaches the course has control of the provision, and full contractual responsibility to the student for the provision of education.”<sup>14</sup>
82. HEFCW uses the following definition for franchise arrangements:  
 “Courses made available by one institution, where some or all of the teaching is provided by another body under a sub-contractual arrangement. The course will usually have been designed by the first institution, which will normally impose its own requirements as to teaching and assessment. That first institution has full contractual responsibility to the student for the provision of education, even though its staff are not teaching (all of) the course. Usually, that institution will also be the awarding body for the course qualification, but exceptionally this may be a third party.”<sup>15</sup>

### ***Welsh Government Specific Designation Policy***

#### ***Undergraduate courses***

*Applicants must provide validation documents which specify the mode, length and delivery location for each course included in the application. They must demonstrate that the course is validated by an appropriate awarding body:*

- *a course leading to the award of a degree by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016;*

<sup>14</sup>[www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2016/W16%2013HE%20Guidance%20on%20partnership%20arrangements.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2016/W16%2013HE%20Guidance%20on%20partnership%20arrangements.pdf)

<sup>15</sup> Ibid

- *the award of Higher National Diploma or Higher National Certificate is awarded by Business & Technology Education Council, the Scottish Qualifications Agency, or a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016. (Para 21)*

#### **Postgraduate courses**

*A course must lead to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988. Courses leading to a postgraduate award are also capable of being designated solely for the purpose of providing eligible students with Disabled Students' Allowances. Such courses must be validated by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016. (Para 22)*

83. The validation organisation must be a recognised body as set out in the Education (Recognised Bodies) (Wales) Order 2016<sup>16</sup> or that the course is being delivered through arrangements with Pearson. Only courses that lead to an award from these organisations can continue to be designated or receive designation.
84. Awarding bodies that are applying for designation of their own courses or courses delivered on their behalf must be a recognised body in their own right. Where an awarding body is applying for a course provided on its behalf it must submit a copy of a relevant up to date franchise agreement with its application.

#### **Welsh Government Specific Designation Policy**

Specific designation status for individual courses will last for the duration of a course's validation agreement, unless there are a change of circumstances that affect either the provider's or the course's eligibility for specific designation. HEFCW's guidance will provide further details **(Para 40)**

85. Validation agreements will also need to set out the length of the agreement. As set out above, Welsh Government expects designation to last for the duration of the validation agreement. In any recommendation to ministers HEFCW will highlight the length of the designation.

### **C. The provision offered by the provider is of an adequate quality**

#### **Welsh Government Specific Designation Policy**

*The course to be designated must be of an adequate quality. Providers will be required to provide information relating to quality from the organisation or agency responsible for assuring the quality of the course. For example, providers will be required to submit evidence of a successful review of the quality of their provision. HEFCW will provide further guidance on the information required on quality and how to achieve the appropriate standards in due course. (Para 23)*

<sup>16</sup> [www.legislation.gov.uk/wsi/2016/396/pdfs/wsi\\_20160396\\_mi.pdf](http://www.legislation.gov.uk/wsi/2016/396/pdfs/wsi_20160396_mi.pdf)

86. Higher education providers wishing for their courses to continue to be specifically designated for student support must provide evidence that they meet the baseline quality requirements for higher education in Wales. HEFCW has established a quality assessment framework<sup>17</sup> that establishes a set of baseline regulatory requirements, aligning with England and Northern Ireland.
87. In order for HEFCW to have assurance that the baseline requirements are met, we will require all providers to have undertaken an external quality assurance review by the Quality Assurance Agency for Higher Education (QAA). We will expect that higher education providers applying for their courses to become specifically designated will have had at least one successful external quality assurance review by the QAA in the last four years and to repeat that every four years. The current QAA reviews that HEFCW recognises as meeting these baselines are [Higher Education Review](#), [Higher Education Review Wales](#), [Quality Review Visit](#), and [Educational Oversight Reviews](#).
88. HEFCW is working with the QAA to establish a new Gateway Quality Review: Wales for providers. Providers that have not had an external QAA review previously will be required to undertake this review, once available. Providers that have not had a successful QAA review in the past four years will be required to undertake this review to provide evidence to HEFCW that they are continuing to meet the baseline requirements.
89. Where a provider is applying for a course to be designated and that course is to be delivered on behalf of that provider under franchise arrangements then we will also require evidence of a successful external quality assurance review that includes its delivery partner.
90. The review outcomes will provide HEFCW with assurances that the provider seeking course designation has met the baseline requirements i.e. the quality of education is deemed to be adequate in meeting the reasonable needs of those receiving the education or undertaking the course.
91. 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 QAA review).<sup>18</sup> This ensures quality assessment is rigorous. A provider receiving a 'Meets requirements with conditions/Requires Improvement' or 'Does not Meet Requirements/UK expectations' outcome will be deemed to have, inadequate quality.
92. Additionally HEFCW will require the provider to submit the following evidence to demonstrate that it has maintained a successful track record of higher education since its last review:
- Confirmation that the provider has internal quality assessment procedures;

