

Consultation on a new regulatory system including conditions of registration and funding

Date: 22 October 2025

Reference: Medr/2025/25

To: All tertiary education stakeholders

Respond by: 17 December 2025

More information: regulationadvice@medr.cymru

Theme: Regulation and Funding

Summary:

This consultation seeks views on the new regulatory system for tertiary education and training providers in Wales. The new system will be implemented in 2026.

All tertiary education and training providers and other stakeholders are invited to respond.

Foreword

We understand this is a challenging period for the tertiary sector.

We are building a new regulatory system at a time when providers face significant pressures - financial constraints, demographic shifts, evolving learner needs - whilst adapting to a rapidly changing economy and society. These challenges require a regulatory approach that is both robust and supportive. An approach that protects learners and public confidence, enabling innovation and sustainability, whilst recognising the autonomy of the fantastic range of education providers we have across Wales.

When we launched the first stage of consultation earlier this year, we asked for your views on how that balance should be struck. Your responses were clear and constructive. You told us that the principles were right, but that the framework needed to be clearer, more proportionate and more practical. You asked us to reduce duplication, to respect institutional autonomy and to ensure learner voice runs through everything we do. You also asked for predictability: clear timelines, realistic expectations and a monitoring approach that feels fair and transparent.

Thank you to everyone who contributed to the first consultation. We have listened and adapted our initial proposals to reflect your feedback.

This consultation sets out our proposals for a regulatory system that is simpler to navigate, with a clear distinction between what is mandatory and what is guidance. It seeks to embed the key principle of proportionality, so that monitoring and oversight correlates with risk and burden is minimised wherever possible. It strengthens the focus on learners - not just in terms of quality and outcomes, but also in terms of how providers engage with learners and protect their interests when things change. And it does all of this while maintaining the high standards that underpin confidence in tertiary education in Wales.

We know that regulation cannot solve every challenge the sector faces but we are equally sure that, done right, it can create the conditions for trust, stability, collaboration and improvement. It can give learners confidence that their interests are safeguarded. It can give providers the clarity and space they need to plan for the future. And it can give government and the public assurance that public investment is being used wisely and effectively.

This second consultation is an important step in that journey. It builds on what we have learned and, for the first time, sets out our full proposals for the new regulatory system. We will continue to work with you to refine the detail, to test our approach and to ensure the system we build is one that works in practice as well as in principle.

The development of the new regulatory system “is a process, not an event” to paraphrase the famous saying. Thank you for your continued engagement and for continuing to support and challenge us to deliver a system that supports a strong, inclusive and resilient tertiary education sector for Wales.

Professor Dame Julie Lydon

**Chair, Board Member
Medr**

James Owen

**Chief Executive
Medr**

Introduction

1. The Tertiary Education and Research Wales Act 2022 ('The Act') sets out the requirements for a new regulatory system for tertiary education and training providers in Wales. This consultation seeks views on Medr's proposed:
 - **Statement of Intervention Powers**, which explains the statutory powers of intervention outlined within The Act ([Annex A](#))
 - **Regulatory Framework** which sets out
 - our regulatory approach
 - our approach to monitoring
 - the process for how, and what type of, incidents and events must be reported to Medr
 - the full set of draft Conditions of Registration and Conditions of Funding ([Annex B](#))
 - **Quality Framework**, which underpins the condition requirements and monitoring arrangements in respect of quality ([Annex C](#))
 - **Learner Engagement Code**, which supports providers and Medr to focus the tertiary education sector around the needs of the learner and ensure all learners have opportunities to engage in their provider's decision-making ([Annex D](#))
 - **Frequently Asked Questions** document which sets out some of the common queries we have received during engagement and formal consultation. ([Annex E](#))
 - **Glossary of terms** for the consultation documents ([Annex F](#))
2. This consultation has been published to satisfy the following consultation duties in the Tertiary Education and Research (Wales) Act 2022:
 - 27 (5) Initial Registration Conditions
 - 28 (7) General Ongoing Registration Conditions
 - 40 (2) Supplementary provision about directions under section 39
 - 50 (4) Quality Assurance Framework
 - 81 (3) Statement on Intervention Functions
 - 126 (6) Learner Protection Plans
 - 129 (5) Learner Engagement Code
3. Stakeholders are invited to submit consultation responses via our [survey](#) by **17 December 2025**.
4. We will also undertake a programme of engagement with stakeholders on these proposals.

Background

5. The Act sets out the system by which we will regulate tertiary education and training providers in Wales. The new system is to be based on a Register for higher education providers, with an associated **Regulatory Framework** comprised of Initial and Ongoing Conditions of Registration and Funding.
6. Some elements of the **Regulatory Framework** will also apply to other tertiary education and training providers in Wales via Conditions of Funding, as set out in **Figure 1** and **Figure 2**. Medr will monitor compliance with Conditions of Funding, and has powers to intervene or alert Welsh Government Ministers, who also have powers to intervene in further education institutions.
7. As stated in our **FAQ Document**, from August 2026 the Register of higher education providers will be launched, and the first set of registration and funding requirements will begin to apply. This will include all conditions apart from the Equality of Opportunity condition and the Fee Limits condition (which will come into effect from August 2027). From August 2027, all registration requirements will come into effect.

