

# Cylchlythyr | Circular

## Notification of intention to submit a fee and access plan

**Date:** 23 September 2019  
**Reference:** W19/32HE  
**To:** Governing bodies of further education colleges in Wales.  
Principals of further education colleges in Wales.  
Boards, governing bodies or equivalent of alternative providers in Wales.  
Heads of alternative providers in Wales.  
Any other interested parties.  
**Response by:** Dependent on institutional plans  
**Contact:** Name: Steve Williams  
Telephone: 029 2085 9744  
Email: [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk)

This circular sets out the two stage process for institutions in Wales, not already regulated by HEFCW, to notify HEFCW of their intentions to submit a fee and access plan. The two stages reflects the different positions institutions may be at in their ambitions to become regulated.

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



Noddir gan  
**Lywodraeth Cymru**  
Sponsored by  
**Welsh Government**

## Introduction

1. This circular sets out the two stage process for institutions in Wales, not already regulated by HEFCW, to notify HEFCW of their intentions to submit a fee and access plan. The two stages reflect the different positions institutions may be at in their ambitions to become regulated.
2. These stages have been established in order for HEFCW to work in partnership with institutions that wish to be regulated in Wales, either in the next academic year or sometime in the future. We want to support all institutions so they are fully aware of the implications of becoming regulated by HEFCW as well as being well placed to successfully apply for a fee and access plan.
3. Institutions that already have an approved fee and access plan are **not** required to follow this process unless explicitly directed to by HEFCW.
4. The first stage of the process relates to institutions that have longer term ambitions to apply for fee and access plans. These institutions are invited to contact HEFCW and to discuss these ambitions. Such institutions may have recently been reviewed by the Quality Assurance Agency for the first time.
5. The second stage of the process set out in this document relates to institutions that intend to apply for a fee and access plan within the next year. Those institutions should be confident they meet the criteria for fee and access plan approval or are close to meeting the criteria to apply. Such institutions may either have a track record of quality in higher education<sup>1</sup> or are scheduled to be reviewed by the Quality Assurance Agency for the second time in four years during the next academic year.

## Background

6. The Higher Education (Wales) Act 2015<sup>2</sup> became law in March 2015. It enhanced HEFCW's role as a regulator of higher education in Wales with specific duties relating to:
  - entry into the regulatory system;
  - fee limits;
  - contents of fee and access plans;
  - the quality of education; and
  - financial affairs.
7. Approval of a fee and access plan has been identified in the legislation as the mechanism to enable an institution to access the regulated sector. The legislation sets out that only institutions that are charities, provide higher

---

<sup>1</sup> An institution must be able to evidence a successful higher education review within the last four years and another successful review in the four years preceding that review.

<sup>2</sup> [Higher Education \(Wales\) Act 2015](#)

education and whose activities are principally or wholly carried out in Wales can apply for a fee and access plan. On submission of a fee and access plan, institutions must evidence that they are financially viable, are financially well managed, and provide quality education.

8. A fee and access plan must set out the fee levels the higher education provider wishes to charge in the academic year to which the plan relates, and objectives to improve equality of opportunity in higher education and promote higher education.
9. Our expectations for a fee and access plan are set out in guidance and this is published annually. The most recent fee and access plan guidance for 2020/21 can be found on our website<sup>3</sup>. This guidance will be amended and republished for fee and access plan applications in 2021/22 and annually thereafter.
10. One key criterion for fee and access plan applicants to evidence is that the education they provide and is provided on their behalf is of good quality. In order to demonstrate that institutions meet this criterion, HEFCW expects institutions to have a track record of successful higher education quality reviews from an organisation that is on the European Quality Assurance Register for Higher Education. It is expected that an institution applying for a fee and access plan can evidence a successful higher education review within the last four years and another successful review in the four years preceding that review.
11. Once a fee and access plan has been approved the institution will be expected to fully meet the requirements of the regulatory system in Wales. This includes being subject to the quality assessment framework for Wales<sup>4</sup>, the financial management code<sup>5</sup> and the monitoring and evaluation of fee and access plans.<sup>6</sup>
12. Institutions with an approved fee and access plan will have all their full-time undergraduate and PGCE (QTS) courses automatically designated for student support. Institutions with an approved fee and access plan that are not maintained or assisted by a recurrent grant provided by Welsh Ministers **may not** have their part-time undergraduate and full-time and part-time postgraduate courses automatically designated by Welsh Government. Any discussions with institutions in this situation would be communicated to Welsh Government.
13. The Higher Education (Wales) Act 2015 places specific responsibilities on the governing bodies of institutions regulated by HEFCW. As such HEFCW needs to be assured that governing bodies and the senior management team of the institution applying for a fee and access plan are fully engaged

---

<sup>3</sup> [HEFCW, Fee and Access Plan Guidance 2020/21](#)

<sup>4</sup> [HEFCW, Quality Assessment Framework for Wales](#)

<sup>5</sup> [HEFCW, Financial Management Code](#)

<sup>6</sup> [HEFCW, Monitoring and Evaluation of 2017/18 Fee and Access Plans](#)

with the decision to apply for a fee and access plan and will monitor compliance with the regulatory system.