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<sup>17</sup> [www.hefcw.ac.uk/documents/publications/circulars/circulars\\_2018/W18%2005HE%20Annex%20A.pdf](http://www.hefcw.ac.uk/documents/publications/circulars/circulars_2018/W18%2005HE%20Annex%20A.pdf)

<sup>18</sup> See information provided on HEFCW's [quality assessment framework webpages](#)

- Confirmation that the governing body, or equivalent, 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;
- Confirmation that the provider has published a high level statement on how the student interests are protected and what arrangements are in place, for example in cases where a provider ceases to exist, a course is withdrawn or changed substantially or if a course's validation changes or is withdrawn.
- QAA monitoring reports;
- Professional Statutory and Regulatory Body accreditation reports as they relate to specific courses; and
- Verifiable data (preferably data returned to the Higher Education Statistics Agency (HESA)) of student outcomes such as non-continuation and non-completion rates, and degree outcomes.

#### D. The provider is financially viable

##### **Welsh Government Specific Designation Policy**

*The provider seeking course designation must demonstrate that it is financially sustainable and that students can therefore be confident of the provider responsible for their course remaining financially viable for the duration of their studies.*

*Applicants will need to provide the following information in order to demonstrate that they are operating in a financially viable manner. For example:*

- *the last three years of externally audited financial statements, or externally audited financial statements for each year of trading where the provider has not been trading for three years;*
- *forward business plans;*
- *financial forecasts for the current and next three years including a commentary on assumptions made in forecasts and how financial risks are managed;*
- *an outline of contingency arrangements for students if courses are discontinued for any reason; and*
- *any other information which may be relevant to the provider's financial viability and management of its financial affairs as an aspect of good governance.*

**(Para 24)**

93. An institution must provide information to HEFCW about its financial viability, including evidence that it is sustainable over the medium term (at least three years from the date of course commencement). 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.
94. Providers should submit 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.

95. 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.
96. Higher education providers must submit 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 submission. 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** - financial information such as a forward plan that reflects the overall strategic plan available at the point of monitoring compliance with specific designation criteria, 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 provider's assess and review their sustainability, including the use of sustainability assessments.
  - iii. **Forecasts - providers must be able to provide evidence 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 provider would not incur deficits if these would result in a net total liabilities position.
97. If the provider is a subsidiary entity further details will need to be provided to understand the financial sustainability of all related companies in the overall group.
98. Providers should submit any relevant documents that illustrate their strategy, such as a strategic plan or forward business plan, together with detailed financial forecasts for at least the current year and following three years. Providers are advised to contact HEFCW should they have any queries regarding the information required.
99. HEFCW's assessment of providers' 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 providers' financial position and their strategy.

100. Providers 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 strategy and financial forecasts / forward business plan.
101. A provider must submit information to illustrate that it:
- ix. has financial management processes that are well-governed and controlled adequately and effectively;
  - x. plans and manages activities to remain viable;
  - xi. has robust and comprehensive systems of risk management and internal control;
  - xii. has effective arrangements for the management and quality assurance of data used for internal decision making;
  - xiii. has regular, reliable, timely and adequate information to monitor operational and financial performance;
  - xiv. reports information regularly, comprehensively and correctly to appropriate senior management and those charged with governance;
  - xv. manages its resources (including staff and estate) in a sustainable way;
  - xvi. is able to meet all the necessary data capture and reporting requirements for HEFCW.
102. In assessing the data management capabilities consideration will be given, where applicable, to a provider'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.
103. We expect that all institutions that have courses designated for student support will subscribe to HESA. For those applying for course designation that do not already subscribe to HESA, we will assess their data capabilities and discuss with them the process of becoming a HESA subscriber.
104. Providers must submit evidence to demonstrate good governance. Where relevant, this would take the form of evidence of compliance with the principles of an appropriate code of governance. For Higher Education Institutions this would be the Higher Education Code of Governance<sup>19</sup> (Committee of University Chairs, December 2014) and for Further Education Institutions in Wales the Code of Good Governance for Colleges in Wales<sup>20</sup> (Colleges Wales, 2016). Those applicants with charitable status could evidence how it takes account of all relevant guidance on the responsibilities of trustees and effective trusteeship.
105. In the event that a course ceases to exist, for whatever reason, we will need assurances that the student interest is protected. HEFCW will require a written statement or a link to a written statement on how the provider intends to protect student interests.