Figure 1 - Regulatory Framework

Conditions of Registration		Conditions of Funding
Initial	Ongoing	Funding
Financial Sustainability	Financial Sustainability	Financial Sustainability
Governance and Management	Governance and Management	Governance and Management
Quality	Quality	Quality
Staff and Learner Welfare	Staff and Learner Welfare	Staff and Learner Welfare
	Welsh Language	Welsh Language
	Learner Protection Plan	Learner Protection Plan
	Learner Engagement Code	Learner Engagement Code
	Equality of Opportunity	Equality of Opportunity
	Complaints Procedures	Complaints Procedures
	Regard to Advice and Guidance	Regard to Advice and Guidance
	Information, Assistance and Access	Information, Assistance and Access
Validation Arrangements	Validation Arrangements	
Charitable Status (HE Core Category Only)	Charitable Status (HE Core Category Only)	

Information Provided to Prospective Students	Information Provided to Prospective Students	
	Fee Limits (HE Core Category Only)	
	Notification of Changes which affect the Accuracy of Information	

- yellow - Conditions of Registration that are also Conditions of Funding for non-registered providers
- green - Conditions of Registration only (i.e. not Conditions of Funding)

8. Medr has duties in respect of the monitoring of compliance with Conditions of Registration and Conditions of Funding, and powers to intervene where there is risk of non-compliance for any conditions. Providers on the higher education Register will have all their higher education courses automatically designated for student support. Welsh Government has [recently consulted on these arrangements](#). **Figure 2** describes how conditions apply to different parts of the tertiary sector.

Figure 2 – Overview of how aspects of the consultation apply to the tertiary sector

	Annex A	Regulatory Framework – Annex B			Annex C
Provision	Regulatory Approach and Intervention Powers	Conditions of Registration	Conditions of Funding ¹	Monitoring and Reportable Events	Quality Framework
Higher education (including franchised / sub-contractual)	✓	✓	✗ ²	✓	✓
Higher education courses specified by Welsh Ministers in regulation	✓	✗	✓	✓	✓
Further education	✓	✗	✓	✓	✓
Apprenticeships	✓	✗	✓	✓	✓
Adult community learning	✓	✗	✓	✓	✓
School sixth forms ³	✓	✗	✓	✗	✓
Other Tertiary ⁴	✓	✗	✗	✗	✓

¹ There may be terms and conditions for specific higher education grants beyond the conditions of funding.

² For franchise providers, the following conditions of funding apply under section 90(4) of the Tertiary Education and Research (Wales) Act 2022: Learner Protection Plans, the Learner Engagement Code and Regard to Advice and Guidance.

³ School sixth forms are only covered by Medr's condition of funding in respect of Quality via their local authority.

⁴ This encompasses any tertiary education or training provision delivered in Wales by a provider that is not regulated or funded by Medr

9. It should be noted that some conditions within the regulatory system are supported by additional guidance, frameworks or codes because they are required as part of the Act, for example for Quality and Learner Engagement. Similarly, conditions such as Financial Sustainability, Governance and Management, and Equality of Opportunity need to account for significant external standards or legal duties. In these cases, supplementary guidance helps providers interpret and apply the conditions in a way that is proportionate, context-sensitive, and aligned with existing obligations. Other conditions are more straightforward in nature or rooted in established statutory duties, and therefore do not require additional guidance.
10. The Conditions of Registration and Funding set out the mandatory requirements that providers must meet to be compliant with the regulatory system. These are legally binding and form the basis for monitoring, assurance, and potential intervention. In contrast, guidance is non-binding but supports providers in interpreting and applying the conditions, particularly where the subject matter is complex, evolving, or influenced by external standards. Over time, Medr may review and amend the Conditions of Registration and Funding and any associated guidance, and Medr will consult the sector on any material changes made to those conditions and associated guidance.
11. A foundation aim of our strategic plan is *“To establish Medr as a highly effective organisation and trusted regulator”*. To support this aim, we set out within our [Regulatory Approach](#), a statement which describes the guiding principles by which we will undertake our regulatory duties, with the aim of achieving our vision *“...to enable a tertiary education and research system which is centred around the needs of learners, society and economy with excellence, equality and engagement at its heart.”*
12. Our approach sets out that we are committed to regulating in a manner that is transparent, proportionate, consistent and risk-based, and aligned with our values. This approach integrates the strengths of rules-based (compliance) and goal-based (continuous improvement) regulation, with the intention of securing provider compliance and driving forward improvements. This has underpinned the development of the new regulatory system.
13. Medr is continuing to develop monitoring arrangements in respect of compliance with each of the conditions. For Conditions of Registration or Conditions of Funding, we will have powers to intervene to address non-compliance. A statement of our intervention functions specified in the Tertiary Education and Research (Wales) Act 2022 is set out within our [Statement of Intervention Powers](#).
14. Where a provider delivers more than one type of provision, for example, higher education, further education, apprenticeships, or adult community learning, Medr will take a single, integrated approach to monitoring. This means we will assess compliance across all types of provision in a coordinated way, avoiding duplication and recognising where there is crossover in those different types of provision (for example, in Governance and Management).
15. As a learning organisation, Medr is committed to continuously evaluating and improving our approach. This includes not only assessing provider compliance with monitoring requirements, but also reviewing the effectiveness of the monitoring systems and tools themselves. We will consider whether these mechanisms are

delivering meaningful insights, supporting improvement, and remaining proportionate to the risks they are designed to address. Where necessary, we will adapt our approach in response to sector feedback, emerging evidence, and practical experience, ensuring that our regulatory system evolves in a way that supports both accountability and innovation. Any changes would be supported by consultation with the sector.

