

This response was submitted to the [Children, Young People and Education Committee](#) inquiry into the general principles of the [Tertiary Education and Research \(Wales\) Bill](#)

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Ymateb gan: Prifysgol Metropolitan Caerdydd
Response from: Cardiff Metropolitan University

About Cardiff Metropolitan University

Cardiff Metropolitan University (Cardiff Met) is rooted in Wales while providing practice-focused and professionally oriented education to students from around the globe. Founded as Cardiff School of Art and Design in 1865, innovation and impact is at the heart of the University's mission and evident in the most recently established of our five Schools, Cardiff School of Technologies, which has developed a wide range of programmes to meet student demand and employer need in engineering, data science, robotics and cyber security. Our Strategic Plan, 2017/18 to 2022/22, highlights our commitment to education, research and innovation undertaken in partnership with our students, governments, business and industry and with tangible benefits for individuals, society and the economy.

We are committed to ensuring that every student has the opportunity to realise their full potential to make outstanding graduate-level contributions to their own and future generations through sustainable economic growth and social cohesion for our city, Wales and the wider world.

The University has circa 11,500 students based at its two Cardiff campuses, and nearly 9,000 students studying Cardiff Met degrees in 17 partner colleges in 15 countries around the world giving a total student population of over 20,000. The University has very strong finances with low borrowing and consistently high cash generation.

Ours is a truly international university with students from over 140 countries, offices in China, India and Nigeria and our growing reputation and size will ensure more leading international academics and students choose to work and study at Cardiff Met.

In November 2021 Cardiff Met was awarded the Times Higher Education highly prestigious title of University of the Year 2021. The award recognises and rewards the values-driven character of our university and the significant improvements across all areas of performance in recent years. We are the first Welsh university to win the award in its 17-year history and it builds upon our recent success in major league tables and the award of the title of Welsh University of the Year 2021 by The Times and The Sunday Times Good University Guide.

The University's recent success is evidenced by a track record and trajectory of growth, diversification and improvement, supported by sustainable finances, with Cardiff Met deemed to be the most financially sustainable university in Wales by the Wales Governance Centre in 2020.

1. Overview

- 1.1 Cardiff Met welcomes the opportunity to submit written evidence to the Children, Young People and Education Committee to help inform their scrutiny of the Tertiary Education and Research (Wales) Bill laid before the Senedd on 1 November 2021.
- 1.2 We are supportive of the Bill's ambition to build on the strengths of the current higher education and post-compulsory education systems in Wales.
- 1.3 We are pleased to see the progress of the Bill in relation to some areas we highlighted of concern since the draft consultation at the end of 2020. In particular:
 - i. the addition of the nine strategic priorities, which go some way to providing a strategic direction although a more concrete vision and framework would provide clarity and focus;
 - ii. the articulation of civic mission definition, although long-term funding must be identified to enable us to deliver effectively for Wales; and
 - iii. the removal of the Access and Opportunity Plans and replacing with fee plans and registration conditions relating to equal opportunity is helpful, however, without clarity on policy intent and detailed documentation of process it is not possible to judge the burden of the new plans.
- 1.4 Areas of the Bill that remain a concern:
 - i. powers to intervene;
 - ii. higher education corporations;
 - iii. institutional autonomy;
 - iv. transparency of decision making and balanced funding;
 - v. relationship of research and innovation to the Bill; and
 - vi. consequences of English policy changes.

2. Powers to intervene

- 2.1 The powers of Welsh Ministers to intervene in the operation of the Commission and the potential to prescribe the detail of how it should regulate remains a concern. Such power significantly undermines the new Commission's independence.
- 2.2 It is unclear why Ministers would need this power and we strongly urge the Children, Young People and Education Committee to consider recommending the removal of this power.
- 2.3 We would welcome a system which gives more autonomy to the Commission, enabling it to operate as an effective arms-length-body.

3. Higher education corporations

- 3.1 The Bill does not give all universities the same freedoms as those with Royal Charters. There are three such 'Higher Education Corporations' in Wales including ourselves and we remain concerned that Welsh Government has retained its power to dissolve Higher Education Corporations in Wales against their will.
- 3.2 As highlighted by Universities Wales written submission to the Committee this is contrary to the Law Commission recommendations in 2017, which, as part of its review of unnecessary regulatory burdens on charities, recommended that the Welsh Government should take steps to remove of the current legislative requirements as to the content of the governing documents of HECs.¹
- 3.3 It is vital that the higher education sector in Wales is considered one sector and not two sectors distinguishable by some arbitrary divide. It is now 30 years since the removal of the binary divide

¹ Universities Wales (2021) [Evidence to Children and Young People Committee scrutiny of Tertiary Education and Research \(Wales\) Bill](#), Senedd website (accessed 10 December 2021): para 7.

in higher education and our post-92 universities are extremely successful. To afford these three universities less autonomy than others would be to weaken rather than strengthen the sector.

- 3.4 It is unclear what the purpose of retaining this power is and we strongly urge the Children, Young People and Education Committee to recommend the removal of this power to ensure parity amongst higher education institutions.

4. Institutional autonomy and academic freedom

- 4.1 It is of paramount importance that Wales has a higher education system that protects and promotes institutional autonomy and academic freedom. Wales will be at risk of being disadvantaged in recruitment of world-class researchers, lecturers and in the recruitment of students if this is not strengthened in the Bill.

- 4.2 Cardiff Met is also a signatory of the Observatory Magna Charta Universitatum² which encompasses principles of academic freedom and institutional autonomy as a guideline for good governance and self-understanding of universities. If we are unable to demonstrate institutional autonomy and academic freedom, we may be required to withdraw as a signatory of these 947 universities from 94 countries.

5. Transparency of decision making and balanced funding

- 5.1 We remain concerned regarding funding arrangements for the Commission and how it will balance its duties across the full tertiary education, research and innovation landscape.
- 5.2 We urge the Committee to recommend the introduction of a balanced funding principle to the Bill to ensure clear, equitable and transparent funding arrangements across the Commission's duties.

6. Relationship of research and innovation to the Bill

- 6.1 We welcome the changes to the Draft Bill and reinforcing the strengthening of academic freedom in the current draft. However, as the Bill only covers tertiary education and not research and innovation we remain concerned that protection is not overt in this area too.
- 6.2 We remain concerned that the Welsh Ministers will no longer be prohibited from specifying particular courses and or areas of research when setting the Commission's terms and conditions of funding. If the Welsh Government was able to specify courses and areas of research it would undermine our autonomy and put Welsh universities at a serious disadvantage to the rest of the UK.
- 6.3 We strongly urge the Children, Young People and Education Committee to recommend the removal of this power to ensure institutional autonomy.
- 6.4 A further area of concern in relation to research and innovation funding is the consent requirement in relation to passing on funding to collaborative bodies. Universities work with thousands of partners and the scope and scale of this additional requirement will put excessive burden on parties and would likely reduce collaboration.

7. Consequences of English policy changes

- 7.1 It should be recognised that the Bill has been developed during an exceptionally turbulent time and with numerous policy changes in the HE landscape expected with the UK Tory government.
- 7.2 In particular, the UK government is due to announce long awaited policy changes arising from the Augar Review. It is likely that these changes will have consequences for HE in Wales and the Bill will need to be agile enough to deal with such changes as tuition fee reduction and changes in

² Observatory Magna Charta Universitatum <http://www.magna-charta.org/> (assessed 15 December 2021)

England and other major post-16 education reforms.

- 7.3 There is significant cross-border flow of students between England and Wales, and changes to the English system will need a policy response from Wales.