

# Cylchlythyr | Circular

## Consultation on revised guidance for student charters

**Date:** 17 February 2017  
**Reference:** W17/02HE  
**To:** Regulated institutions in Wales and their student unions  
Funded institutions in Wales and their student unions  
Other interested parties  
**Response by:** 11 April 2017  
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This circular provides a consultation on revising the guidance for Student Charters, to replace that provided in circular [W14/05HE](#). This is because the guidance has become dated in light of subsequent developments, including the HE (Wales) Act 2015. The guidance will apply to regulated institutions. Students of franchise HE provision will be covered by the franchising institution's Charter.

Institutions are also asked to provide one or more examples of good practice on engaging with 'hard to reach' students to ensure that the voice of the diverse student body is heard. These will be published jointly by HEFCW and Wise Wales.

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 circular provides a consultation on revising the guidance for Student Charters, to replace that provided in circular [W14/05HE](#). This is because the guidance has become dated in light of subsequent developments, including implications of the HE (Wales) Act 2015 ('the 2015 Act'). The guidance will apply to regulated institutions. Students of franchise HE provision will be covered by the franchising institution's Charter.
2. Institutions are also asked to provide one or more examples of good practice on engaging with 'hard to reach' students to ensure that the voice of the diverse student body is heard. These will be published jointly by HEFCW and Wise Wales.

## Background

3. Following consultation, HEFCW published circular [W11/31HE: Guidance on the development of student charters](#) in 2011, in response to a Welsh Government remit letter request. This required all institutions to publish a student charter by 2012/13. HEFCW also published Circular [W11/46HE: Guidance on good practice in funding of effective, democratic student unions, and student representation](#). This followed the publication of a [final report](#) by the Student Charter Group (SCG) in England in 2011.
4. In 2013 HEFCW published circular [W13/27HE: Monitoring the impact of the guidance on student charters, and on good practice in funding of effective, democratic student unions, and student representation](#), in response to another Welsh Government request. This asked institutions to provide HEFCW with feedback on the impact of student charters and of our guidance on good practice in funding of effective, democratic student unions, and student representation.
5. Following this consultation, the Student Charter guidance was revised and republished as circular [W14/05HE: Revised guidance on the development of student charters](#). HEFCW also published circular [W14/06HE: Revised guidance on good practice in funding of effective, democratic student unions, and student representation](#). Institutions were required to take account of this guidance in their next annual revision of the Charter and the Relationship Agreement.
6. The [2015 Act](#) introduced regulatory powers for HEFCW. The [explanatory notes](#) confirm that this includes an ongoing duty on HEFCW to quality assess education under section 26, should an institution no longer have a fee and access plan (FAP) in place, to provide ongoing protection for students who started their courses when an approved FAP was in place.
7. Under sections 23 of the 2015 Act HEFCW must consult the governing body of regulated institutions, and any other persons appropriate, before issuing or approving guidance relating to the quality of education.

8. The Office of the Independent Adjudicator (OIA) is the independent body that runs the student complaints scheme in England and Wales. Its Membership includes higher education providers, including FE institutions and universities. Its role is to review individual complaints by students against higher education providers. General concerns regarding academic standards and quality are dealt with separately, under HEFCW's responsibilities in the 2015 Act, relating to provision which is inadequate or likely to become inadequate.
9. The 2011 White Paper in England, [Higher Education: Students at the Heart of the System](#), announced the Department for Business, Innovation and Skills' intention to give HEFCE an explicit remit to protect the interest of students. Following this, HEFCE published a [statement on its role in the collective student interest](#).
10. The Welsh Government [Guidance to HEFCW on Fee and Access Plans](#) notes that the regulatory system established by the 2015 Act was designed to 'provide a line of sight between the regulated providers of higher education and the application of regulatory controls to protect the interests of students, the Welsh Government and tax payers'.

### **Current position**

11. HEFCW's statutory duties cover provision that is inadequate or is likely to become inadequate. Student protection measures are part of the baseline requirements within the quality assessment framework for Wales, as these include providers' relevant obligations under consumer law, including in relation to Competition and Markets Authority (CMA) guidance, and the relevant good practice framework for handling complaints and academic appeals, which in Wales relates to the OIA. Some of the amendments proposed to this guidance therefore come under HEFCW's statutory responsibilities regarding quality.
12. The contents of this consultation have been considered by HEFCW's SOAC and our QAC.