16. For higher education, the Register of higher education providers in Wales ('the Register') forms a key component of the new regulatory system. There will be two categories of registration for providers of higher education:

- **Higher Education Providers (Core)** - Providers registered in this category will be eligible for automatic designation for Welsh Government student fee and maintenance support for higher education courses at the higher fee level, provided under the Teaching and Higher Education Act 1998. Providers in this category will also be eligible for Medr higher education grant funding.
- **Higher Education Providers (Alternative)** – Providers registered in this category will be eligible for automatic designation for Welsh Government student fee and maintenance support for higher education courses at the lower fee level, provided under the Teaching and Higher Education Act 1998. Providers in this category will not be eligible for higher education grant funding.

17. For higher education providers seeking registration in either category, acceptance onto the Register will be conditional on compliance with Initial Conditions of Registration. Once registered, providers will need to comply with Ongoing Conditions of Registration.

18. In response to a concern raised in the first consultation, in defining our initial “must” and “should” requirements, we have sought to reflect current practice across the tertiary sector and minimise additional burden. We expect that all of us - Medr, providers and stakeholders - will learn from initial experience of the new [Regulatory Framework](#) in terms of what works well and what needs refinement. We also expect that good practice will evolve across all the domains of the framework. Consequently, we expect to adjust our requirements over time, particularly to promote the spread of good practice and continuous improvement.

19. Throughout our documentation reference is made to ‘must,’ ‘should’ and ‘will.’ The following definitions apply.

20. [Expectations:](#)

Providers Must

Where Medr uses the term ‘must’, it means it is a specific legal requirement or regulatory requirement. Providers must comply with these requirements.

Providers Will

A phrase used to describe actions or commitments that Medr expects providers to undertake as part of their regulatory responsibilities. These statements often reflect future obligations or standard practices.

Our Advice:

Providers Should

Where Medr uses the term 'should', it refers to actions or practices that are strongly encouraged but not legally required in the Conditions of Registration or Funding; however, Medr would expect governing bodies (or equivalent) to take such guidance into account. Medr will consider the extent to which a provider has given due regard to 'should' provisions when assessing provider risk.

21. Further terminology is defined as part of our [Glossary](#) which is provided as part of this consultation.

Consultation Requirements

22. There is a statutory requirement for Medr to publish information on the requirements of the new regulatory system and to consult on much of this prior to final publication. This consultation and the previous consultation aim to satisfy this requirement.
- section 27 of The Act requires Medr to publish a document setting out the requirements in respect of Initial Conditions of Registration and to consult on these before publication
 - section 28 of The Act requires Medr to publish a document setting out the requirements in respect of General Ongoing Conditions of Registration and to consult on these before publication
 - section 40 of The Act enables Medr to issue guidance about steps to be taken for the purpose of complying with directions (in respect of failure to comply with ongoing registration conditions) and requires Medr to consult the governing body of each registered provider affect
 - section 50 of The Act enables Medr to publish Quality Frameworks subject to consulting before doing so
 - section 81 of The Act requires Medr to publish a Statement setting out how it proposes to exercise its intervention functions and to consult on this before publication
 - section 126 of The Act requires Medr to issue guidance on the preparation and revision of learner protections and to consult on these before publication
 - section 129 of The Act requires Medr to consult on the preparation of the Learner Engagement Code
23. Not all of the elements of the new system covered by this consultation apply to every tertiary education and training provider. The elements that are relevant to providers of different types of provision are set out in **Figure 2**. Some provision for which higher education providers are responsible is delivered through franchised or sub-contractual provision. Where this is the case, higher education providers should ensure that franchise or sub-contractual partners are alerted to the consultation and given the opportunity to respond, either separately or within the response of the franchising partner. Please note that specific course designation is not within the scope of this consultation.

Feedback from the First Stage Consultation

24. We ran our first consultation to test the direction of the new regulatory system for tertiary education in Wales. You told us what landed well, where the tone was too prescriptive, and how we could make the whole system more effective and minimise

burden. This section explains how we have acted on that feedback across the framework, regulatory approach and our approach to monitoring.

25. You supported the direction of travel - clear rules where they matter most, and space for providers to improve and innovate. But you asked for clearer signposts about what is a compliance requirement and what is advisory, and you wanted firmer assurances that our oversight would not drift into control. We have rebalanced the framework to make these distinctions clearer. Each condition now outlines the difference between conditions (what must be met), compliance requirements that evidence those conditions, and guidance (which providers must consider but may approach in different ways if they can justify that choice). We have also taken care to write in a way that respects institutional autonomy and academic freedom, and to explain how we scale our engagement through our [Statement of Intervention](#) and our [Statement of Monitoring](#).

Burden and Engagement

26. A consistent message was the risk of cumulative burden when several conditions and processes come together. You asked us to reuse existing evidence, align cycles with other bodies, and make timelines and templates practical. We are doing that in three ways. First, we take a “make once, use many” approach to information. Where you already provide evidence to Estyn, QAA or other relevant bodies, we will rely on that wherever it fits our purpose. Second, we have aligned our annual planning and assurance points with sector cycles wherever possible, so that your internal governance, financial planning and quality cycles feed naturally into our processes. Third, where we do need you to send something to us, we will provide clear templates and minimise the reporting requirement as much as we reasonably can, with clear lead-in times for any new expectations.
27. You told us neither a purely reactive model nor a highly intensive engagement model would work across such a diverse sector. You asked for clarity about the purpose of engagement, the role of data, and how early information should be handled without fear of disproportionate consequences. We now describe a blended approach. At its core is routine assurance that your governing body (or equivalent), based on your own internal assurance procedures, has reviewed and confirmed their assurances on all applicable conditions, supported by (wherever possible) the evidence you already hold.
28. We will gather and triangulate information from external quality assessments, data you already submit through national collections, and concerns that come to light through complaints, reportable events or other sources. Where we need to talk, we will do so early and proportionately, and we will be clear whether a conversation is about assurance (i.e. compliance) or is an advisory, strategic dialogue – as set out in our [Statement of Intervention](#).
29. Several responses also highlighted the importance of co-development, regulatory trust, and the protection of universities and colleges’ NPISH (non-profit institutions serving households) status. There were concerns that elements of Medr’s oversight, if not clearly bounded, could risk creating the perception of regulatory overreach - potentially triggering reclassification or undermining operational independence.

Statement of Monitoring

30. In response to your feedback, we have developed a new monitoring approach that integrates the strengths of both proposed models while giving due regard to the sector's concerns. This revised model, described in full throughout our [Statement of Monitoring](#), includes the following key changes:

- A blended engagement structure: Monitoring includes both compliance-focused activities (e.g. Annual Assurance Returns, Reportable Events) and, where appropriate, strategic dialogue (e.g. periodic provider conversations). These are clearly separated in intent, with strategic dialogue framed as non-directive and advisory.
- Risk-based tailoring: Monitoring activity will be aligned to both nature of risk associated with each condition and the nature of each provider. This dual-risk lens allows for proportionality and flexibility, avoiding unnecessary burden while ensuring effective oversight.
- Annual Assurance Return: Within this document we outline our monitoring through our core assurance return - required of all providers - which affirms that the governing body (or equivalent) has taken robust steps to assure compliance. This standardises a baseline expectation, while allowing variation above this based on risk.
- Clarity on self-reporting: We formalised the importance of early disclosure through our Reportable Events Process and clarified that non-reporting may itself constitute non-compliance. This aligns with our “no surprises” principle and supports a preventative regulatory culture.
- Phased and proportionate implementation: We recognise that the Conditions of Registration and Funding are being introduced for the first time, and that providers will be adapting to a new regulatory landscape. In response to feedback, we have committed to a proportionate approach to implementation. The initial application of the monitoring model will emphasise support, dialogue and early clarity, rather than immediate escalation or heavy compliance burden.

Quality

31. You asked us to separate the compliance baseline for quality from the wider ambition to improve over time. We have made the baseline explicit: quality is inadequate if it is not sufficient to meet learners' reasonable needs. That baseline is what the registration and funding conditions protect. Alongside this, we continue to encourage improvement, but we have taken care to ensure that requirements relating to continuous improvement focus on engagement - we do not expect year-on-year improvement across every measure, particularly where performance is already strong. Where improvement activity is expected, it is described in a way that supports reflection and planning, rather than prescribing a single approach.
32. You also asked us to ensure there is no duplication with existing quality regimes, and for clarity about the role of data. We have clarified that we will use information from existing reviews and inspections, such as by Estyn and QAA. We will aim not to duplicate existing quality processes, so that for example provider self-evaluations prepared for Estyn will satisfy that pillar of the [Quality Framework](#). Our analysis of data will draw primarily from existing national surveys and will focus on learner outcomes. We will look at outcomes data in context, as we recognise that cohorts can be small, modes of study differ, and local circumstances matter. Before using

new performance indicators or benchmarks formally, or where significant changes are made, we will consult on them and explain how contextualisation will work.

33. You asked us to put the learner voice and learner experience at the heart of the system. You also asked us to be clearer about practical protections when things change. We have strengthened the learner thread throughout. The Framework now makes clear that governing bodies (or equivalents) should be confident about how they hear and consider learners' views, how complaints are heard fairly and visibly, and how arrangements are made to protect learners when programmes, locations or partnerships change. We have taken a proportionate approach: where requirements or plans are needed, they will be requested with clear triggers, timeframes and routes for engagement, not as a blanket burden, wherever possible. Where there are sector-wide tools (for example, surveys that complement those already in use), we will pilot first, learn from the results, and scale carefully.

Finance and Governance

34. You said that some wording, especially around financial commitments, felt too close to approval, and that certain governance expectations risked cutting across legitimate differences in institutional models and institutional autonomy. You also asked for clearer definitions and faster, more predictable processes. We have adjusted our language and our processes and we have more clearly defined scope. Where financial commitments are higher, as identified by our thresholds, our role is to review and form an opinion on the robustness of governance over proposed new commitments, not to authorise or veto a decision that belongs to your governing body (or equivalent). We will operate to practical turnaround times, with our review progressing in tandem with your own processes, and we will handle sensitive material in confidence.
35. On governance and management, we have focused on outcomes: integrity, transparency, strong internal control, effective assurance, and a culture that allows challenge and learning. We have avoided prescribing structures where there is legitimate variation across the sector, and we have aligned expectations with existing codes and standards so that you can rely on work you already do. Where specialist rules or standards apply, we have removed duplication to ensure the conditions do not create any confusion.

Information for Prospective Students

36. In relation to information for prospective students, you asked us to keep expectations in line with the law and to recognise that information changes over time for practical reasons (including translation and governance cycles). We are keeping to those principles. Expectations about information for prospective students are aligned with existing consumer protection principles. We expect clarity, accuracy and accessibility, with proportionate training for the staff who work directly with applicants and offer-making. We recognise that not every change can be immediate; we are explicit that scheduled updates are acceptable where they are planned and transparent. We also give providers flexible, template-based ways to present information that serve both prospective and current students without forcing long lists that are hard to use.

Reporting and Notifications

37. You told us that the overlaps between change notifications and other reporting routes could cause confusion, and that thresholds and timelines should be proportionate. We have addressed this. Notifications are now framed by materiality, with practical examples and a short list of evidence that typically settles the matter quickly. Minor items can be batched on a schedule, rather than generating constant traffic. Separately, the Reportable Events Process is there for early warning. Serious matters should be signalled quickly, with a short initial notice followed by fuller information when available, while other notifiable matters can be sent monthly. The point of both routes is the same: no surprises on either side, and a shared opportunity to resolve issues before they escalate.

Data

38. You made it clear that the data environment is already complex. Your request was straightforward: simplify, reuse, and explain. Our data approach now rests on three commitments. First, use what already exists wherever possible, including national records and returns. Second, make definitions and methods transparent, so that when we talk about measures or indicators we are speaking the same language. Third, share comparative insight back to the sector to support self-evaluation and planning. Over time, we will want to ensure that we have robust and comprehensive datasets on key outcomes for learners, so we do intend to extend some data collections, such as surveys of learner satisfaction. Where new indicators are needed, we will consult and pilot; where existing indicators are being interpreted differently across the system, we will publish short method notes to bring greater consistency.

The Overall System

39. You told us you wanted the conditions, taken together, to read as a coherent system rather than a patchwork of separate rules. You also asked that they reflect the big themes of the consultation: risk-based proportionality, the learner thread, respect for autonomy, and to maintain a focus on the practicalities of delivery. That is how we have redesigned them. The conditions now sit within a clearer, simpler structure, and their language is more consistent. Where the conditions speak to learners and learning, the emphasis is on hearing learners' views, protecting their experience when things change, and focusing on outcomes rather than box-ticking. Where the conditions speak to organisational capability - governance, finance, partnerships - they focus primarily on your internal assurance procedures and ask you to demonstrate that your processes are effective, proportionate and owned by your governing body (or equivalent), rather than prescribing a specific shape or size. Where the conditions require information for the public or for us, they will do so with clear templates, where appropriate, and realistic timeframes. Across all conditions, monitoring is explained in the same simple way: routine assurance from the board, reuse of existing evidence, risk-based enquiry where needed, and clear routes for early warning.

Decision Making

40. You asked us to be explicit about how monitoring links to decisions. For each condition, we have identified the minimum evidence we will need to demonstrate compliance. Monitoring is there to confirm compliance in most cases and to identify

concerns early in others. When something does not look right, we start by engaging with providers and asking questions. We only move to formal decisions when the evidence supports it and when lighter-touch approaches have not resolved the issue or would not be sufficient to protect learners. Our ladder of response is graduated and proportionate. At all points, we will explain where we are on that ladder and why. We will also be clear when engagement is advisory in nature, so that providers can talk openly about risks and plans without feeling that every conversation is the start of enforcement.

Social Partnership

41. Trade unions emphasised the importance of strong governance, meaningful staff and learner representation, and effective social partnership. They raised concerns about the impact of financial pressures and governance failures on staff security, academic quality, and learner experience. While some of these issues extend beyond Medr's statutory remit, we recognise their significance for the health of the sector. We are committed to our strategic duty to promote collaboration between providers and trade unions and will maintain our ongoing dialogue with trade unions as the new system is implemented.
42. In all of the above, we have sought to respond to the legitimate concerns and questions raised in the first consultation, while still ensuring that we can put in place a Regulatory Framework that enables Medr to discharge our mission effectively. Requirements are set out in the Tertiary Education and Research (Wales) Act 2022 and must be implemented as prescribed by the Act. **In this context, Medr's responsibility is to establish a regulatory system that meets those statutory obligations while remaining proportionate and practical.** We are committed to the implementation timeframes in the Act and to support providers in understanding and meeting their responsibilities within that regulatory framework.
43. The following section outlines our survey questions in relation to the individual parts of this consultation. For the regulatory framework (Annex B) it should be noted that there are differences in the nature of the questions for those Conditions or policies that were consulted upon in our [phase 1 consultation](#).

This is relevant to:

- all tertiary education and training providers in Wales.

44. Our proposed Intervention Powers apply to all tertiary education and training providers in Wales as it sets out the range of our intervention powers and how these may be used to address issues of non-compliance with Conditions of Registration and Conditions of Funding. Based on consultation feedback, we have now cast this Statement of Intervention Powers as a stand-alone document, to emphasise its statutory status. This Statement outlines only those interventions specified under The Act and how they may be used. All other information on how we may escalate to intervention, including potential non-specified interventions underpinned by Medr's statutory functions, is now covered in our Regulatory Framework. The Statement also applies to providers of tertiary education and training delivered in Wales that are not regulated or funded by Medr, as it outlines some limited intervention powers in respect of quality.

Do you have any further comments on the Statement of Intervention Powers?

This is relevant to:

- Higher education (including franchised / sub-contractual);
- Higher education courses specified by Welsh Ministers in regulation;
- Further education;
- Apprenticeships; and
- Adult community learning

45. This consultation seeks views on our regulatory approach, our draft Initial and Ongoing Conditions of Registration, as well as associated requirements and monitoring arrangements. There is commonality between some of the Conditions of Registration for higher education providers and the Conditions of Funding for other tertiary education and training providers.

46. We have cast the requirements for each of the draft Conditions of Registration / Funding at a high-level. This allows us to apply the conditions to the full diversity of tertiary education and training providers that are to be regulated by Medr. In line with our Regulatory Approach, we have sought to minimise administrative burden on providers, wherever appropriate, placing emphasis on providers gaining their own assurance regarding compliance with conditions and proactively reporting issues to Medr. For our proposed [Regulatory Framework](#), we are seeking views on the following:

Regulatory Approach

47. It is our intention to be a proportionate and risk-based regulator to achieve the aims set out in our Strategic Plan. In relation to our proposed [Regulatory Approach](#):

Do you have any further comments on the Regulatory Approach, in the context of the full set of regulatory documentation?