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<sup>19</sup> [Higher Education Code of Governance \(Committee of University Chairs\) December 2014](#)

<sup>20</sup> [Code of Good Governance for Colleges in Wales \(Colleges Wales\) 2016](#)

## E. Contribution to the public good

### **Welsh Government Specific Designation Policy**

*The Welsh Government has finite resources at its disposal and must ensure the best value for students and taxpayers. The Welsh Government wants to ensure that, as far as possible, taxpayers' investment in education is reinvested by providers for educational purposes, including activities that support access to, or the promotion of, higher education, contribute to the availability of education or improve the retention of students and employability of graduates. Higher education providers whose courses are designated for student support effectively receive a subsidy from the taxpayer via the support made available by the Welsh Government in the form of tuition fee loans to the student as well as maintenance loans and grants. (Para 26)*

*Applicants must demonstrate that they make a significant and ongoing contribution to the public good generally in the sphere of education through submission of a written statement. The Welsh Government has identified the following broad areas in which HE providers may be able to demonstrate that they make a significant and ongoing contribution to the public good. They are not mutually exclusive. Developing Welsh-medium education may contribute to both equality of opportunity and the promotion of higher education. (Para 27)*

#### *Equality of opportunity*

*Examples include:*

- *Measures to attract and retain students from under-represented groups;*
- *the provision of academic and welfare support to those from under-represented groups, including those with protected characteristics; and*
- *the provision of bursary schemes, fee waivers, scholarships or hardship funding.*
- *The use and development of Welsh medium and/or Welsh language education which supports the objectives of the Welsh Government's language strategy by providers based in Wales. (Para 28)*

#### *Promotion of higher education*

*Examples include:*

- *Working with schools, colleges and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education;*
- *Developing the employability of students, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements;*
- *Engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty. This may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community. (Para 29)*

*The above list is not exhaustive. The Welsh Government recognises that providers have a wide range of objectives and may be able to demonstrate a meaningful contribution to the public good in other ways. The written statement should include examples and evidence by reference to some or all of the above areas and any other evidence that an organisation considers relevant. (Para 30)*

*The information provided by applicants will need to demonstrate that the activity is both significant and ongoing, e.g. by way of reference to amount of expenditure on activities that contribute to the public good in connection with education, the duration of those activities and numbers of participants. (Para 31)*

106. All providers that wish for their course(s) to continue to be specifically designated are required to submit a public good statement to HEFCW. HEFCW will require the provider to submit a statement setting out how the higher education provider is making an ongoing commitment to the public good. The statement should be read as a standalone document, setting out:
- who the provider is;
  - what that provider is trying to achieve through higher education;
  - provide examples of activities that demonstrate the ongoing commitment to the public good; and
  - how that provider's commitment to the public good will be measured.
107. HEFCW is committed to strong student partnership and this has been formalised with a memorandum of understanding between HEFCW and National Union of Students (NUS) Wales.<sup>21</sup> In line with this position, we expect that providers will discuss the development of these statements with their student bodies.
108. Statements should emphasise the contribution they make to 'access' to higher education by setting out activities that the provider offers in order to meet Welsh Government priorities of equality of opportunity and the promotion of higher education. Statements are also expected to include provisions to support retention.
109. The types of activities that relate to equality of opportunity could include the following:
- attracting and retaining students from under-represented groups
  - raise the educational aspirations and skills of people from underrepresented groups to support success in higher education;
  - the provision of academic and welfare support to those from under-represented groups, including those with protected characteristics;
  - the provision of bursary schemes, fee waivers, scholarships or hardship funding;
  - the use and development of Welsh medium and/or Welsh language education which supports the objectives of the Welsh Government's language strategy by providers based in Wales;

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<sup>21</sup>[www.hefcw.ac.uk/documents/about\\_he\\_in\\_wales/about\\_HE\\_sector/MoU%20HEFCW%20and%20NUSW.pdf](http://www.hefcw.ac.uk/documents/about_he_in_wales/about_HE_sector/MoU%20HEFCW%20and%20NUSW.pdf)

- improve the higher education experience for groups underrepresented in higher education;
- provide effective information to under-represented groups, before and during their studies; and
- support the progress to employment or further study of groups underrepresented in higher education.

