



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

Condition: Status as a Tertiary Education Provider in Wales

The governing body (or equivalent) of a provider registered with Medr **must**:

- notify Medr of any change of which it becomes aware which affects, or may affect, the provider's status as a tertiary education provider in Wales

Condition Category

This is an ongoing condition of registration.

Legal Basis

Section 144 of the **Tertiary Education and Research (Wales) Act 2022** (the Act) defines a "tertiary education provider in Wales" as:

"An institution providing tertiary education, including tertiary education provided on its behalf, whose activities are wholly or mainly carried on in Wales."

This statutory definition determines eligibility for registration and provides the foundation for assessing whether a provider continues to satisfy the geographical requirement.

Under Regulations 10(c) and 11(b) of **The Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024** Medr is required to enforce "a condition requiring the governing body of the provider to notify the Commission of any change of which it becomes aware which affects the provider's status as a tertiary education provider in Wales."

In applying this condition, Medr will have regard to Section 144(8) of the Act. Provision of tertiary education by, or on behalf of, a tertiary education provider in Wales, which includes courses delivered:

- at one or more places in Wales or elsewhere;
- by correspondence, equipment, or any facility enabling participation by persons not in the same place (whether in Wales or elsewhere); or
- by any combination of those means.

In accordance with Section 144(10), tertiary education delivered outside Wales is treated as delivered in Wales where it forms part of a course that is mainly provided in Wales.

Compliance Requirements

Regulations 10(c) and 11(b) of **The Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024** require that Medr enforce “a condition requiring the governing body of the provider to notify the Commission of any change of which it becomes aware which affects the provider’s status as a tertiary education provider in Wales.”

Changes Which Affect the Provider’s Status as a Tertiary Education Provider in Wales

This condition relates to the following, which materially impact on the ability of a provider to be included on the register:

- (a) a change to the status of the provider as a tertiary education provider in Wales

If any provider is deemed to no longer provide tertiary provision wholly or mainly carried on in Wales, they will not be eligible for (continued) registration with Medr.

Definition of “Wholly or Mainly Carried on in Wales”

Medr interprets “wholly or mainly carried on in Wales” to refer to the overall substance and centre of gravity of a provider’s tertiary education activities, including tertiary education delivered on its behalf, in line with Section 144 of the Act. In forming this judgement, Medr may consider a range of indicators. These factors support an assessment that a provider’s activities are “wholly or mainly” carried on in Wales:

- it is legally established in Wales; and
- it has its principal place of business in Wales; and
- its UK-based tertiary education is mainly carried out in Wales, including tertiary education provided on its behalf (such as through franchise or sub-contractual provision)

These indicators sit alongside other quantitative and qualitative evidence relating to teaching, assessment, learner support, quality assurance, academic governance, and the oversight of any activity delivered on the provider’s behalf. Medr will consider the overall balance of evidence when determining where a provider’s activities are mainly carried on.

Tertiary education includes:

- teaching and learning delivery
- assessment and academic oversight
- course design and curriculum development
- learner support services
- quality assurance and compliance
- administrative functions directly supporting learning

These activities include those delivered by the provider and those delivered on its behalf, reflecting the statutory definition.

Interpretation:

- ‘mainly’ means that, when considering all tertiary education in aggregate, the majority of those functions occurs in Wales
- no single component (e.g., the location of learning) is determinative; the overall balance is relevant
- overseas delivery is excluded from the comparison

This reflects current arrangements under Welsh student support regulations, where courses delivered outside the UK are not eligible for statutory support. Therefore, overseas activity is excluded from the comparison when assessing whether a provider operates ‘wholly or mainly in Wales’.

The phrase “wholly or mainly in Wales” is not determined by a fixed percentage of student numbers. While the location of teaching and assessment is relevant, it is not conclusive. A provider may remain within scope even if fewer than 50% of its UK-based students study in Wales, provided other factors demonstrate that the provider’s operations are predominantly anchored in Wales.

Medr will consider tertiary education holistically when determining whether a provider operates ‘wholly or mainly in Wales’. No single factor is determinative; the overall balance of evidence matters. Providers **should** be able to demonstrate how their governance, quality assurance, and learner support are rooted in Wales.

Online delivery:

Online activity counts as Welsh if administration, quality assurance, and core learner support are based in Wales.

Monitoring

Medr will monitor compliance with this condition in the following ways (for definitions of these, please see Medr’s approach to monitoring):

- **on application:** providers **must** demonstrate how their activities meet the statutory definition of a *tertiary education provider in Wales* under Section 144, including activities delivered on their behalf

- **Annual Assurance Return:** as part of Medr's Annual Assurance Return, providers will be expected to self-declare that they have met the compliance requirements of the condition. This will be the primary source of monitoring for this condition
- **Reportable Events:** in instances where those events relate to this condition
- **data monitoring:** annual monitoring of data and information related to the Status as a Tertiary Education Provider in Wales Condition

Providers with a prior record of non-compliance, deteriorating trends in data or identified as at risk of future non-compliance may be subject to increased scrutiny. Failure to comply with monitoring requirements will prompt further investigation and possible interventions.

Review and Amendment

Medr will regularly review this condition to ensure that it aligns with evolving sector needs, policy changes, and feedback from stakeholders.