Monitoring Arrangements

48. Our Regulatory Approach has informed the way that we intend to monitor compliance with the Conditions of Registration / Funding, which is explained in our proposed [monitoring arrangements](#). This sets out how monitoring informs our regulatory decisions including, where appropriate, escalation to intervention. Further detail on monitoring is provided under each condition.

Do you have any further comments on the Monitoring Arrangements, in the context of the full set of regulatory documentation?

Reportable Events Process

49. Our proposed [Reportable Events Process](#) sets out our expectations for those serious incidents and notifiable events that need to be reported to Medr and how and when these must be reported by providers. The process flows from our Regulatory Approach, which places an emphasis on proactive self-reporting by providers. It also forms a key element of our approach to monitoring compliance.

Do you have any further comments on the Reportable Events Process, in the context of the full set of regulatory documentation?

Financial Sustainability

50. Our proposed **Condition of Registration/Funding in relation to Financial Sustainability** has drawn on existing regulation and financial assurance arrangements in respect of higher education and further education providers, whilst taking into account the current and potential future environment for tertiary education in Wales. The requirements for this condition reflect the importance of Medr's role in monitoring the financial sustainability of all tertiary education providers in Wales. This condition applies to all registered providers in both categories as an Initial and an Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Do you have any further comments on the Financial Sustainability Condition, in the context of the full set of regulatory documentation?

Governance and Management (Including Financial Management)

51. Our proposed **Condition of Registration/Funding in relation to Governance and Management** (Including Financial Management) sets out our expectations in respect of the governance and management of providers, including how they manage their finances. In order to minimise burden, the condition places a degree of reliance on providers to assure themselves that their governance and management arrangements are adequate, with providers to periodically seek independent assurance regarding the effectiveness of their governance arrangements. This condition applies to all registered providers in both categories as Initial and an Ongoing Condition of Registration. It also applies to as a Condition of Funding (except for school sixth forms).

Do you have any further comments on the Governance and Management (including Financial Management) Condition, in the context of the full set of regulatory documentation?

Quality

52. Our proposed **Condition of Registration/Funding in relation to Quality** draws upon the draft Quality Framework and embraces both baseline compliance and promotes continuous improvement. This condition applies to all registered providers in both categories as an Initial and Ongoing Condition of Registration. It also applies to all funded providers as a Condition of Funding.

Do you have any further comments on the Quality Condition, in the context of the full set of regulatory documentation?

Staff and Learner Welfare

53. Our proposed initial and ongoing **Condition of Registration/Funding in relation to Staff and Learner Welfare** sets out requirements for providers to have in place effective arrangements to support and promote learner and staff welfare. This condition applies to all registered providers in both categories as an Initial and Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Welsh Language

54. Our proposed ongoing **Condition and Registration/Funding in relation to the Welsh Language** sets out requirements and expectations for relevant providers to take all reasonable steps to encourage greater use of the Welsh language and increasing demand for and participation in tertiary education and research delivered through the medium of Welsh and Welsh as a subject. This condition applies to all registered providers in both categories as an Ongoing Condition of Registration. It also applies to all funded providers as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Learner Protection Plans

55. Our proposed **Condition of Registration/Funding in relation to the Learner Protection Plans** aims to fulfil our duties as set out in Section 126 of the Tertiary Education and Research (Wales) Act 2022 for Medr to issue guidance on the preparation and revision of learner protection plans. When given notice, the governing body of a provider (or equivalent) must have in place a learner protection plan approved by Medr, on or before a date specified by Medr and must implement that plan. Medr's guidance sets out our expectations for learner protection plans. This condition applies to all registered providers in both categories as an Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Learner Engagement Code

56. Our proposed **Condition of Registration/Funding in relation to the Learner Engagement Code** is in line with the duties set out in the Tertiary Education and Research (Wales) Act 2022 for Medr to prepare and publish a Learner Engagement Code about the involvement of learners in their providers decision-making. The requirements of this condition are set out in the **Learner Engagement Code (Annex D)** and align with Medr's strategic aim to focus tertiary education around the needs of the learner. This condition applies to all registered providers in both categories as an Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms – which have a statutory duty to comply with the Code).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Equality of Opportunity

57. Our proposed ongoing **Condition of Registration/Funding in relation to Equality of Opportunity** sets out requirements for providers to deliver measurable outcomes that improve access, retention, attainment, and progression for learners from under-represented groups, and to support inclusive participation in research and innovation. This condition applies to all registered providers in both categories as an Ongoing Condition of Registration. It also applies to as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

To what extent do you agree that the Equality of Opportunity condition and supplementary detail provide sufficient clarity regarding provider expectations and requirements?

Strongly Agree / Agree / Disagree / Strongly Disagree

To what extent do you agree that the Equality of Opportunity condition will advance meaningful improvements in equality of opportunity for learners across the tertiary education sector?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response, including any examples of potential impact, limitations or unintended consequences:

Complaints Procedures

58. Our proposed **Condition of Registration/Funding in relation to Complaints Procedures** has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 for Medr to ensure tertiary education providers have in place complaints procedures and take reasonable steps to make learners aware of them. This condition applies to all registered providers in both categories as an Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Regard to Advice and Guidance

59. Our proposed **Condition of Registration / Funding in relation to regard to advice and guidance** requires providers to give due regard to any advice or guidance issued by Medr. This condition applies to all registered providers in both categories as an Initial and Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Do you have any further comments on the Regard to Advice and Guidance Condition, in the context of the full set of regulatory documentation?

