

Medr

Y Comisiwn Addysg Drydyddol ac Ymchwil
Commission for Tertiary Education and Research

Explanatory Notes

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg |
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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.
2. This framework is published to satisfy the following duties in the Act:
 - 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. Medr shall carry out its functions with regard to the importance of protecting the freedom within the law of education providers in Wales to conduct their day-to-day management in an effective and competent way. Nothing in the regulatory documents are to be interpreted as requiring the governing body of a tertiary education provider to do anything that is incompatible with any legal obligation or legal restriction that applies to the governing body by virtue of the provider being a charity, or with the governing documents of the provider.
4. Medr may amend published regulatory documents when necessary. Where a change is material - meaning it alters the substance, effect or operation of regulatory requirements - we will undertake consultation in line with our obligations under the Act, before deciding how and whether to proceed with any amendments.
5. Where a change is non-material - for example, correcting minor errors, refining language, improving clarity or design, or enhancing accessibility - we may make the amendment without consultation. All changes, whether material or non-material, will be recorded and managed through our version-control arrangements, including the issue of additional circulars, so that updates are clearly documented and traceable for providers and learners.

Background

6. The Act sets out the system by which Medr regulates tertiary education and training providers in Wales. The new system is based on a Register for higher education providers, with an associated Regulatory Framework comprised of initial and ongoing conditions of registration and conditions of funding.
7. 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.
8. 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	
	Status as a Tertiary Education Provider in Wales	

- 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)

9. 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 framework apply to the tertiary sector

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)	✓	✓	✗	✓	✓
Higher education courses specified by Welsh Ministers in regulation	✓	✗	✓	✓	✓
Further education	✓	✗	✓	✓	✓
Apprenticeships	✓	✗	✓	✓	✓
Adult community learning	✓	✗	✓	✓	✓
School sixth forms ²	✓	✗	✓	✗	✓
Other Tertiary ³	✓	✗	✗	✗	✓

10. 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.
11. The conditions of registration or 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 or funding and any associated guidance, and Medr will

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

² School sixth forms are only covered by Medr's condition of funding in respect of Quality via their local authority.

³ This encompasses any tertiary education or training provision delivered in Wales by a provider that is not regulated or funded by Medr

consult the sector on any material changes made to those conditions and associated guidance.

12. 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.”*
13. 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.
14. 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 Act is set out within our Statement of Intervention Powers.
15. 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).
16. 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.
17. 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.

18. 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.
19. Throughout our documentation reference is made to 'must', 'should', 'may' 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 (or Will be Expected to)

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.

Providers May

Indicates that the provider has the option to take the action described. It does not create a requirement, an expectation, or an implied obligation. Choosing not to take the action carries no regulatory consequence.

Further terminology is defined as part of our Glossary.

21. Not all of the elements of the new system 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.
22. The framework sets out the conditions of registration or funding as defined in the Act and associated regulations. These conditions apply across different types of tertiary education provision in Wales and are presented in the table below. [Figure 3](#) provides a summary of which conditions are applicable to each category of provision (noting that some providers will have more than one form of provision).
23. Nature of our documentation:

Statutory Documents

Statutory documents are those required by the Act or associated regulations. They include the: Regulatory Framework setting out the conditions of registration and conditions of funding, which set legally binding requirements that providers must meet. These documents form part of the statutory regulatory system and create enforceable obligations that Medr monitors, with the potential for intervention should non-compliance be identified.

Statutory Guidance

Statutory guidance is issued where the Act requires Medr to provide guidance on a specific area, such as Learner Protection Plans.

Supplementary Guidance

Supplementary guidance supports providers to interpret and apply statutory conditions. It is non-statutory and does not create additional obligations. Medr expects providers to use supplementary guidance to inform their approach, but it does not carry the same legal status as conditions or statutory guidance.

Quality Framework

The Quality Framework is a statutory document required under the Act. It sets out the approach to quality assurance for tertiary education providers in Wales and is directly linked to the Quality condition of registration and funding. Providers must comply with the requirements of the Quality Framework, and Medr will monitor performance against it as part of the regulatory system. Because it is required by statute, it sits alongside the statutory conditions rather than being treated simply as supplementary guidance.

Learner Engagement Code

The Learner Engagement Code is also a statutory document required by the Act. It defines expectations for how providers involve learners in shaping and evaluating their educational experience. Providers must comply with the Code as part of the Learner Engagement condition.

Statement of Intervention

The Statement of Intervention is also a statutory document required by the Act. It sets out the range of Medr's intervention functions specified by the Act and how they will operate.

Figure 3 – Overview of how conditions apply to the tertiary sector

Condition:	Type of Provision:				
	Registered Higher Education	Further Education	Apprenticeships	ACL (via Local Authorities)	School 6 th forms (Quality via Local Authorities)
Financial Sustainability (Initial and ongoing)	✓	✓	✓	✓	
Governance and Management (Initial and ongoing)	✓	✓	✓	✓	
Quality (Initial and ongoing)	✓	✓	✓	✓	✓
Staff and Learner Welfare (Initial and ongoing)	✓	✓	✓	✓	
Welsh Language (Ongoing)	✓	✓	✓	✓	
Learner Protection Plans (Ongoing)	✓	✓	✓	✓	
Learner Engagement Code (Ongoing)	✓	✓	✓	✓	✓
Equality of Opportunity (Ongoing)	✓	✓	✓	✓	
Complaints Procedures (Ongoing)	✓	✓	✓	✓	
Regard to Advice and Guidance (Ongoing)	✓	✓	✓	✓	
Information, Assistance and Access (Ongoing)	✓	✓	✓	✓	
Validation Arrangements	✓				

(Initial and ongoing)					
Charitable Status (HE Core Category Only) (Initial and ongoing)	✓				
Information Provided to Prospective Students (Initial and ongoing)	✓				
Fee Limits (HE Core Category Only) (Ongoing)	✓				
Notification of Changes which affect the Accuracy of Information (Ongoing)	✓				
Status as a Tertiary Education Provider in Wales (Ongoing)	✓				

- yellow - conditions of registration that are also conditions of funding for non-registered providers
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