110. The types of activities that relate to the promotion of higher education could include the following:

- working with schools, colleges and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education;
- engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty. This may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community;
- developing the employability of students, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements;
- improve the quality of learning and teaching, with reference to the quality of the student experience;
- deliver sustainable higher education; and
- raise awareness of the value of higher education to potential students promoting culture of education and learning.

111. When addressing matters relating to the equality of opportunity it is important that measures and activities are set out in the context of 'groups under-represented in higher education'. We recognise that there are different ways of defining 'groups under-represented in higher education'. 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 more generally. Individuals with protected characteristics, as defined by the Equality Act 2010, may be under-represented in higher education.<sup>22</sup> Students from areas of low higher education participation or deprivation would also fall into this category.

112. In order to demonstrate that the objectives and activities set out in the statement are both significant and ongoing we will expect providers to:

- set out clearly how their relevant institutional strategic documents inform the development of their statements and how the statement aligns with appropriate strategic objectives;
- set SMART targets that demonstrate the provider's ambition;

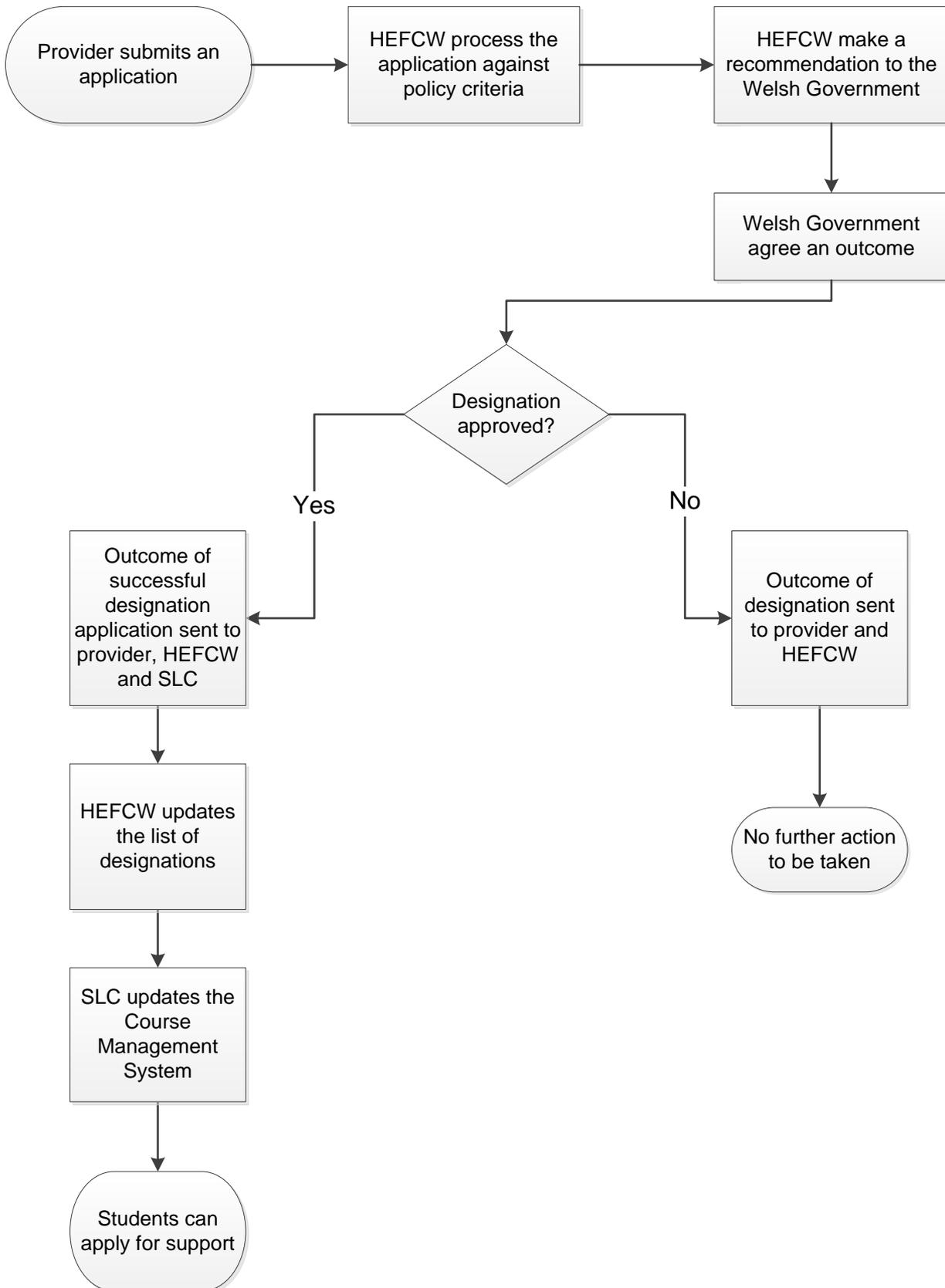
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<sup>22</sup> Protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; and sex.