Information, Assistance and Access

60. Our proposed **Condition of Registration/Funding in relation to Information, Assistance and Access** has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 for the governing body (or equivalent) of the provider to provide Medr, or a person authorised by Medr, with such information, assistance and access to the provider's facilities, systems and equipment as Medr may reasonably require. This condition applies to registered providers as an Ongoing Condition of Registration. It also applies as a Condition of Funding (except for school sixth forms).

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

Validation Arrangements

61. Our proposed **Condition of Registration in relation to Validation Arrangements** has drawn on the duty set out in the Tertiary Education and Research (Wales) Act 2022 to assure themselves of the quality and effectiveness of any validation arrangements in place. "Validation arrangements" means arrangements between an applicant (or registered) tertiary education provider and another education provider under which the applicant tertiary education provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf. This condition applies only to registered providers in both categories as an Initial and Ongoing Condition of Registration.

Could this condition be applied consistently across all tertiary providers? Yes / No

Are the requirements of the condition proportionate? Yes / No

Does this condition provide sufficient clarity regarding requirements? Yes / No

To what extent do you agree that the Validation Arrangements condition (which under the Act is defined as applying to validation arrangements only) could be usefully extended into broader advice or guidance for tertiary partnerships, including sub-contractual arrangements?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response, including any examples of potential impact, limitations or unintended consequences:

Charitable Status

62. Our proposed **Condition of Registration in relation to Charitable Status** requires all registered higher education providers in the Higher Education Core Category to be charities. This condition applies as an Initial and Ongoing Condition of Registration.

Do you have any further comments on the Charitable Status Condition, in the context of the full set of regulatory documentation?

Information Provided to Prospective Students

63. Our proposed **Condition of Registration in relation to regard to Information Provided to Prospective Students** requires the information provided to prospective students to comply with consumer law including any guidance from the Competition and Markets Authority. This condition applies to all registered providers in both categories as an Initial and Ongoing Condition of Registration.

Do you have any further comments on the Information Provided to Prospective Students Condition, in the context of the full set of regulatory documentation?

Fee Limits

64. Our proposed **Condition of Registration in relation to Fee Limits** requires registered providers in the Higher Education Core Category to have a fee limit statement approved by Medr and to ensure that regulated course fees do not exceed the relevant fee limit. This condition applies as an ongoing Condition of Registration. The fee limit condition will not be applied to the Higher Education Alternative Category. Providers registering in the Higher Education Alternative category will have their relevant full-time undergraduate level higher education courses automatically designated for tuition fee support at the lower rate (currently £6,355 per annum).

Do you have any further comments on the Fee Limits Condition, in the context of the full set of regulatory documentation?

Notification of Changes which affect the Accuracy of Information

65. Our proposed **Condition of Registration in relation to Notification of Changes Which Affect the Accuracy of Information** aims to satisfy the requirement for mandatory ongoing Conditions of Registration relating to the accuracy of information contained in a provider's entry in the Register, as well as the notification of changes to a provider's tertiary status in Wales. The condition requires all registered higher education providers in both registration categories to notify us of any change which affects the accuracy of the information contained in the provider's entry in the Register or which affects the provider's status as a tertiary education provider in Wales. This condition applies as an ongoing Condition of Registration.

Do you have any further comments on the Notification of Changes Which Affect the Accuracy of Information Condition, in the context of the full set of regulatory documentation?

This is relevant to:

- **all funded and/or registered tertiary education and training providers in Wales.**
66. The [Quality Framework](#) provides guidance and information on policy and practice concerning the quality of tertiary education, and will help providers to demonstrate that they meet the condition. The revised Framework takes account of responses to the original consultation. Providers will need to consider how they take account of the Framework in the context of their own mission and provision.
67. In particular, changes were made to reflect the following:
- Clarification of how the Framework reflects and interfaces with existing approaches to quality;
 - Inclusion of a definition of continuous improvement;
 - Clarification that Medr would not expect to undertake interventions with providers in relation to continuous improvement unless quality issues had been identified via external quality assessment, data or information;
 - Clearer articulation that Medr will recognise the diversity of the sector and groups of learners;
 - Increased recognition of the range of legislation and requirements to which tertiary education providers are subject;
 - Updating the definition of good quality education;
 - Clarification of language to avoid perception that Medr plans to encroach on provider autonomy;
 - Clearer differentiation between the Learner Engagement and Learner Voice pillars, and clarification of the intended scope of learner surveys to be commissioned by Medr; and
 - Removal of references to board, as the glossary includes board within the definition of governing bodies.
68. The condition has been updated to a requirement for all providers registered with and/or funded by Medr to demonstrate that their provision is of good quality, and to engage with continuous improvement. The Framework will support providers to meet this condition.
69. In due course we will need to determine whether or not we should formally designate a quality body to assess higher education. Work on this will be carried out to inform the next cycle of external quality assessments. We will also consider whether to adopt a common cycle length for the assessment of all tertiary education.
70. Medr will be held to account at sector level, and so we will need to define success in relation to the tertiary sector as a whole. However, sector level outcomes are impacted by performance at provider level. We therefore anticipate that we will need to engage at both sector and provider level to set expectations, intervening at provider level where appropriate.

Do you have any further comments on the Quality Framework, in the context of the full set of regulatory documentation?

