

# Cylchlythyr | Circular

## HEFCW's role in Educational Oversight: outcome of consultation, and procedures

**Date:** 24 February 2021  
**Reference:** W21/06HE  
**To:** Heads of regulated higher education providers in Wales  
Heads of institutions which have been specifically designated by HEFCW for student support  
**Response by:** No response required  
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This circular sets out HEFCW's role regarding educational oversight, together with the outcomes of the consultation carried out via circular W20/41HE.

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 sets out HEFCW's role regarding educational oversight, together with the outcomes of the consultation carried out via Circular W20/41HE.

## Background

2. The Educational Oversight body is the body that has responsibility for undertaking assessments to confirm that all of the sites of an education provider wishing to be a sponsor meet acceptable educational quality standards.
3. Sponsors must maintain their Educational Oversight for all their sites throughout the duration of their student sponsor licence. The sponsor must notify its Educational Oversight body of its plans to begin teaching at a new site, take any steps required by the body to maintain its Educational Oversight, and provide evidence of this if required by UK Visas and Immigration (UKVI).
4. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its student sponsor licence meets the Educational Oversight requirements set out in this guidance.
5. HEFCW has had previous confirmation from the Home Office that the Quality Assessment Framework for Wales meets its requirements for educational oversight. This means that regulated institutions in Wales meet the quality requirements for student sponsor licences.
6. Following advice from HEFCW's Quality Assurance Committee, in 2019 HEFCW requested to be named the Educational Oversight body for both regulated and specifically designated providers in Wales applying for a student sponsor licence, confirming that we would liaise with the QAA as appropriate.
7. We proposed that the QAA should remain the Educational Oversight body for institutions which were neither regulated by HEFCW nor had specific designation in Wales.

## Educational oversight

8. We published our Educational Oversight procedures for consultation in December 2020 as circular [W20/41HE](#). These are taken into account in the final version of our procedures, which are provided at **Annex A**.
9. We received six responses to the consultation. Respondents are listed at **Annex B**.

10. HEFCW's Quality Assurance Committee advised on the responses and any amendments to be made to the procedures.

Do the procedures fully capture HEFCW's role in relation to Educational Oversight?

11. All respondents agreed that the procedures captured HEFCW's role in relation to educational oversight. In addition, the following points were made:
  - The procedures provided an effective overview – albeit the nuance of processes on the ground is missing (triennial assurance visit, governors assurance report were not detailed).
  - For QAA to remain as the Educational Oversight body for institutions neither regulated by HEFCW nor specifically designated in Wales was critical for the perception of parity and quality of Welsh HE.
12. Conclusion: the procedures fully captured HEFCW's role. The procedures were intended to capture HEFCW's role rather than the operation of the broader quality assurance processes, and therefore it would not be helpful to include additional information on other processes within the procedures. HEFCW will continue to recognise the role of the QAA as the Educational Oversight body for institutions which are neither regulated by HEFCW nor specifically designated in Wales.

Are there any gaps in the draft procedures?

13. Five respondents reported that they did not see any gaps. One respondent noted that the updated Home Office guidance removed reference to 'legacy sponsor' status and replaced the terminology of 'Tier 4 licence' with student sponsor licence.
14. Conclusion: there were no gaps in the procedures. The terminology in **Annex A** was updated to reflect revisions to the Home Office guidance.

Is further clarity needed on any aspect of the procedures?

15. Three respondents indicated that no further clarity was needed at this time, with one noting that the procedures were further supported in the Home Office guidance. The following points were made by other respondents:
  - Further information on how the Educational Oversight role, working alongside the Home Office Higher Education Assurance Team audits would be welcome, and what the status of both would be.
  - The guidance was broadly clear, but there was perhaps a confusion between the two documents [i.e. the HEFCW procedures and the student sponsor guidance] of the terms 'acceptable' educational quality standards, and 'appropriate baseline requirements' which could be made clearer.
  - The procedures should be updated to reflect the terminology in the updated Home Office guidance.

16. Conclusion: the terminology within the HEFCW document was updated. The procedures were intended to capture HEFCW's role rather than the operation of the broader quality assurance processes, and therefore it would not be helpful to include additional information on other processes within the procedures.

