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Consultation Document

The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

Date of issue: 7 April 2014

Action required: Responses by 9 June 2014

The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

Overview

The Further and Higher Education (Governance and Information) (Wales) Act ("the Act") received Royal Assent on 27 January 2014. Section 3 of the Act amends the Further and Higher Education Act 1992 in respect of institutions in Wales and restates the law in respect of England, specifically sections 27, 27A, and 27B.

The draft Regulations, as summarised here, describe the time and manner in which further education corporations must publish their proposals for dissolution. They also provide detail on the requirement and timing of consultation, as well as prescribing the bodies to which a further education corporation may transfer its property, rights and liabilities upon dissolution.

The purpose of this consultation document is to seek your views on the Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014 ("the draft regulations").

This consultation will run for nine weeks as opposed to the standard 12 weeks, as it relates to a narrow range of technical matters only. Further education corporations and key stakeholders have been engaged throughout the debate on the 2014 Act and are fully aware of the wider policy and background facts.

How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **9 June 2014** at the latest. Please enter 'Regulations' in the message subject line.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations

Further and Higher Education (Governance and Information) (Wales) Act 2014

www.legislation.gov.uk/anaw/2014/1/contents/enacted

Contact details

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Background summary

On 27 January 2014 the Further and Higher Education (Governance and Information) (Wales) Act 2014 (“the 2014 Act”) was granted Royal Assent.

Section 3 of the 2014 Act amends the law for Wales, and restates the law for England as currently set out in sections 27, 27A, 27B and 27C of the Further and Higher Education Act 1992 (“the 1992 Act”) by inserting new sections 27, 27A and 27B. The Regulations will be made under sections 27(2) to (4), 27B(1) and 89(4) of the Further and Higher Education Act 1992.

The 2014 Act makes provision to enable a further education corporation in Wales to dissolve itself. In doing so, the institution must follow the consultation process set out in the draft regulations (attached at **Annex A**); this includes preparing a proposal which incorporates the required information contained in Schedule 1 of the draft regulations. The institution must then publish a notice of the proposal for dissolution (regulation 3(4)) and send copies of its proposal to those persons and bodies specified in regulation 4.

Regulation 5 and Schedule 2 prescribe the type of body to which a further education institution can transfer its property, rights and liabilities upon dissolution; such a transfer can only take place where the recipient body is listed in Schedule 2 and its activities are carried on, or principally carried on, in Wales.

Legislative background to the proposed Regulations

Under section 27 of the 1992 Act, (which will be amended by the 2014 Act upon commencement of Section 3 of that Act), further education corporations have the power to dissolve themselves. A further education corporation can dissolve itself once it has complied with the requirements of section 27(2) to (4), which require the corporation to publish details of the proposal for its dissolution, and to consult on that proposal, taking account of the views of those consulted.

What are the proposals for the Regulations?

The draft Regulations prescribe the time, manner of publication, and content of draft proposals for the dissolution of further education institutions. The draft regulations also provide detail on the timing of the required stakeholder consultation, as well as prescribing the bodies to which a further education corporation can transfer its property, rights and liabilities upon dissolution.

Regulation 3 specifies that proposals for dissolution must be published at least four months before the date for intended dissolution in both a local newspaper and a national newspaper. Regulation 3 also specifies what the notice must contain as a minimum.

Schedule 1 specifies the information a further education corporation must communicate regarding a proposal for its dissolution, including a description of the education provided by it, the number of students, reasons for dissolution, proposed date of dissolution, provisions made for students who are “mid course” and arrangements for transfer of its assets.

Regulation 4 provides detail about who the further education corporation must send details of the dissolution proposal to, the timings of the consultation the corporation must undertake, and that a summary of responses and an outcome of the consultation must be published.

Regulation 5 and Schedule 2 prescribe the bodies to which a further education corporation can transfer its property, rights and liabilities on dissolution.

Do you have any comments regarding the proposals?

The Welsh Government would welcome your views on the proposals for regulations.

Please submit your comments on any aspect of the proposed Regulations by 4pm 9 June 2014, using the template provided on the website, either by e-mail or post, marked for the attention of the Post-16 Policy Branch (at the address provided in the Contact Details).