## **Stage One**

### **Institutions with long term ambitions to become regulated in the future**

14. Institutions that have an interest in becoming regulated in the future but do not plan to respond to the next call for fee and access plans should contact HEFCW to arrange a meeting.
15. The institution should make a member of the finance team, the quality team and the individual(s) the institution has nominated to be responsible for developing the fee and access plan available for the meeting. If one of these individuals is not a member of the senior management team then a member of the senior management team that would be expected to have oversight of fee and access plans should be made available.
16. The meeting will provide an overview of the regulatory system and discuss the steps that the institution can take in order to be prepared to apply for a fee and access plan in the future. The role of Specific Designation<sup>7</sup> may also be discussed in those meetings as stepping stone to prepare institutions for entry into the regulatory system.
17. HEFCW will discuss the notification with the Coleg Cymraeg Cenedlaethol.
18. Institutions contacting HEFCW will not have to be confident that they meet the criteria for fee and access plans, but we would expect institutions notifying us of their long term ambitions to become regulated to have already had a successful QAA review.
19. Intentions should be submitted to [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk) signalling staff availability for a meeting.

## **Stage Two**

### **Institutions preparing to respond to the next call for fee and access plans**

20. HEFCW issues a call each year for institutions to submit a fee and access plan for the academic year beginning two years after the academic year the call for applications is issued e.g. the call for fee and access plans relating to the 2021/22 academic year will be made in the 2019/20 academic year.
21. The call has historically been made in the January with a deadline for submissions in the March of that year. Institutions that wish to respond to the next call for fee and access plans should notify HEFCW in the September before they wish to apply, to arrange a meeting to discuss their

---

<sup>7</sup> [HEFCW, Specific Designation](#)

intentions for becoming regulated. (ie any institution that wishes to apply for a 2021/22 fee and access plan in March 2020 should signal their intention to HEFCW by 30 September 2019. Any institution that wishes to apply for a 2022/23 fee and access plan in March 2021 should signal their intention to HEFCW by 30 September 2020.)

22. Institutions that have not been through the first stage of the process but are planning to respond to the next call for fee and access plan applications can move directly to this stage.
23. The meeting will address the following points.
  - The institution's strategic intentions.
  - Applying for a fee and access plan.
    - The regulatory information required.
    - Fee levels.
    - The contents of a plan and improving equality of opportunity and promoting higher education including discussions relating to Welsh medium provision, alignment with key strategic documents such as the strategic equality plan which takes into account protected characteristics and supporting those groups of students under-represented in higher education.
  - Monitoring and evaluating fee and access plans.
  - Regulatory oversight of quality of education including partnership arrangements.
  - Regulatory oversight of financial affairs.
  - Role of the governing body.
  - Student partnership expectations.
24. This meeting is important for HEFCW to understand the institution's intentions and ensure that the institution is fully aware of the implications of being regulated and the processes they will need to complete in order to become and remain regulated.
25. We advise against institutions submitting fee and access plans without discussing their intentions with us beforehand. These discussions will help prevent institutions from applying when they are not fully prepared and potentially unlikely to be able to gain the necessary approval.
26. Institutions notifying us of their intention to apply for a fee and access plan should be confident they meet the criteria for fee and access plan approval or are close to meeting the criteria to apply. The most up to date fee and access plan guidance sets out these criteria.<sup>8</sup>
27. Notifications should be made by the governing body by submitting a letter to [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk).

---

<sup>8</sup> [HEFCW, Fee and Access Plan Guidance 2020/21](#)

28. Once notification has been received, HEFCW will arrange for a meeting to take place with the institution. HEFCW expects that the institution will make the following individuals available for such a meeting:
- Head of institution.
  - Clerk to the governing body.
  - Finance director,
  - Head of quality,
  - Individual responsible for the oversight of the fee and access plan and
  - Individual with responsibility for the institution's strategic equality plan.
29. Higher education providers preparing to respond to the next call for fee and access plans, that are neither a university nor a further education college, will need to apply to Welsh Government in order to become designated as an institution for purposes of the Higher Education (Wales) Act 2015.<sup>9</sup> We expect providers to have been designated as an institution prior to notifying us of their intentions.

### **Further information**

30. For further information, contact Steve Williams (tel 029 2085 9744; email [regulationadvice@hefcw.ac.uk](mailto:regulationadvice@hefcw.ac.uk)).

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

31. 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 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.

---

<sup>9</sup> [Welsh Government, Designation as a higher education institution: application guidance](#)