### **Student Charter guidance**

13. The Student Charter guidance can be summarised as follows:
  - The Student Charter should be a high level document which is applicable to the diverse body of students. It should provide signposts and links to more detailed information, such as institutional regulations, student support, and course information;
  - Regulated HE institutions should have a single Student Charter covering all of their students and staff, including those who on studying on provision made of behalf of the institutions;

- FEIs with more than one franchise partner will need to ensure each set of students is aware of the HEI Charter which applies to them, and may also invite students to be aware of any Charter specific to, and developed by, the FEI;
- Regulated or funded FEIs with directly funded HE provision should develop a Charter regardless of the number of directly funded HE credits they deliver. This could be as part of a document covering all the FEIs' students, if appropriate. These FEIs may also have franchise HE in FE provision, which will be covered by the franchising institution's Charter;
- Where a HEI has a complex structure it should still provide a single Charter covering all students of the institution. The Charter should link to additional information as appropriate, to provide the detail of where expectations vary;
- The Charter should be monitored and reviewed jointly by students, student union officers and institutional staff on an annual basis to ensure it is still being used and remains relevant;
- The partners should take account of the [recommendations of the Student Charter Group](#);
- Charters in Wales should also include:
  - A high level statement on the institution's responsibilities under the Welsh Language Act and as set out in their Welsh Language Scheme
  - Signposting to where students may find information on opportunities to study through the medium of Welsh
  - A high level statement on the institution's engagement with the Coleg Cymraeg Cenedlaethol, including a link to the Coleg's website
  - Signposting to where students may find information on opportunities for them to study overseas
  - A high level statement on the institution's provision of information on the cost of study, including signposting to full information (eg on course pages).

#### Protecting the student interest

14. Following advice from SOAC and QAC, we believe that the student charter should include a statement regarding how the student interests are protected. This includes, for example, cases where an institution no longer has a FAP in place; ceases to offer a course; has professional, statutory or regulatory body (PSRB) accreditation for provision withdrawn. The statement could link to information on student protection.

***Q1 Do you agree that it is appropriate for the Student Charter to include a statement on how the student interests are protected?***

15. SOAC suggested that HEIs might want to agree collectively information regarding the protection of student interests, to which all providers could link via a statement in their Charter. HEFCW would be content with this,

recognising that other types of regulated institutions will also need to develop approaches, either jointly or separately.

#### Consumer law

16. In March 2015 the CMA [published Higher education: consumer law advice for providers and students](#). This incorporated advice which was previously covered under the costs of study aspect of HEFCW's previous student charter guidance. As the student charter guidance was published prior to the CMA guidance, it was not included in HEFCW's guidance.
17. We believe it is appropriate to replace the reference to costs of study in the previous Student Charter guidance with information on how the institution addresses its responsibilities as described in the CMA guidance.

***Q2 Do you agree that it is appropriate to replace the reference to costs of study in the previous Student Charter guidance, with information on how the institution addresses its responsibilities as described in the CMA guidance?***

#### Welsh language standards

18. We propose to require the wording within the Student Charters to be updated to reflect the institution's obligations under the Welsh language standards.

***Q3 Are there any unintended consequences arising from our intention to require the wording within Student Charters to be updated to reflect the Welsh language standards?***

#### Other proposed changes

19. The terminology of the guidance will need to be updated to take account of the 2015 Act. This will include referring to regulated and funded institutions.

***Q4 Are there any unintended consequences resulting from the proposal to update the terminology of the Student Charter guidance to take account of the 2015 Act?***

20. Separately, we have published circular [W16/38HE: Consultation on governing body annual assurance statements related to quality](#). This proposes the inclusion of an assurance statement to confirm that the governing body has received a copy of the relationship agreement between the institution and the student union, and a copy of the student charter, both of which have been reviewed within the past year. The outcomes of this consultation will be published in Spring 2017.

### Relationship agreements

21. Officers' view is that the guidance on Relationship Agreements has not dated in the same way as the Student Charter Guidance. We plan to reaffirm this through the updated Student Charter Guidance.

***Q5 Are there any issues we should be aware of in reaffirming the guidance on Relationship Agreements?***

***Q6 Are there any other issues regarding the Student Charter which you would like to bring to our attention?***

### **Hard to reach students**

22. The sector has suggested that it would be helpful to have guidance or good practice on how to engage with 'hard to reach' students to ensure that the voice of the diverse student body is heard. We believe that this would be helpful for the sector, including in ensuring they meet their obligations regarding Student Charters.
23. We are therefore asking institutions and student unions to provide at least one example of good practice in engaging with 'hard to reach' groups of students. We understand that institutions are likely to have such examples readily available, and that this should therefore not result in undue burden.
24. We will publish the examples provided jointly with Wise Wales.

### **Responses to**

25. Please send responses to Dr Cliona O'Neill (tel 029 2085 9731; email [cliona.oneill@hefcw.ac.uk](mailto:cliona.oneill@hefcw.ac.uk)) by 11 April 2017.

### **Assessing the impact of our policies OR Equality and diversity implications**

We have carried out an equality impact assessment (EIA) screening to help safeguard against discrimination and promote equality. We also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales. Contact [equality@hefcw.ac.uk](mailto:equality@hefcw.ac.uk) for more information about EIAs.

A similar responsibility rest on higher education institution partners to assess the impact of your proposals to help safeguard against discrimination and promote equality.