

# Cylchlythyr | Circular

## Consultation on the gateway review, to enable institutions to seek automatic designation

**Date:** 25 August 2017  
**Reference:** W17/24HE  
**To:** Regulated institutions  
Institutions wishing to seek automatic designation  
Other interested parties  
**Response by:** 6 October 2017  
**Contact:** Name: Nicola Hunt  
Telephone: 029 2085 9735  
Email: [nicola.hunt@hefcw.ac.uk](mailto:nicola.hunt@hefcw.ac.uk)

This circular provides a consultation on the use of a gateway review, to be undertaken by institutions wishing to apply for a Fee and Access Plan in order to become automatically designated for student support. Responses should be submitted by **6 October 2017**.

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 the use of a gateway review, to be undertaken by institutions wishing to apply for a Fee and Access Plan in order to become automatically designated for student support. Responses should be submitted by **6 October 2017**.

## Background

2. In April 2016 HEFCW published its consultation on the Quality Assessment Framework for Wales via circular [W16/14HE](#). The circular noted that in England, as part of the revised operating model for quality assessment, there would be a single gateway for entry to the publicly funded higher education (HE) system, and a 'probationary' or 'developmental' period of closer monitoring, engagement and scrutiny for those recent entrants, or for providers requiring this for other reasons. In Wales this would be addressed through arrangements for automatic and specific designation to access student support within the context of the Higher Education (Wales) Act 2015.
3. In August 2016, HEFCW published the outcomes of the consultation via circular [W16/29HE](#). Responses to the consultation suggested that arrangements in Wales should continue to align with a UK-wide approach whilst recognising the different context in Wales. Responses also suggested that the Quality Assessment Framework should continue to be flexible in order to adapt to developments in Wales and that processes should aim to minimise the administrative burden on institutions.
4. With this in mind, HEFCW retained the option for Wales to participate in the development of a gateway process as part of the revised operating model for quality assessment in England and Northern Ireland. Further details of how the individual quality assurance processes fit into the overall Framework can be found on the [HEFCW website](#).
5. HEFCW's Quality Assessment Committee has advised on the contents of this consultation.

## Designation of HE in Wales and access to student support

6. Under the Higher Education (Wales) Act 2015 (HE Act)<sup>1</sup>, HEFCW has statutory duties relating to the approval of Fee and Access Plans. Fee and Access Plan applicants have to demonstrate to HEFCW that they are institutions in Wales that provide higher education and are charities. Higher education providers that are neither a university formed by Royal Charter, a higher education corporation nor a further education corporation have to

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<sup>1</sup> [National Assembly for Wales, Higher Education \(Wales\) Act 2015](#)

be designated by Welsh Government as an institution for purposes of the HE Act.<sup>2</sup>

7. Furthermore, institutions applying for a Fee and Access plan are required to provide information relating to the quality of their education, the financial viability of the institution, and the arrangements for the organisation and management of their financial affairs.<sup>3</sup> Further information is set out in HEFCW's Fee and Access Plan guidance.<sup>4</sup> Institutions with an approved Fee and Access Plan will become automatically designated for full-time undergraduate student support.
8. Specific designation allows for individual full time and part time courses at HE providers without automatic designation to be recognised for the purpose of access to student support. Applications for specific designation are made to Welsh Government on a case-by-case basis; applicants must meet WG criteria in order to achieve designation for specific [courses](#). From a quality perspective, applicants for specific designation are currently required to undertake a quality review by the Quality Assurance Agency for Higher Education (QAA) or other body on the European Quality Assurance Register for Higher Education.
9. It is likely that, in future, Welsh Government will ask HEFCW to operate the process of specific designation and make recommendations to the Cabinet Secretary regarding applications for specific designation. This would enable HEFCW to align the procedures for automatic and specific designation when the transfer of the process takes place.

### **The Gateway Review for new providers**

10. Given that automatic designation allows institutions access to public funding via student support for all higher education provision, both existing and in the future, it is important that the gateway process should be rigorous and robust.
11. Provision of higher education in Wales operates in the context of a UK system with, in particular, major flows of students and staff over the border between Wales and England. For this reason, it is important that higher education is, and is perceived to be, of at least as good quality in Wales as in England. It would not be in the interests of students, or institutions, for the quality assurance requirements in Wales to be any less rigorous than in England, for any institution.
12. For this reason, HEFCW considers that adapting and implementing the gateway review approach in England and Northern Ireland (for HE provision in Wales) is the most appropriate route for institutions to satisfy

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<sup>2</sup> [Welsh Government, Designation as an institution under the Higher Education \(Wales\) Act 2015](#)

<sup>3</sup> [National Assembly for Wales, The Higher Education \(Fee and Access Plans\) \(Wales\) Regulations 2015](#)

<sup>4</sup> [HEFCW, 2018/19 Fee and Access Plan Guidance](#)

quality assurance requirements in order to apply for a Fee and Access Plan. This approach will ensure that UK-wide academic standards are maintained. In so doing, HEFCW also needs to ensure that the processes adopted meet the different requirements of the HE Act in Wales as well as devolved higher education policy objectives.

