



Higher Education (Wales) Act 2015

2015 anaw 1

PART 3

QUALITY OF EDUCATION

Assessment of quality of education

17 Assessment of quality of education

- (1) HEFCW must assess, or make arrangements for the assessment of, the quality of education provided in Wales—
 - (a) by each regulated institution;
 - (b) on behalf of each regulated institution (whether by another regulated institution or by an external provider).
- (2) For the purposes of subsection (1), education provided outside Wales is to be treated as provided in Wales if it is provided as part of a course that is provided principally in Wales.
- (3) In this Act, references to an external provider are references to a person who—
 - (a) is not a regulated institution, but
 - (b) is responsible for providing all or part of a course of education on behalf of a regulated institution.
- (4) For the purposes of subsection (3)(b)—
 - (a) regulations may make provision about the circumstances in which a person is (or is not) to be treated as responsible for providing a course (or part of it);
 - (b) a course (or part of it) is not to be treated as provided on behalf of a regulated institution if it is provided under arrangements with that institution that were made before the coming into force of this section.

Powers in respect of education of inadequate quality

18 Education of inadequate quality: general

- (1) Sections 19 and 20 apply if, as a result of exercising their functions under section 17, HEFCW are satisfied that—
 - (a) the quality of education provided by or on behalf of a regulated institution, or
 - (b) the quality of a particular course of education so provided,is inadequate or likely to become inadequate.
- (2) For the purposes of this Act, the quality of education or of a course of education is inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.

19 Directions in respect of inadequate quality

- (1) HEFCW may give a direction to the governing body of the institution requiring it to take (or not to take) specified steps for the purpose of—
 - (a) improving the quality of the education or course, or
 - (b) preventing the quality of the education or course from becoming inadequate.
- (2) For procedural provision about directions under this section, see sections 41 to 44.

20 Other measures in respect of inadequate quality

- (1) HEFCW may give advice or assistance to the governing body of the institution with a view to—
 - (a) improving the quality of the education or course, or
 - (b) preventing the quality of the education or course from becoming inadequate.
- (2) HEFCW may carry out, or arrange for another person to carry out, a review of any matters that they think are relevant to the quality of education provided by or on behalf of the institution.
- (3) A governing body must take into account any advice given to it under subsection (1).

Co-operation with quality assessment etc

21 Quality assessment etc: duty to co-operate

- (1) The governing body of a regulated institution must ensure that a person exercising a function by virtue of section 17 or 20 is provided with such information, assistance and access to the institution's facilities as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 22).
- (2) The governing body of an external provider must ensure that a person exercising a function by virtue of section 17 or 20(2) is provided with such information, assistance and access to the external provider's facilities as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 22).

- (3) If HEFCW are satisfied that a governing body has failed to comply with subsection (1) or (2), they may direct it to take (or not to take) specified steps for the purpose of securing the provision of information, assistance or access as described in subsection (1) or (2) (as appropriate).

Supplementary powers for purpose of quality assessment etc

22 Quality assessment etc: powers of entry and inspection

- (1) For the purpose of the exercise of a function by virtue of section 17 or 20(2), an authorised person may—
- (a) enter the premises of a regulated institution or external provider;
 - (b) inspect, copy or take away documents found on the premises.
- (2) In subsection (1)(b), references to—
- (a) documents include information recorded in any form;
 - (b) documents found on the premises include—
 - (i) documents stored on computers or electronic storage devices on the premises, and
 - (ii) documents stored elsewhere which can be accessed by computers on the premises.
- (3) The power conferred by subsection (1)(b) includes power—
- (a) to require a person to provide documents;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents stored electronically);
 - (c) to inspect a computer or electronic storage device on which documents have been created or stored.
- (4) A power conferred by this section may be exercised only after giving reasonable notice to—
- (a) the governing body of the regulated institution or external provider in relation to whose premises the authorised person intends to exercise the power, and
 - (b) the governing body of any regulated institution on whose behalf that institution or external provider provides the education to which the exercise of the function under section 17 or 20(2) relates.
- (5) Subsection (4) does not apply to the exercise of a power if the authorised person is satisfied that—
- (a) the case is one of urgency, or
 - (b) complying with that subsection would defeat the object of exercising the power.
- (6) In this section, “authorised person” means a person authorised in writing by HEFCW (whether generally or specifically) to exercise the powers conferred by this section.
- (7) Before exercising a power under this section, an authorised person must, if required to do so, produce a copy of the person’s authorisation under subsection (6).
- (8) The powers conferred by this section—
- (a) may be exercised at reasonable times only;

- (b) may not be exercised to require a person to do anything otherwise than at a reasonable time.
- (9) The powers conferred by this section do not include power to enter a dwelling without the agreement of the occupier.

Guidance relating to quality of education

23 Guidance about matters relevant to quality

- (1) HEFCW may issue or approve guidance about any matter they think relevant to improving or maintaining the quality of education provided by or on behalf of regulated institutions.
- (2) Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—
 - (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.
- (3) The governing body of a regulated institution must take into account any guidance issued or approved under this section.

24 Guidance about criteria for assessing quality

- (1) HEFCW may issue or approve guidance about—
 - (a) criteria to be applied by a person exercising a function by virtue of section 17 in assessing the quality of education;
 - (b) matters HEFCW will take into account in determining whether the quality of education, or of a course of education, is inadequate or likely to become inadequate.
- (2) Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—
 - (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.

Advice to HEFCW about quality assessment functions

25 Committee to advise HEFCW about exercise of quality assessment functions

- (1) HEFCW must establish a committee to advise them on the exercise of their functions under this Part.
- (2) HEFCW may confer on the committee any other functions that they think appropriate.
- (3) One member of the committee must be a person who appears to HEFCW to represent the interests of persons being provided with higher education in Wales.
- (4) Of the other members of the committee—
 - (a) a majority must be persons who are not members of HEFCW;
 - (b) a majority must be persons who appear to HEFCW to have experience of, or to have shown capacity in, the provision of higher education.

- (5) In appointing persons within subsection (4)(b) to the committee, HEFCW must take into account the desirability of appointing persons who are currently engaged in the provision of higher education or in carrying responsibility for its provision.
- (6) Schedule 1 to the Further and Higher Education Act 1992 applies in relation to the committee as it applies in relation to a committee established by HEFCW under paragraph 8 of that Schedule.

Supplementary

26 Application of this Part where institution ceases to have approved plan

- (1) This section applies where—
 - (a) a fee and access plan relating to an institution has ceased to be in force, and
 - (b) no new fee and access plan is in force in relation to the institution.
- (2) This Part continues to apply in relation to education provided by or on behalf of the institution by means of a designated course.
- (3) For the purposes of the application of this Part by virtue of subsection (2), the institution is to be treated as a regulated institution.
- (4) A designated course is one that is designated for the purposes of section 22 of the Teaching and Higher Education Act 1998 by regulations made by the Welsh Ministers under that section.