Will the procedures have any effect (either positive or adverse), on opportunities for persons to use the Welsh language and/or treating the Welsh language no less favourably than the English language.

17. No responses identified any effect in these areas.
18. Conclusion: no amendments were needed in relation to this question.

Do these proposals have any positive or negative impacts or unintended consequences in terms of equality and diversity and the Well-being of Future Generation (Wales) Act's seven wellbeing goals, Sustainable Development Principle and five ways of working?

19. No responses identified any impact in these areas.
20. Conclusion: no amendments were needed in relation to this question.

What positive or adverse effects will these proposals have on:  
• opportunities for persons to use the Welsh language and  
• treating the Welsh language no less favourably than the English language?

21. No responses identified any impact in these areas. The following point was noted:
- Individuals will be able to converse in either Welsh or English whilst engaging with staff who undertake the work under consideration
22. Conclusion: no amendments were needed in relation to this question.

Could these proposals be changed to increase positive effects, or decrease adverse effects

23. No responses identified any impact in these areas, with one respondent noting that changes to the procedures relating to the role of HEFCW were unlikely to have any increase or decrease in effect.
24. Conclusion: no amendments were needed in relation to this question

### **Further information**

25. For further information, contact Dr Cliona O'Neill (email [cliona.oneill@hefcw.ac.uk](mailto:cliona.oneill@hefcw.ac.uk)).

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

26. 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.

# Educational Oversight

February 2021



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## Introduction

1. These procedures set out HEFCW's role as Educational Oversight body for higher education providers in Wales. They do not seek to replicate the Home Office [Student Sponsor Guidance](#) (December 2020). They should therefore be read alongside that guidance. They should also be read in conjunction with our information on [regulating higher education in Wales](#).
2. The Home Office guidance sets out the requirements for education providers wishing to apply for, and hold, a licence to sponsor international students to come to the UK. Education providers wishing to become sponsors must demonstrate that all of their sites meet acceptable educational standards for quality, financial sustainability, management and governance. They do this via their Educational Oversight body. HEFCW is the Educational Oversight body for:
  - Institutions in Wales with an approved fee and access plan, and
  - Providers based in Wales with courses specifically designated for student support that are not subject to educational oversight by Estyn.

## Requirements

### Regulated institutions

3. The requirement for regulated institutions to have a 'full assessment by an Educational Oversight body' is addressed through HEFCW's Quality Assessment Framework for Wales, which stipulates that regulated institutions must commission an external quality assurance review from a body on the European Quality Assurance Register at least every six years. They must also provide information relating to their quality of education, financial viability, the organisation and management of their financial affairs, governance and a Fee and Access Plan for approval on an annual basis.
4. Sponsors must maintain their Educational Oversight for all their sites throughout the duration of their Student Sponsor licence. This includes achieving and maintaining one of the required ratings set out in the relevant external quality assurance review as required by HEFCW's external quality assurance review, and maintaining satisfactory financial sustainability, management and governance.
5. For regulated institutions, the rating which institutions subject to Educational Oversight in Wales are required to achieve is as follows: Judgment that both 'the requirements of the ESG Part 1 for internal quality assurance are met (with a judgment of 'meets requirements')' and that 'the relevant baseline regulatory requirements of the QAF are met' (with a judgment of 'meets requirements').
6. If a sponsor has not achieved the required rating in its most recent review (i.e. receives a judgement of 'Meets requirements with conditions', or 'Does not meet requirements', in either judgement category, it will be able to retain its

Student Sponsor licence in the short term, but will need to implement an action plan to enable the judgement to be revised within 12 months of the publication of the review outcome. If it is unsuccessful in having the judgement revised then its Confirmation of Acceptance for Studies (CAS) allocation will be set to zero and it will not be allowed to sponsor any new students. The provider can continue to sponsor students who are already studying with them, but existing students may not commence a new course. The provider will need to continue to meet sponsor requirements.