13. The following stages are proposed relating to quality assurance, in order that new institutions' full-time undergraduate courses can become automatically designated for student support.
14. An institution would be required to:-
  - i. Provide written confirmation to HEFCW of its intention to apply for a gateway review of its undergraduate provision.
  - ii. Undergo a financial check by HEFCW, prior to that institution commissioning a gateway review. This would give an indication of the institution's ability to meet the financial requirements of a Fee and Access Plan application.
  - iii. Commission a gateway review by a body specified by HEFCW, currently the Quality Assurance Agency. Regulated and unregulated institutions are expected to bear the costs of external review and thus the costs of the gateway review will be met by the institution applying for review. If an institution successfully completes a gateway review, it would be deemed to meet the quality requirements in order to apply for specific designation. Specific designation would enable students to access full-time undergraduate student support for named HE courses.
  - iv. Commission a second gateway review four years later, in order to demonstrate that it meets HEFCW's quality assurance requirements prior to applying for a Fee and Access Plan. This process, including the timing of the second gateway review, aligns with the current approach of becoming an established provider in England and Northern Ireland. This would also provide assurances to HEFCW that the HE provision is sustainable, evidenced by a clear track record, and meets UK baseline standards for higher education quality.
  - v. Apply for a Fee and Access Plan following a successful second gateway review. In making an application, the institution would need to evidence its status as a charity, in Wales, providing higher education, as well as confirm that it meets other assurance requirements, as set out above.
15. HEFCW officers have held discussions with WG regarding the alignment of quality assurance requirements for specific and automatic designation of full-time undergraduate provision. The aim of the quality assurance checks is to provide a safeguard regarding the use of public funding and to ensure that higher education provision in Wales meets UK standards, thereby protecting the interests of students. We consider that the above process meets these aims.

16. Our proposals will allow HEFCW to discharge its responsibilities for quality assurance under the HE Act, in line with the principles of the [Quality Assessment Framework](#), without placing undue burden on institutions. The process of the removal of HEFCW's approval of a Fee and Access Plan under the HE Act is statutory and a lengthy process, which is not equivalent to the operation of the register in England.
17. Nevertheless, our proposals will provide some consistency between Wales and England/Northern Ireland in terms of the quality assurance threshold for accessing student support for higher education. It will facilitate mutual recognition of quality assurance that had been undertaken by an institution in entering into the student support system in either country.

**Question 1: Will the proposed process provide sufficient assurance to HEFCW and Welsh Government in terms of the quality of higher education in Wales?**

**Question 2: Are there any unintended consequences arising from the proposed gateway review process?**

18. The gateway review process would require adapting the QAA's [Quality Review Visit](#) methodology for gateway reviews in England/NI to align with the Quality Assessment Framework and the regulatory context in Wales.
19. The principal elements of the Quality Review Visit that would need to be changed for Wales are:
  - Inclusion of appropriate context for Wales, including the Quality Assessment Framework and HE (Wales) Act 2015;
  - Replacing information on becoming an established provider in England with information on specific and automatic designation in Wales;
  - Recognition that HEFCW would be the body scrutinising the institutions annually;
  - Confirmation that the QAA would need to have the capacity to work through the medium of Welsh;
  - Confirmation that the cost of the review would be met by the institution;
  - Updating the baseline regulatory requirements to relate to the Wales requirements;
  - Clarification that HEFCW would undertake scrutiny of the institution's financial sustainability, management and governance;
  - Recognition that institutions could start to engage with the process at any time of year;
  - Amendments to clarify processes in Wales, which do not include an annual provider review as in England;
  - Confirmation that the review team would have three reviewers (removing the option for two) including a student representative;

- Confirmation that the team would need to have the capacity to communicate in Welsh if this is the preferred language of the institution / student union;
- Recognition of the role of Estyn in inspecting FE provision;
- Clarification of how providers would be briefed (there may not be sufficient numbers of providers to run a webinar);
- Clarification of the dataset to be provided by HEFCW on each institution;
- Confirmation that the report would require translation and would need to be published in English and Welsh.

**Question 3:** *Are there any issues you would like to raise regarding the Quality Review Visit handbook, recognising that the method will remain substantively the same as in England and Northern Ireland, but with changes to reflect the different context and statutory position in Wales?*

**Question 4:** *Do you have any additional comments on the proposed approach?*

**Question 5:** *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?*

#### **Further information / responses to**

20. Responses to be sent to Nicola Hunt (tel 029 2085 9735; email [nicola.hunt@hefcw.ac.uk](mailto:nicola.hunt@hefcw.ac.uk)) by **6 October 2017**.

#### **Assessing the impact of our policies**

21. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We have also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales and potential impacts towards the goals 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.