This is relevant to:

- **all funded and/or registered tertiary education and training providers in Wales**

71. Section 129 of the Tertiary Education and Research (Wales) Act 2022 places a duty on Medr to prepare a Learner Engagement Code about the involvement of learners in the making of relevant decisions by their provider. Learner engagement is described as: the effective representation of the interests of learners in their provider's decision-making; ensuring learners have opportunities to participate in their provider's decision-making; and ensuring learners can share their views with their provider on matters of concern or interest to them. The definition of learner engagement, for the purposes of the Code, does not refer to an individual's involvement in and commitment to their own learning.
72. The **Learner Engagement Code** (the Code) will support providers and Medr to focus the tertiary education sector around the needs of the learner and ensure all learners have opportunities to engage in their provider's decision-making. It will apply to all registered and funded tertiary education providers, including where tertiary education or training is provided on their behalf via franchise or sub-contractual arrangements. There is a statutory duty on the governing body of a maintained school sixth form to comply with the requirements of the Code.
73. In line with Medr's values of collaboration and inclusion, the draft Learner Engagement Code has been developed with learners, providers and sector stakeholders. In 2021/22, the Higher Education Funding Council for Wales and the Welsh Government worked with partners including NUS Cymru, Estyn, QAA, learning providers and learner representatives to develop a draft vision and principles for learner engagement. The vision and principles provided a high-level starting point for Medr's engagement with learners, providers and other stakeholders to develop the Code.
74. The principles-based approach has remained central to the proposed Code, allowing flexibility in the practice of learner engagement to reflect the diversity of the tertiary education sector and its learners. To this end, the Code is not prescriptive about methods of engagement, focusing instead on continuous improvement, innovation and a monitoring approach that focuses on the impact and effectiveness of learner engagement.
75. Medr recognises the diversity of providers, provision and learners within the tertiary education sector and understands that providers will be starting from different points on their journey of effectively engaging learners in decision-making. Informed by our discussions with providers, learners and sector stakeholders, Medr officers have aimed to reflect the sector's varied approaches to learner engagement within the Code. Stakeholder feedback, including the responses to our consultation on the draft Quality Framework earlier this year, has helped to shape the requirements of the Code. Consultation feedback will also inform Medr's monitoring approach, which will expect all providers to evaluate the impact of their learner engagement in decision-making to drive continuous improvement.

⁵ Under the Act, Medr is required to "consult with such persons as the Commission considers appropriate" and therefore this section is additional to the questions on the Learner Engagement Code condition.

76. Whilst the Code itself is not prescriptive about the mechanisms of learner engagement, Medr recognises that there are existing practices, expectations and duties in different parts of the sector, which are referenced in the Code. Medr may, over time, publish additional guidance related to learner engagement which relevant providers would be required to pay regard to; this would be developed in collaboration with stakeholders.
77. Through the Code Medr aims to support learner engagement at a provider and sector level, by publishing examples of effective practice and guidance, and funding projects led by organisations with relevant expertise. As part of this consultation, we are seeking views on the types of support that would help tertiary sector providers to meet the requirements of the Code and to drive continuous improvement in their learner engagement. Medr will include conclusions drawn from the monitoring of the Code in its Annual Report.

To what extent do you agree that the Learner Engagement Code reflects the diversity of learners and providers in the tertiary education and research sector in Wales?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response.

To what extent do you agree that the proposed principles for learner engagement address the key aspects of learner engagement?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response.

To what extent do you agree the approach to monitoring is clear and proportionate?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response.

To what extent do you agree providers would be able to meet the proposed evidence requirements without undue burden?

Strongly Agree / Agree / Disagree / Strongly Disagree

Please provide comments to support your response.

What additional information or resources could support providers to meet the requirements of the Code?

If you have any further comments related to the Learner Engagement Code, please note here:

The Welsh Language

78. This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on the Welsh language.

What do you think would be the likely positive or negative effects of our proposals on the Welsh language? We are particularly interested in any potential effects on opportunities to use Welsh and on not treating Welsh less favourably than English.

Are there any other considerations for us to take into account, that would have a positive or an increased positive effect on: opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language.

Are there any other considerations for us to take into account, so that our proposals would not have adverse effects, or would reduce adverse effects on: opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language.

Impact on the Well-being of Future Generations Act (2015)

79. This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on the Well-being of Future Generations Act 2015.

Will the proposals contribute to the achievement of the national well-being goals set out in the Well-being of Future Generations Act 2015?

Yes / Partially / No

Please provide details

Impact on equality, diversity and inclusion

80. This consultation seeks views on the impact of all of the above elements of the proposed regulatory system on equality, diversity and inclusion.

Do the proposals take account of the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

Yes / Partially / No

Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;

Yes / Partially / No

Foster good relations between persons who share a protected characteristic and persons who do not share it:

Yes / Partially / No

Reduce the inequalities of outcome which result from socio-economic disadvantage?

Yes / Partially / No

If you have any further comments you would like to share regarding impact on equality, diversity and inclusion, please note here:

Impact Assessment

81. We have carried out an impact assessment screening to help safeguard against discrimination and promote equality. We anticipate a positive impact on race, sex, disability, age, religion and belief. We have also considered the impact of these proposals on the Welsh language, Welsh language provision within the tertiary sector in Wales, socio-economic characteristics and potential impacts towards the goals set out in the Well-Being of Future Generations (Wales) Act 2015.
82. The Framework includes a strong focus on data analysis, including learners' personal characteristics where available, which will allow Medr to identify trends and issues which could impact on learners with protected characteristics. There is a focus on education through the medium of Welsh, with Medr policy supporting the expansion of opportunities for learners to learn through the medium of Welsh if they choose to do so. The Framework also focuses on the professional development of the tertiary workforce which is likely to have a positive impact on learners.

Medr

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