



Llywodraeth Cymru
Welsh Government

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Regulation of higher education providers and designation for student support

We are consulting on proposals for further regulations to support the establishment of a register of tertiary education providers of higher education in Wales.

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Ministerial foreword

Our reforms of the post-16 education and training system continue at pace, with the Commission for Tertiary Education and Research, known as Medr, now being operational.

Medr is the first ever national steward for the whole tertiary education and research sector, bringing together responsibility for overseeing Wales' higher and further education, school sixth forms, apprenticeships and research and innovation in one place.

Through the reforms provided for in the Tertiary Education and Research (Wales) Act 2022, the Welsh Government are seeking to shape a new structure and system to deliver a more engaged, excellent and equitable tertiary education sector, that prioritises the interests of learners and contributes to national prosperity.

Working with stakeholders has been a vital to the development of these reforms, and their successful delivery and sustainability will require continued collaboration. This consultation forms the latest in a series of opportunities to provide views on our proposals.

The focus of this consultation is the process by which providers of higher education in Wales are able to have their courses designated for the purposes of student support.

The legislation underpinning the new system provides the framework of regulatory intervention for Medr to develop its own expectations of providers to satisfy regulatory requirements and its distinct approach to monitoring and intervention.

I look forward to hearing the views of stakeholders on these matters.

Background

The Tertiary Education and Research (Wales) Act 2022 (“the TER Act”), an Act of Senedd Cymru, was given Royal Assent on 8 September 2022.

The TER Act provided for the establishment of the Commission for Tertiary Education and Research (now known as Medr) and the dissolution of the Higher Education Funding Council for Wales (“HEFCW”). Medr was established as a legal entity on 15 December 2022 and became operational on 1 August 2024, with HEFCW also being dissolved on that date.

Once all of its functions as provided for in the TER Act are commenced, Medr will be responsible for promoting, funding, and regulating tertiary education and research in Wales. Tertiary education encompasses post-16 education, including further and higher education, adult community learning, apprenticeships, and local authority-maintained school sixth form provision.

Part 2 of the TER Act makes provision for a register of tertiary education providers in Wales (“the register”). The register will provide the legal mechanism for regulatory oversight of registered tertiary education providers in Wales, in receipt of public funds, including grant funding from Medr and Welsh Government student support.

One of the Welsh Government’s initial policy objectives for implementation of the TER Act is to establish an effective, robust, and sustainable legislative basis for regulating tertiary education providers of higher education. Providers whose higher education provision is primarily funded by tuition fees, cannot be regulated through Medr’s terms and conditions of funding alone, as tuition fee payments are a contractual undertaking between providers and their students.

Robust regulatory oversight of providers whose courses are designated for student support is therefore essential to protect the interests of students, the

Welsh Government, and taxpayers

The policy intention is that the register will deliver a single regulatory gateway with common baseline requirements applicable to the full range of providers of higher education in Wales including universities, further education colleges and other providers of higher education courses. The register and associated regulatory arrangements will provide the statutory framework within which Medr will oversee the activities of registered providers.

The register will replace the higher education regulatory oversight regime previously operated by HEFCW under the Higher Education (Wales) Act 2015 (“the 2015 Act”) and now operated by Medr.

Section 25(2) of the TER Act places the Welsh Ministers under a duty to specify one or more categories of registration for which Medr must make provision in the register. The Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024 provides for two categories of registration, with those categories being applicable to higher education providers only in the first instance.

Whilst the TER Act provides for the possibility of expanding the registration categories to encompass a wider range of tertiary education, this will be a matter for future consideration once the register has been established for higher education providers.

The TER Act enables the regulatory oversight of unregistered providers, who rely on funding from Medr for delivery of their tertiary education provision, by way of terms and conditions of funding. Providers of further education or training will initially be regulated through this mechanism. However, providers of further education who wish their higher education courses to be automatically designated for student support will need to register with Medr.

The register will be established by Medr, in respect of providers of higher

education, on 31 July 2026, with the associated regulatory regime fully implemented for academic year 2027 to 2028.

During 2026 to 2027, registered providers will be regulated under TER Act in respect of quality, financial management, governance, and learner focused matters such as the learner engagement code, learner protection plans and staff and student welfare.

The full implementation of the regulatory regime will see tuition fee limits and matters relating to equality of opportunity also regulated through the register from academic year 2027 to 2028 onwards.

Two primary benefits of registration for providers are the automatic designation of their higher education courses for Welsh Government student support, in line with the proposals set out in this consultation and eligibility to receive financial support from Medr in respect of higher education and research or innovation.

The automatic designation of higher education courses will apply from academic year 2027 to 2028 onwards, whilst eligibility for funding will apply from 2028 onwards.

Outcome from the previous consultation

The overarching system of regulatory oversight is already established by the TER Act, and Regulations made by the Welsh Ministers under that Act, and the Welsh Government consulted on policy proposals and draft Regulations in relation the establishment of the register during 2023.

Through that previous consultation, we sought the views of stakeholders in respect of three statutory instruments:

- The Commission for Tertiary Education and Research (Registration of

Tertiary Education Providers in Wales) Regulations ('the registration Regulations').

- The Commission for Tertiary Education and Research (Designation of Providers) (Wales) Regulations (the designation Regulations').
- The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations ('the decision review Regulations').

The registration Regulations and the designation Regulations were made by the Minister for Further and Higher Education on 6 November 2024, and came into force on 11 November 2024. It is intended that the decision review Regulations be made by the Minister before the summer 2025 recess.

The previous consultation also sought stakeholder views on policy proposals in relation to the following matters:

- Transitional or savings provisions in connection with deregistration.
- The principle of whether to introduce secondary legislation to require the Commission to assess the quality of providers of higher education at specified regular intervals.

Following consideration of responses to the consultation, it was decided not to progress with regulations, at this time, in respect of either of the above matters.

Transitional or savings provisions in connection with deregistration

The TER Act makes provision for the de-registration of providers. De-registration may be voluntary if a provider applies to Medr to be removed from a category of the register. Additionally, Medr has both a power and a duty to remove a provider from the register, or a category of the register, when certain circumstances apply as set out in the TER Act.

The Welsh Ministers may make regulations to establish transitional

arrangements where a provider is to be removed from the register, or from a category of the register. The previous consultation sought the views of stakeholders in respect of the making of such provision by the Welsh Ministers.

Following consideration of responses to the consultation, it was decided not to progress with the making of such regulations at this time. The circumstances giving rise to de-registration are likely to be specific to an individual provider, and such it would be challenging to identify all provision that would be relevant to all circumstances.

Whilst it may be possible to make Regulations which provide for a basic set of transitional arrangements, that could apply in all circumstances where a provider has been de-registered (but continues to deliver courses to students who have commenced their studies), it is highly unlikely that the Regulations would address all relevant matters. As such, it is almost certain that a further set of Regulations would need to be made to address the specific scenario in relation to the provider being de-registered.

Frequency of higher education quality assessment

The consultation sought stakeholders' views on the principle of specifying in regulations the frequency of quality assessment for registered higher education providers. The proposal was that any regulations made would likely specify that higher education assessments should take place at least once every six years. This was consistent with the Quality Assurance Framework operated previously by HEFCW and now by Medr, and also with Estyn's usual cycle of inspections in other parts of the post 16 education sector.

Whilst a number of respondents agreed in principle to making broad regulations and having a consistent approach to quality assessment across the sector, many thought the amount of prescription in regulations needed to be carefully considered, so as to allow Medr to adopt a flexible approach, particularly in

circumstances such as mergers or pandemics.

It is not intended to progress with these regulations at this time, so as to allow time for Medr to complete the establishment of the register and the development of its quality assurance framework under section 50 of the TER Act (should it decide to develop such a framework). This policy will remain under consideration and regulations may be progressed at a later date if it appears to be of merit.

Purpose of this consultation

Building on the matters addressed in the [previous consultation](https://www.gov.wales/register-tertiary-education-providers-initial-regulations) (<https://www.gov.wales/register-tertiary-education-providers-initial-regulations>) in October 2023, this consultation seeks feedback on policy proposals for a second tranche of regulations to be made by the Welsh Minister that will support the establishment of a register of tertiary education providers of higher education in Wales.

The regulations to be made in the second tranche are intended to relate to:

- qualifying courses and qualifying persons for the purpose of regulated course fees subject to fee limits
- the maximum amount that the fee limit specified in a fee limit statement may not exceed

This consultation also sets out the Welsh Government's proposed policy in respect of the automatic designation of higher education courses for the purposes of Welsh Government student support. The proposed policy is intended to utilise the opportunities presented by the creation of the register to enable a streamlined and proportionate approach to the oversight of providers, and their courses which are designated for student support and subject to fee limits.

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Tuition fee limits

Current arrangements in respect of fee limits

Whilst the charging of tuition fees is a matter for each provider of higher education, the Welsh Government sets a small number of fee limits via legislation. Currently, the maximum amounts a provider in Wales that is a regulated institution under the 2015 Act can charge for its full-time undergraduate courses are set out in the Higher Education (Amounts) (Wales) Regulations 2015.

‘Qualifying persons’ may not be charged more than the prescribed fee limit when undertaking ‘qualifying courses’ provided by a regulated institution in Wales.

A corresponding tuition fee loan is made available to eligible students, who therefore do not have to meet any tuition costs upfront.

In line with the announcement made by the Minister for Further and Higher Education in December 2024, the fee limit has increased to £9,535 for courses beginning on or after 1 August 2025. The maximum tuition fee loan will also increase to £9,535.

Proposed future arrangements in respect of tuition fee limits

The second tranche of registration Regulations will include provision, to be made under section 46 of the TER Act, prescribing the fee limit to apply for courses beginning on or after 1 August 2027.

Qualifying courses and qualifying persons for the purposes of the fee limit

Current arrangements for qualifying courses and qualifying persons

The 2015 Act provides for fee and access plans, which are required to specify a fee limit in relation to each 'qualifying course'. The fee limit specified in a fee and access plan must not exceed the fee limit prescribed in regulations made by the Welsh Ministers.

A 'qualifying course' is a course that is wholly or mainly provided in Wales and which is described in regulations made by the Welsh Ministers.

Under the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 ('the 2015 QCP Regulations'), a qualifying course is a course which can be designated for student support, and which is not a part-time course.

Therefore, qualifying courses are currently full-time undergraduate (level 4 to 6) and Postgraduate Certificate in Education ('PGCE') courses, with these courses subject to the prescribed fee limit when undertaken by qualifying persons. Part-time and postgraduate (level 7+) courses are excluded and thus not subject to a fee-limit.

Qualifying persons are also prescribed in the 2015 QCP Regulations. These are persons who fall into one of the categories specified in those Regulations, which broadly align to the categories of persons who are eligible to receive statutory student support.

Proposed further arrangements for qualifying courses and qualifying persons

The TER Act requires Medr to ensure that an ongoing registration condition relating to fee limits applies to each provider registered in a category to which the fee limit condition applies. The registration Regulations specify that the fee limit condition will apply to providers registered in the Core category.

Providers registered in the Core category will be required to prepare a fee limit statement to be approved by Medr. The fee limit statement must specify the fee limit, or provide for the determination of the fee limit, in relation to each qualifying course. Providers must ensure that the fee limits set out in the statement do not exceed the prescribed fee limit.

Section 32 of the TER Act requires the Welsh Ministers to make regulations setting out which courses are qualifying courses, and specifying qualifying persons, for the purposes of a fee limit condition.

It is intended to make provision under section 32 of TERA during late 2025 as part of the second tranche of registration Regulations.

The Welsh Government has not identified a rationale for changing the existing policy and at this time, and as such, it is proposed that qualifying courses remain unchanged, with full-time undergraduate level and PGCE courses remaining qualifying courses for the purposes of the fee limit condition.

This would mean that part-time courses, and postgraduate courses other than PGCE courses, are not qualifying courses for the purpose of the fee limit condition, and therefore are not subject to fee limits.

Student numbers on part-time courses at Welsh providers have increased by 29% between 2017 and 2022, compared to only 14% at English providers.

Taught postgraduate student numbers have also increased significantly at Welsh providers: by more than a third between 2017 and 2022, compared to only a fifth in English providers. In addition, postgraduate student support does not provide support for fees but instead a 'contribution to costs' (whether fees or other costs), and so there is no clear rationale for linking or limiting fees to the provision of this student support.

This suggests that, at this time, the current part-time and postgraduate funding models remain appropriate, without the need for a fee-limit.

It is also intended to maintain the existing policy in respect of qualifying persons.

Course designation for the purpose of Welsh Government student support

Introduction

Students ordinarily resident in Wales may elect to study higher education courses at universities, colleges, or other providers throughout the UK. Where the course is designated, by the Welsh Ministers, for the purpose of student support, then eligible students are entitled to apply for a tuition fee loan and maintenance support in connection with their undergraduate studies or support towards the costs of postgraduate (master's and doctoral) studies.

The Welsh Ministers can make regulations under the Teaching and Higher Education Act 1998 to designate higher education courses for the purpose of providing student support.

Currently there are two routes by which higher education courses may be designated for Welsh Government student support which have different regulatory oversight requirements associated with them:

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- Automatic designation: providers do not need to apply for course designation as provision is made within the undergraduate and postgraduate student support regulations for automatic designation to apply subject to the course satisfying a number of conditions, and not falling within the list of exceptions. Reliance is placed on the regulatory oversight undertaken by the relevant regulatory or funding body in each of the UK administrations.
- The relevant regulations in respect of automatic designation are listed below. Within this consultation we refer to these as the ‘Welsh student support Regulations’
 - Education (Student Support) (Wales) Regulations 2017
 - Education (Student Support) (Wales) Regulations 2018
 - Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019
 - Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018
- Specific or case-by-case designation: providers need to apply for a course to be specified by the Welsh Ministers as designated (when otherwise it would not be). Currently Medr assesses applications and provides advice to the Welsh Ministers on how that the provider meets the Welsh Ministers’ policy on designating individual courses.

Current Arrangements

Providers in Wales

At present providers of higher education in Wales, who wish for their full-time undergraduate level courses to be automatically designated for Welsh Government student support, must apply to Medr (prior to its dissolution, providers would have applied to HEFCW) for approval of a fee and access plan. Upon approval of a plan, providers become ‘regulated institutions’.

Automatically designated courses attract the higher level tuition fee loan, which has a maximum value of £9,535 for academic years beginning on or after 1 August 2025.

Welsh providers' part-time undergraduate, part-time PGCE courses, and full-time and part-time postgraduate masters and doctoral courses, are automatically designated if the provider is a 'Welsh funded institution'. A 'Welsh funded institution' is a provider funded by grants from the Welsh Ministers, including by Medr.

Providers in Wales who are not a regulated institution under the 2015 Act, are currently able to have their courses specifically designated by the Welsh Ministers. Courses which have been specifically designated attract the lower level tuition fee loan, and are not be subject to any fee limits. The maximum amount available through a lower level tuition fee loan is currently £6,355 for academic years beginning on or after 1 August 2025.

To be specifically designated, providers must describe how they meet the objectives of the specific course designation policy administered by Medr on behalf of Welsh Ministers, this includes a 'contribution to the public good' requirement. Specifically designated providers are not required to be charities.

During the 2023 to 2024 academic year, six non-regulated Welsh providers had undergraduate, postgraduate, full time and part time courses specifically designated for student support:

- Cardiff and Vale College
- Centre for Alternative Technology (Machynlleth)
- Coleg Cambria
- Coleg Gwent
- St Padarn's Institute (Cardiff)
- Union School of Theology (Bridgend)

All these providers are charities.

Providers in the rest of the UK

The Office for Students ('OfS') is the regulatory body for higher education providers in England. Since 2019, these providers have been required to register with the OfS, in order to be automatically designated for UK Government student support.

The OfS register contains two categories: Approved and Approved (fee cap). The benefits and implications of registration are as follows:

- Providers in the OfS Approved (fee cap) category, with an access and participation plan:
 - are subject to a fee limit condition
 - can access OfS and UK Research and Innovation ('UKRI') grant funding
 - can access student support at the higher level for full time courses with a Teaching Excellence Framework award, with the maximum amount of student support being £9,535 for academic years beginning on or after 1 August 2025
- Providers in the OfS Approved (fee cap) category without an access and participation plan:
 - are subject to a fee limit condition
 - can access OfS and UKRI grant funding
 - can access student support at the basic level for full time courses, with the maximum amount of student support being £6,355 for academic years beginning on or after 1 August 2025
- Providers in the OfS Approved category:
 - are not subject to a fee limit
 - can access student support up to the basic fee amount, with the maximum amount of student support being £6,355 for full time courses for academic years beginning on or after 1 August 2025).

Welsh student support regulations designate courses provided by English providers, by reference to a providers' category of registration with the OfS. The following are currently automatically designated:

- courses provided by an approved provider who is subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017 (approved (fee cap) providers).
- courses provided by an approved provider on behalf of an approved (fee cap) provider that has an access and participation plan approved under section 29 of the Higher Education and Research Act 2017.

English providers who are either not registered with the OfS, or who are registered in the OfS Approved category (and therefore do not have an access and participation plan and are not subject to a fee-limit) are required to apply for specific designation for Welsh Government student support. Providers tend to seek specific designation upon application from persons who are ordinarily resident in Wales.

Currently publicly funded Scottish and Northern Irish higher education providers are automatically designated for Welsh Government student support. A provider is 'publicly funded' if it is funded by grants from the Scottish Ministers, including by the Scottish Funding Council (for Scottish providers) or by grants from the Northern Irish Ministers (for Northern Irish providers).

Any Scottish and Northern Irish higher education providers who are not publicly funded are required to apply for specific designation for Welsh Government student support.

Courses provided on behalf of regulated providers

Welsh student support regulations designate full-time undergraduate courses delivered on behalf of a regulated institution, as defined in the 2015 Act, if the

delivering provider is a charity.

Courses provided on behalf of an English provider registered in the OfS Approved (fee cap) category, with an access and participation plan, are designated for Welsh Government student support if the delivering provider is registered with OfS.

English student support regulations provide for the automatic designation of courses provided on behalf of an English provider registered in any OfS category. The delivering provider does not have to be registered themselves (and can be 'an institution' in Wales, Scotland, or Northern Ireland).

The need for change

The current differing arrangements for designation (and therefore regulation) between full-time undergraduate and other courses was criticised by the Senedd Children, Young People and Education Committee in its 2019 post-legislative scrutiny of the 2015 Act.

The report argued that “the tertiary education bill must not be another missed opportunity to deliver a coherent and integrated regulatory system”. The then Minister indicated that this was the intention of what became TER Act.

In addition, the operation of the specific course designation policy is very time-consuming for the Welsh Government, Medr and providers. Designation must be reviewed on an annual basis and re-issued when there are amendments to courses or new applications for courses from persons who are ordinarily resident in Wales.

A reliance on specific course designation can also introduce uncertainty for learners as it may not be immediately clear to a learner whether a course will attract student support at the point they are applying. Typically, a provider will

seek specific designation of a course once applications have been received.

In relation to providers in England, the monitoring and oversight requirements of the policy also effectively duplicate oversight functions conducted by the OfS, resulting in additional administrative burden for providers that may potentially prove a barrier to enrolling Welsh domiciled students, and unusually requires providers outside of Wales to deal with a Welsh regulatory authority.

Requiring non-Welsh providers to get specifically designated to access Welsh student support may limit the options for persons ordinarily resident in Wales who are seeking to study at these providers, should these providers determine it is not worth the additional regulatory burden.

As of July 2023, 16 providers outside of Wales were approved for specific designation, a mix of charitable and non-charitable providers. 15 of these were English providers, with one in Scotland. 13 of the English providers were registered with OfS in the 'Approved' category, with the remaining two non-registered providers being school-based initial teacher-training providers accredited by the Secretary of State. The number of students who are ordinarily resident in Wales and attending these providers is very small, 152 as of August 2023.

This represents a relatively small risk to the safeguarding of public funds, relative to the utilisation of limited government and Medr capacity in arranging the specific designation of these courses.

The creation of the register provides an opportunity for a consistent regulatory approach to be taken towards the designation of Welsh providers for all their higher education courses, whether undergraduate, postgraduate, full-time and part-time.

The creation of the register also provides an opportunity to review policy on the designation of higher education courses for student support outside of Wales

and, where possible, to simplify the designation process and reduce reliance on the specific course designation process.

The long-term aim is to streamline the current arrangements for Welsh providers who wish their higher education courses to be automatically designated for student support through reliance on a single regulatory gateway provided for by the register and Medr's regulatory oversight of registered providers. As such, the register is intended to form the regulatory gateway for the automatic designation of higher education courses for Welsh Government student support.

The preferred policy options could simplify the regulation of higher education courses in Wales and the designation of courses for persons ordinarily resident in Wales seeking student support, and in particular aim to reduce the administrative work required of Medr and the Welsh Government in operating the specific course designation policy.

Proposed future arrangements in respect of automatic course designation

Providers in Wales

It is proposed that a Welsh provider seeking automatic designation of its higher education courses, whether subject to a fee limit or not and regardless of level or mode, would need to register with Medr in either the Higher Education Core category ('Core') or Higher Education Alternative category ('Alternative').

The higher education courses of providers registered in the Core category would attract the higher level tuition fee loan for undergraduate courses and be subject to a fee limit condition for qualifying courses.

Courses of providers registered in the 'Alternative' category would attract the

lower level tuition fee loan, and would not be subject to any fee limits.

The Welsh Government considers that this approach would provide greater clarity and singularity in regulatory oversight for Medr. Welsh providers, registered with Medr, instead of (as currently) seeking approval will benefit from reduced administration and bureaucracy. It could also reduce the risk of confusion about the specific designation process for student support and possible reduced risk of error and incorrect provision of student support for non-designated courses.

Providers in the rest of the UK

The course designation arrangements for providers in the rest of the UK will not involve the provider registering with Medr, as the arrangements proposed in this consultation would only apply to registered Welsh providers of higher education. That is, those tertiary education providers in Wales providing higher education, including higher education provided on their behalf, whose activities are wholly or mainly carried on in Wales.

It is proposed that all OfS registered providers, whether registered in the Approved and Approved (fee cap) category, would have their courses automatically designated.

The maximum fee loan that courses provided by Approved (fee cap) providers could attract the higher tuition fee loan (as they do currently), with courses provided by Approved category providers attracting the lower tuition fee loan (for which they currently must seek specific designation).

Higher education courses leading to an academic award delivered by accredited school-centred initial teacher training providers would also be automatically designated. Accredited providers would be defined as those accredited by the Secretary of State under regulation 11 of the Education (School Teachers'

Qualifications) (England) Regulations 2003.

The anticipated advantage of this approach would be a reduction in bureaucracy, by removing the need for already providers in England who are already regulated by the OfS to seek specific designation via Medr.

These changes would also bring course designation in line with UK Government regulations for student support in England and enable equitable access for Welsh students to attend their regulated providers of choice in England.

It would also remove the requirement for Medr, in its role as the Welsh regulatory body, to in effect 'regulate' non-Welsh providers. It should create greater consistency in student support eligibility arrangements for those ordinarily resident in England or Wales, in line with the principle that Welsh students should be able to access student support to study anywhere in the UK.

It is not intended to change the arrangements in respect of publicly funded Scottish and Northern Irish higher education providers. The Welsh student support Regulations would continue to designate courses delivered by these providers for Welsh Government student support.

Courses provided on behalf of regulated providers

Where a Welsh provider has courses being delivered through partnership arrangements, the provider which has overall responsibility for the course would need to register with Medr if it wished its courses to be automatically designated for student support. For example, if a Welsh further education institution delivered higher education courses, on behalf of, a Welsh university under their arrangements, the further education institution would not need to register with Medr (unless it also delivered its own higher education courses for which it wished to secure automatic course designation).

The Welsh student support regulations would designate courses provided on behalf of Welsh providers registered in the Core category, or English providers registered with the OfS with an approved access and participation plan, if those courses are being delivered by:

- a provider in England registered with the OfS (in any category)
- a provider in Wales either registered with Medr (in any category) or in receipt of any funding from Medr

Requiring delivery partners of registered providers to be either registered themselves, or funded by Medr, is a change in policy and will mean that any delivery partners whose courses are designated on the basis of their being a charity, but who do not seek registration nor receiving funding, of any nature, from Medr will not have their courses automatically designated.

Courses would attract the level of tuition fee loan applicable to the provider on behalf of whom the course is being delivered. For example, if the delivery provider was delivering a course on behalf of a provider registered in the Core category, the course would attract the higher level tuition fee loan.

This would bring consistency with our proposed amendments to automatic designation of registered providers in England. It would further be consistent with Welsh Government's current policy on designation of courses provided on behalf of registered English institutions.

This would maintain the requirement for providers that deliver courses on behalf of registered providers in Wales to be acting in the public interest, through either regulatory or funding oversight from Medr. Requiring delivery partners to have a direct relationship with Medr, either through being registered themselves or by being in receipt of funding, will ensure all providers whose courses are being automatically designated are subject to appropriate regulation.

It would enable continuation of collaboration and arrangements between Welsh

universities and colleges and provides additional assurance that providers delivering on behalf of registered providers are regulated as tertiary education providers, rather than just as charities.

These types of partnerships can provide innovative and accessible ways of delivering higher education, particularly to people or localities who might not otherwise access higher education in a traditional university setting. This is particularly the case in partnerships between universities and further education colleges. The Welsh Government is seeking to continue to enable partnership arrangements that have clear educational benefits.

Specific course designation policy

As noted above, Medr has succeeded HEFCW in operating the specific course designation policy, considering applications, and advising the Welsh Ministers on how that the provider meets the Welsh Ministers' policy on designating individual courses.

The intended effect of the proposed approach to automatic course designation is to significantly reduce the number of providers, both within and outside Wales, requiring specific course designation by the Welsh Ministers, which would reduce the burden on providers outside of Wales, who are already subject to regulation in respect of their higher education courses. In addition, by reducing administrative burden on these providers, which are often small and specialist providers, it may allow them to enrol students ordinarily resident in Wales, who otherwise wouldn't receive student support.

Whilst providers of higher education in Wales would be expected to register with Medr, and therefore have their courses automatically designated, registration remains a choice for providers in Wales as such there will be necessary to maintain a specific course designation policy for Welsh providers who may not wish to register, or are unable to meet the requirements for registration.

Specific course designation policy may also be necessary for English providers who may not wish to register, or are unable to meet the requirements for registration, for Scottish or Northern Irish providers who are not publicly funded, or for providers who are not designated as accredited initial teacher training providers.

In respect of providers elsewhere in the UK, officials have identified only one provider which is currently specifically designated which would need to continue to rely on specific designation following the proposed changes, which is the Edinburgh Theological Seminary.

Medr and the Welsh Government will review specific course designation arrangements and the specific course designation policy to reflect any amendments to the designation arrangements provided for in the Welsh student support Regulations.

Timings and transitional arrangements

As detailed earlier in this consultation, it is intended that the proposals set out in this consultation take effect from academic year 2027 to 2028.

It is intended to provide for this through the making of new regulations in respect of qualifying courses and persons, and in respect of fee limits in late 2025. Student support regulations will be amended as necessary ahead of the 2027 to 2028 academic year.

Transitional provision will be made so as to ensure that any course that has commenced before 1 August 2027, and has been designated for the purposes of student support, either automatically or through specific course designation, will continue to be designated through to its conclusion.

Impact of proposed changes

What do these changes mean for students

The proposed changes set out in this consultation in respect of the automatic designation of higher education course for the purposes of student support, will have no impact on most students who are ordinarily resident in Wales, and who access student support to fund their higher education.

These changes will not change the rates of student support provided in respect of either tuition fee loans or maintenance, nor will they affect students' eligibility for such support.

Students eligible for support under the Welsh Student Support Regulations who apply to study at a provider in the OfS 'Approved' category will benefit from easier and more streamlined access to student support, as these providers will now be automatically designated and will not need to apply for specific designation.

Persons ordinarily resident in Wales who apply to study a higher education qualification at accredited initial teacher training providers not registered with OfS will also benefit from easier access to student support, as these providers will also be automatically designated.

What do these changes mean for tertiary education providers in Wales

The impact of these proposed changes on tertiary education providers in Wales who provide higher education courses will depend on providers' registration status with Medr.

Providers currently regulated by Medr under the 2015 Act will need to register in the Core category if they wish to maintain the automatic designation of their higher education courses at the higher level tuition fee loan. These providers will have the option of applying to the Alternative category if they so wish.

Providers currently specifically designated by the Welsh Ministers will need to register in the Alternative category if they wish their courses to be automatically designated at the same tuition fee loan level as they are currently, namely the lower loan limit. These providers will have the option of applying to the Core category if they wish their course(s) to be designated for student support at the higher level tuition fee loan, subject to their meeting all of the requirements of the Core category.

Providers in Wales who are currently providing courses on behalf of a Welsh providers regulated under the 2015 Act, will be required to be either registered with, or funded by, Medr, for their courses to be automatically designated for student support.

What do these changes mean for tertiary education providers outside Wales

Providers in Scotland, Northern Ireland, and English providers registered in the OfS Approved (fee cap) category will be unaffected by the proposed changes. The current arrangement in respect of the designation of courses delivered by these providers will continue to apply.

Providers registered in the OfS Approved category, and school-based initial teacher-training providers accredited by the Secretary of State, will no longer be required to apply for specific designation from the Welsh Ministers. These providers would have their courses automatically designated on a similar basis as under the English student support regulations.

Consultation questions

Question 1: Do you agree with the proposal to maintain the existing policy and only specify full-time undergraduate and postgraduate certificate in education courses as qualifying courses for the purpose of tuition fee limits?

Question 2: Do you agree that registration with Medr should be a prerequisite for the automatic designation of Welsh higher education courses, including part-time and postgraduate, for the purpose of Welsh Government student support?

Question 3: Do you agree with the proposal that the higher education courses provided by OfS-registered providers, whether registered in the Approved or the Approved (fee cap) categories, should be automatically designated for the purpose of Welsh Government student support?

Question 4: Do you agree with the proposal that the higher education courses provided by accredited school-based initial teacher-training providers should be automatically designated for the purpose of Welsh Government student support?

Question 5: What are your views on the proposed approach to the designation, for the purpose of Welsh Government student support, of courses provided on behalf of regulated higher education providers?

Question 6: Do you anticipate any resource or cost implications for your organisation arising from the proposed approach to the automatic designation of higher education courses for Welsh Government student support?

Question 7: Do you anticipate any cost savings for your organisation arising from the proposed approach to the designation of higher education courses for Welsh Government student support? (This can include immediate savings or long-term cost reductions.)

Question 8: Do you think any of the proposals in this consultation could impact (positively or negatively) on any persons with protected characteristics covered by the general equality duty that is set out in the Equality Act 2010? If so, how could positive impacts be increased, or negative impacts be mitigated?

Question 9: What, in your opinion, would be the likely effects of the proposals in this consultation on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?
Do you think that there are opportunities to mitigate any adverse effects?

Question 10: In your opinion, could the proposals in this consultation be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English, or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Please use the consultation response form to respond to the above questions.

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For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

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Cathays Park
CARDIFF
CF10 3NQ

Email: dataprotectionofficer@gov.wales (<mailto:dataprotectionofficer@gov.wales>)

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113

Website: [ico website](https://ico.org.uk/) (<https://ico.org.uk/>)

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the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task, that is, exercising our official authority to undertake the core role and functions of the Welsh Government (Art 6(1)(e)).

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (for example, a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, 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. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

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