7. A regulated institution which fails to have an unfavourable judgement reversed after 12 months of publication of the review outcome will be deemed not to have met the quality requirements for the approval of Fee and Access Plans.
8. If, following a further quality review, a provider achieves one of the required ratings, it can apply to the Home Office to retain its Student Sponsor licence and may apply for a new CAS allocation. It would also need to reapply for Fee and Access Plan approval.
9. Sponsors with CAS allocations must notify their Educational Oversight body of any plans to begin teaching at a new site, take any steps required by the body to maintain its Educational Oversight, and provide evidence of this if required by UK Visas and Immigration (UKVI).
10. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Student Sponsor licence meets the Educational Oversight requirements set out in the Home Office guidance.

Specifically designated providers

11. Specific designation in Wales only relates to providers that want students ordinarily resident in Wales to access student support for specific courses. Where courses are delivered under franchise arrangements, the awarding body must apply for course designation regardless of whether that awarding body is already designated.
12. The requirement for specifically designated providers to have a 'full assessment by an Educational Oversight body' is addressed through our requirement for all providers seeking specific designation to have undertaken an external quality assurance review by the Quality Assurance Agency for Higher Education (QAA). We expect applicants to have achieved required ratings in a review carried out by the QAA in the last four years, and to maintain this rating at four year intervals. We also carry out checks on financial sustainability, management and governance as part of the process for evaluating the suitability of institutions for the purposes of specific designation.
13. The review that providers seeking specific designation should undertake is the Gateway Quality Review: Wales process. Providers that have not had a successful QAA review in the past four years will be required to undertake this review to provide evidence to HEFCW that they meet the baseline requirements in Wales. The ratings which providers are required to achieve



are Confidence that a) academic standards are reliable, meet UK requirements, and are reasonably comparable with standards set and achieved in other providers in the UK and b) the quality of the student academic experience meets baseline regulatory requirements.

14. Providers that have successfully undertaken a Higher Education Review, Higher Education Review Wales, Quality Review Visit, or Educational Oversight Reviews within the previous four years will be able to evidence that they met the appropriate baseline requirements at the time of that review. They will also need to be able to continue to demonstrate satisfactory financial sustainability, management and governance.
15. Where a provider is applying for a course to be designated and that course is to be delivered under franchise arrangements, we also require evidence that the successful external quality assurance review took place at a time that the provider delivering the course was a partner of the awarding provider.
16. In every case, a provider receiving Gateway Quality Review: Wales outcomes of Limited or No Confidence that: a) academic standards are reliable, meet UK requirements, and are reasonably comparable with standards set and achieved in other providers in the UK or b) the quality of the student academic experience meets baseline regulatory requirements, will be deemed to have, or to be at risk of having, inadequate quality. They will therefore be ineligible to apply for specific designation, and for Educational Oversight.
17. Where an institution is already specifically designated and subsequently receives a judgement of Limited or No Confidence then we may recommend that it should be allowed to retain specific designation for a further year, provided it meets all our other expectations regarding specifically designated institutions. The retention of specific designation for a year provides the institution with the opportunity to implement an action plan to address issues identified, with the aim of having the judgement revised within twelve months. Its CAS allocation will be set to zero. The provider can continue to sponsor students who are already studying with them, but existing students may not commence a new course. The provider will need to continue to meet sponsor requirements. If, following a further QAA review, a provider achieves one of the required ratings, it can apply to the Home Office to retain its Student Sponsor licence and may apply for a new CAS allocation.
18. In every case, sponsors must notify their Educational Oversight body of its plans to begin teaching at a new site, take any steps required by the body to maintain its Educational Oversight, and provide evidence of this if required by UKVI.
19. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Student Sponsor licence meets the Educational Oversight requirements set out in this guidance.

Higher Education providers based outside Wales

20. HE providers based outside Wales, which are registered with other UK funders/ regulators, should inform the Educational Oversight body for their country of registration regarding any new sites, including any new sites in Wales. Provided that they do not seek student support for Welsh students, then they are not required to be specifically designated in Wales.

**Respondents to consultation in circular [W20/41HE](#)**

Bangor University

Cardiff Metropolitan University

Grŵp Llandrillo Menai

Swansea University

University of South Wales

University of Wales Trinity Saint David