- set out the level of expenditure to deliver the commitments to promoting equality of opportunity and higher education, noting the investment as a percentage of total student fee income received.

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**Annex A – Process of application for designation**  
Welsh Government Policy for Specific Course Designation



## Annex B

**Application for Designation of a Higher Education Course****A. FULL DETAILS OF HIGHER EDUCATION PROVIDER (Paras 16-18)**

- The applicant's name;
- The applicant's principal address and legal address where they are different;
- The applicant's UK provider registration number (UKPRN);
- Charity commission number (where relevant);
- Any other names under which the applicant operates;
- Confirmation that the provider is not under investigation; or
- Details of any ongoing investigations including the organisation undertaking the investigation and the reasons for the investigation.

**B. LIST OF COURSES TO BE DESIGNATED FOR STUDENT SUPPORT INCLUDING RELEVANT INFORMATION (Paras 19-30)**

- Course title;
- Qualification aim;
- Length of course;
- Mode of study;
- Location(s) of course delivery;
- Validating organisation;
- Confirmation of control of the course;
- Dates between which the validation agreement applies;
- Annual course fees;
- Estimated student numbers by course and location per year of study including students on sandwich years and years abroad where applicable;
- Estimated student numbers of Welsh domiciled students and EU domiciled students in Wales and location per year of study including students on sandwich years and years abroad where applicable.

**C. THE PROVISION OFFERED BY THE PROVIDER IS OF AN ADEQUATE QUALITY (Paras 31-37)**

**D. THE PROVIDER IS FINANCIALLY VIABLE (Paras 38-50)**

**E. CONTRIBUTION TO THE PUBLIC GOOD (Paras 51-57)**

The statement should be read as a standalone document, setting out:

- Who the provider is;
- What that provider is trying to achieve through higher education;
- Provide examples of activities that demonstrate the ongoing commitment to the public good; and
- How that provider's commitment to the public good will be measured.

**CONTACT NAME(S) (Para 9)**

Your name:

Position in organisation:

**APPROVAL (Para 9)**

Sign:

Date:

**RETURN ADDRESS**

Please return this form to:

[regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk)

## Annex C

**Monitoring of providers with existing designated courses****A. FULL DETAILS OF HIGHER EDUCATION PROVIDER (Paras 71-73)**

- The provider's name;
- The provider's principal address, and legal address where they are different;
- The provider's UK provider registration number (UKPRN);
- Charity commission number (where relevant);
- Any other names under which the provider operates;
- Confirmation that the provider is not under investigation; or
- Details of any ongoing investigations including the organisation undertaking the investigation and the reasons for the investigation.

**B. LIST OF COURSES TO BE DESIGNATED FOR STUDENT SUPPORT INCLUDING RELEVANT INFORMATION (Paras 74-85)**

- Course title;
- Qualification aim;
- Length of course;
- Mode of study;
- Location(s) of course delivery;
- Validating organisation;
- Confirmation of control of the course;
- Dates between which the validation agreement applies;
- Course fees from 2019/20;
- Estimated student numbers by course and location per year of study including students on sandwich years out and years abroad where applicable;
- Estimated student numbers of Welsh domiciled students and location per year of study including students on sandwich years out and years abroad where applicable.

**C. THE PROVISION OFFERED BY THE PROVIDER IS OF AN ADEQUATE QUALITY (Paras 86-92)**

**D. THE PROVIDER IS FINANCIALLY VIABLE (Paras 93-105)**

**E. CONTRIBUTION TO THE PUBLIC GOOD (Paras 106-112)**

The statement should be read as a standalone document, setting out:

- Who the provider is;
- What that provider is trying to achieve through higher education;
- Provide examples of activities that demonstrate the ongoing commitment to the public good; and
- How that provider's commitment to the public good will be measured.

**CONTACT NAME(S) (Para 64)**

Your name:

Position in organisation:

**APPROVAL (Para 64)**

Sign:

Date:

**RETURN ADDRESS**

Please return this form to:

[regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk)